NATIONAL INDUSTRIAL CONFERENCE

WASHINGTON

PAN-AMERICAN BUILDING

October 23, 1919.

Received

Miss Ida M. Tarbell,
Pen and Brush Club,
Gramercy Park, New York.

My dear Madam:

I enclose you herewith for the record a statement submitted by the Employers Group, under the rules.

Respectfully,

Lathrop Brown

Secretary.

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The Employers' Group submits the following as a statement of its grounds for voting against the resolution introduced by Mr. Gompers on the 22nd of October which is as follows:

> "The right of wage earners to organize without discrimination, to bargain collectively, to be represented by representatives of their own choosing in negotiations and adjustments with employers in respect to wages, hours of labor, and relations and conditions of employment is recognized."

The grounds of the objection of the Employers' Group which led that group to vote in the negative on this resolution are for the most part fully stated in the memorandum filed October 21st by the Employers' Group, stating the basis for its support of its own resolution of October 17 on collective bargaining and its opposition to the Chadbourne resolution of October 16.

The resolution of October 22 quoted above differs from the Chadbourne resolution which was defeated in this Conference by votes both of the public group and the employers' group in two respects:

First, the one above quoted substituted the words, "the right of wage earners to organize without discrimination" for the words, " the right of wage earners to organize in trade and labor unions" of the Chadbourne resolution.

Second, it omits the second clause of the Chadbourne resolution, viz.,

> "This must not be understood as limiting the right of any wage earner to refrain from joining any organization or to deal directly with his employer if he so chooses."

The Employers' Group regards this as an essential principle and understood that such was the view of the public group as shown by its action on the Chadbourne resolution.

The substitution of the words, "the right of wage earners to organize without discrimination" for the words, "the right of wage earners to organize in trade and labor unions," of the Chadbourne resolution, might seem to be in the direction of meeting one objection of the Employers' Group to the Chadbourne resolution. Yet, the clause is still so vague and indefinite and capable of such varied interpretations that it does not comply with what the Employer Group regards as an essential requirement for any resolution of this important character, viz., that it should be so drawn as to be as far as possible incapable of any misinterpretation on the part of those to whom it may be presented by advocates of particular types of organizations, who will give their construction of it as if it were the one intended by the Conference. The word "organize" in trade union circles means to organize in trade unions and trade unions only and would be so understood by many who should not be deceived as to the views of the Conference.

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The phrase "without discrimination" may be construed in two ways: It may mean first: Without discrimination as to the type of organization (and such may have been the interpretation given to the phrase by the Public Group), or it may mean second: As so frequently used in trade union discussions, that "there shall be no discrimination against wage earners who join a trade union organization."

Therefore, an interpretation of the first portion of the resolution and one which the Employer Group feels certain would be urged, (particularly in view of the course of the debate in the Conference) is that it amounts to a statement that the right of wage earners to "organize" in trade unions as distinguished from any other form of association, excludes the thought of recognizing their right to join forms of associations other than trade unions. and that there shall be no discrimination against them if they take that action.

While the Employers' Group recognizes the right of workmen to join trade unions and believes in the open shop in which there is no discrimination against an employee who belongs to a trade union, it protests against the adoption of a resolution, skillfully worded so that it may be understood as not recognizing the right of the employee to join any lawful association other than the trade unions.

The resolution above quoted recognizes the right "to bargain collectively," the same general expression which appears in the Chadbourne resolution.

As pointed out in the prior statement of the Employers' Group as to its grounds for voting negatively on that resolution, this phrase as used by the labor unions and the men in those unions, has a limited meaning. "To bargain collectively" in the labor union sense is to bargain only with and through the labor unions and by no other means. As pointed out in our former statement, the Employers' Group recognizes the right of the employees, by agreement with the employer, to collective bargaining in this sense, just as it recognizes the right of freedom of contract between the employer and the employees in all lawful matters. It also recognizes the right of associations of employers, by mutual agreement, to deal with labor unions as well as with other associations of employees as to the terms and conditions of employment.

The Employers' Group believes that this phrase in the resolution above quoted would be understood by many to mean, and would among labor union men be interpreted as meaning, only collective bargaining in which the union was concerned directly or as a representative of the employees, and as not referring to collective bargaining between the employer in a given establishment and his employees, organized in a group and dealing with the employers through chosen representatives of the employees.

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The Employers' Group is satisfied that the resolution above quoted is objectionable for all the reasons set out in its former statement as grounds for objection to the Chadbourne resolution, viz:

1. That no resolution on the subject of collective vargaining could properly be taken up at the present stage of the Conference proceedings.

2. That the above quoted resolution is ambiguous and capable of inconsistent interpretations, while it should be clear and unambiguous.

3. That the development and maintenance of good relations between employers and employees in each individual establishment as a unit should be definitely approved and encouraged and that some form of shop councils or equivalent association of the employees which shall deal with the employer by representatives chosen from their own number, is a most promising plan for improving employment conditions and should be supported as such. No resolution of the Conference should be so drawn as even by implication to exclude the recognition and approval of this form of "collective bargaining."

4. For the shop council or equivalent form of collective bargaining it is absolutely essential that the employer should not be required to recognize representatives of his employees who are not fairly elected from among their own number, although he should have full liberty to meet such outside representatives if he thinks such course likely to conduce to good relations.

5. The resolution we are discussing also seems clearly to recognize the right of public employees such as policemen and firemen to join labor unions which may order them to strike or may otherwise control their action as against the Government.

All these propositions are fully presented and discussed in the earlier statement of the Employers' Group in regard to the Chadbourne Resolution.

The Employers' Group in exact compliance with the terms of the letter of the President of the United States, read to the Conference on the morning of October 22, is prepared to take up the subject matter for the consideration of which the Conference was assembled, to work out a program for studying all the conditions which should be studied before definite action is taken and at the conclusion of the study to give renewed consideration to the subject of collective bargaining, which will then be developed in its true relations to many other questions which must be understood and considered before it is possible to deal fairly and intelligently with this important matter.

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