

Address by William E. Simkin, Director
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President Stein, Secretary-Treasurer Fiester and members of the International Labor Press Association--What I'd like to do this morning is to describe how it is out here in No Man's Land with you Labor groups shooting from one direction and the bosses returning the crossfire, with me in the middle.

You get a different picture from the vantage point of the middleground. One side is generally blasting the other for being stupid and ridiculous, but in No Man's Land it sometimes looks as if both are correct on that score.

I'm kidding, of course. Anyone in my business fully realizes that when man works for or with other men, the possibility--even certainty--of conflict exists. In one way or another, it has been so throughout human history.

An Old Testament example is the "brick without straw" episode, recorded in the 5th Chapter of Exodus. Management (Pharaoh and his taskmasters) had established a production standard. A specified quota (tale) of bricks was to be produced each day and that requirement had existed for some time. Management changed the standard unilaterally by requiring the workers to make the same number of bricks but

but to also secure their own straw. What precipitated this change? It was a retaliatory action after the union leaders (Moses and Aaron) had asked for a three-day vacation for a religious observance. The ultimate result of that incident was probably the longest strike of record. The children of Israel quit their jobs and left Egypt, never to return. Moreover, the descendants of the principals are not over friendly, even today.

Now in the natural field of conflict between labor and management you would think--to read the press, including the labor press--that virtual chaos prevails. It is a distorted picture.

The fact is that, each year, about 100,000 labor agreements are negotiated in the 50 states. Strikes occur in about 2,000 instances--two percent of the total. On a nationwide basis, time lost due to strikes is less than two-tenths of one percent of time worked.

In other words, the average American worker loses about three hours each year or one day each 2 1/2 years due to strikes. The strike time loss is less than the time lost due to the common cold and much less (as I have seen some of your papers demonstrate) than potential work lost due to unemployment.

What I am saying is that collective bargaining--which is the major purpose of labor unions and therefore the major interest of your labor press editors--is working, and working well.

Our free bargaining system is a constant struggle to cope with the ever-changing and always complicated, problems of industrial life.

Automation, mechanization--or whatever you want to call the never-ceasing drive of mankind to make production more efficient--has made the bargaining process even more complex in recent years.

Yet I believe unions and employers are doing a good job in solving these problems. If America were not doing a passable job of attuning its employers and work force to modernized production methods, we would not all be mutually enjoying a high degree of prosperity.

Despite the fine record of collective bargaining success, especially in the past several years under Presidents Kennedy and Johnson, there are many critics of the system.

Because newspaper strikes have hit a number of our cities, because the steel industry was threatened with a strike (which never happened), because the railroads were threatened

so often (daily it seemed) with walkouts (which never seemed to develop), the impression was circulated and nurtured by some that the bargaining process was in crisis.

Having developed this thesis (a false one, obviously, as measured against the hidden iceberg of the vast bulk of successfully concluded labor agreements) a build-up occurs from time to time for some sort of compulsory arbitration.

I am opposed to compulsory arbitration. I oppose it because it would limit freedom. I firmly believe that third party decisions would never really work as fairly or sensibly as two-party decisions, freely arrived at.

If the economic destiny of various groups of citizens should ever become a matter of political decision, a blow will have been struck at liberty.

I take it that everyone in this room believes as I do-- that dictation of the terms of labor settlements should be avoided. Yet what is to be done when a strike occurs or is threatened that could disrupt the economy of a community or area, or a good part of the Nation, or cut off essential defense production?

Our answer in America is the mediation process. This is not dictation, but essentially assistance. It preserves

complete freedom of choice. But it permits a confidential adviser to work with both sides for their mutual best interest toward a compromise. It is no accident that "Service" is the key word in the lengthy title of my agency.

The FMCS is one of the smallest organizations in the Government. It has a staff of some 260 mediators drawn primarily and rather equally from the ranks of labor and management. They are selected very carefully on the basis of experience, knowledge and personality and trained to be strictly impartial. Objectivity is self-enforcing because our customers would not permit it to be otherwise.

On the average, this small group of Federal mediators participate actively in settling more than 5,000 contract disputes every year without work stoppages--and they succeed in shortening some 1,800 strikes that do occur.

I submit this is a useful Service. It merits support in the labor press. Because mediation every day in the week is assisting unions and employers in reaching reasonably satisfactory agreements that avoid or shorten work stoppages--strikes or lock-outs which otherwise would be costly to your members and your union treasuries.

And to the extent that mediation is successful it quiets labor's critics and prevents a public clamor that "there ought to be a law" to restrict and hamstring the power and rights of collective bargaining.

I would like to see more of the labor papers and periodicals explain the utility and function of the FMCS to your union members, and draw the distinction that when a mediator enters some particular case, he does so as an adviser and counsellor and not as a policeman or dictator. He's there to help, not to order anyone to do anything.

There is still another reason why the mediation process deserves support of all of us who believe in the free bargaining process. More and more we read in the literature of labor relations the limitations that automation is bringing to the effectiveness of the strike weapon.

We already see in the telephone industry, in the chemical industry, in the oil industry automated production systems and factories that can be operated during a strike with a handful of supervisors. As long as the quipment keeps operating production can continue. There is every reason to believe that the potential impact of strikes will be further eroded as automation continues. What obviously will be

required in these situations is the development of new and more sophisticated bargaining procedures that will place less reliance on the strike weapon and more emphasis on reason and calm consideration of economic fact.

The Mediation Service is working with employers and unions to meet this problem. We are striving to develop such procedures with concerns and labor organizations who would like to experiment with better ways of problem-solving away from the heat of bargaining deadlines.

We call this part of our work Preventive Mediation. The notion may sound a bit sissified. It isn't easy to convince both sides they really don't have to fight it out. But we are meeting with considerable success in our preventive work. We have some 500 cases on the books right now--all tailored to particular problems and ranging from a repair job on a troublesome grievance system to a full-fledged joint Labor-Management Committee meeting at regular intervals to analyze and meet developing problems. I suggest that this consultation type of Labor-Management relations can be made to work effectively and it should be explored especially where the power of the strike is getting to be of doubtful value.

If the preventive, non-crisis type of bargaining, is to succeed it must have support of the rank-and-file. Members must understand that it is not necessarily essential to carry

a contract dispute down to the wire, and perhaps over the brink into a strike, in order to get the most favorable settlement. If there is good will and understanding between parties, it is just as possible to negotiate a maximum settlement a month before an expiration as at the final midnight witching hour. It's even possible to do a better job without the count down atmosphere.

I know you labor editors have your hands full. You have an internal as well as an external communications problem. You have the job in your large union constituentcies of maintaining interest in your organizations, in stimulating attendance at union meetings, and in interpreting decisions and policies to your members.

You also have the tremendous public relations problem of selling organized labor's story to the general public, promoting your product and thus helping encourage membership organization and growth.

This is a large order. Most unions don't have budgets that can finance massive advertising campaigns in the press or over radio and television. You are limited generally to what you can accomplish in your union newspapers and magazines. Frankly, I would guess that your internal communications problem is more crucial than the external end of it. Because an intelligent and informed constituency will almost automatically re-

result in an improved public image.

For example, one of the constant problems of mediators is the case where the duly elected representatives of a union reach full and complete agreement with company negotiators on a new contract, only to have the settlement rejected by the rank-and-file. Dissident often politically ambitious men seek to capitalize on worker emotions to thwart the honest efforts of the elected union representatives. Generally the same terms are eventually ratified in a new vote, or infinitesimal "improvements" are negotiated to make the settlement seemingly more palatable. Usually the changes are not worth the strike that may have taken place in the interval or the bad impression left with management jeopardizing future relations.

While I believe in Democracy and in workers having a right to exercise a veto, I also believe this privilege should be exercised with intelligence and discretion. What is written in the labor press has a lot to do with how wisely and intelligently your members make their decisions. You have the power to cultivate in your members greater confidence and support for your union leadership.

One of the characteristics of collective bargaining is the inevitability of resolution. A real problem must be and will be resolved--some time, somehow. It may be deferred;

it may be compromised without a real solution, but it persists until a realistic resolution has been achieved. Even a strike or a lockout does not alter the fundamental fact that a solution must be found.

I suppose what I mean is that justice^{is}/inevitable. We in the Mediation Service have a job of helping labor and management do justice to each other. There is an easy way and a hard way, but in either case we're in business to help out.

Several years ago, I coined a job description for the ideal mediator. It ran something like this:

"The patience of Job, the sincerity and bulldog characteristics of the English, the wit of the Irish, the physical endurance of a marathon runner, the broken-field dodging abilities of a halfback, the guile of Machiavelli, the confidence-retaining characteristic of a mute, the hide of a rhinoceros, and the wisdom of Solomon."

It is rather obvious that nobody meets those qualifications--but we can try.

In conclusion, I want to state some personal beliefs which I feel are shared by all Federal mediators.

Collective bargaining is the best known system yet devised for conflict resolution in this important area of our

economy. It not only resolves conflicts but does so in a creative manner. The creative aspects far outweigh the negative and destructive elements. It is so basically linked in and part of our system of economic freedom that it is incumbent on all citizens to help preserve, improve and enhance this vital institution.

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