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LABOR NEWS

Despite initial rejection by the House Education and Labor Committee of a new Administration job safety proposal on a straight party-line vote, there are indications that some provisions of the new bill may be combined by the Committee with the tougher Democrat's bill (H.R. 16785) to produce a more reasonable piece of legislation.

The far-reaching measure approved March 25 by the Democrats on the Select Labor Subcommittee would give the Secretary of Labor broad authority to set and enforce Federal job safety standards, closing down plants without hearings and imposing fines, while the original Administration bill (H.R. 13373) would vest power to set standards and hold hearings in an independent board.

The new Administration plan would, instead, direct the Secretary of Labor to go into district court with a complaint of a violation. This approach, it is argued, prevents the vesting of new quasi-judicial powers in administrative agencies. Further, the original Administration bill has been modified to:

- Simplify and speed up the setting of standards by requiring the National Occupational Safety and Health Board (NOSHB) to publish in the Federal Register and then put into effect standards that meet with a national consensus
- Empower the NOSHB to adopt a temporary standard without hearings and keep it in effect for six months when employees are exposed to danger by the introduction of new processes or toxic materials.
- Place the job safety law into effect immediately rather than after a three-year delay.

It is obviously important that any job safety legislation enacted by Congress must contain full and meaningful protection in the development and application of standards. The need for this is demonstrated in the effects of the Mine Safety Act which was approved last year. Unrealistic regulations have reportedly caused the closing of nearly 300 mines since the bill became effective March 30. An example is a rule requiring the use on coal cars of automatic brakes —which, mine owners say, have never been manufactured.

Sen. Harrison Williams (D-N.J.) says the occupational safety legislation should be tougher than the mine safety bill, and he predicts that the House will approve its version of the measure within four to six weeks.

A bill has been introduced (S. 3671) by Sen. John Tower (R-Tex.) to strip the National Labor Relations Board of its jurisdiction over cases of alleged unfair labor practices. The bill would transfer those functions to the Federal courts.

Sen. Tower said the legislation has become necessary because the NLRB has ignored the original intent of the National Labor Relations Act of 1935, proceeded on a "self-directed course", and "has behaved as if it were an extension of organized labor".

The Senator said that the goals of the 1935 Act to "guarantee employees the right to organize without employer interference and to require employers to bargain in good faith with chosen representatives of their employees" are worthy ones, but, the NLRB has "subverted the principle of free employee choice" and has pursued instead "a policy of enforced unionization".

In a report filed recently by the Senate Subcommittee on Separation of Powers, the NLRB is criticized for being overly responsive to the interests of big unions, to the detriment of individual employees and employers

The new bill has been referred to the Senate Judiciary Committee, which might look more favorably upon it than would the Labor Committee, which is heavily stacked in favor of organized labor.

The Full Education and Labor Committee in the House is expected to approve, a radical proposal (H.R. 16785) to grant the Secretary of Labor power to write, police and enforce Federal standards for occupational safety in all businesses engaged in interstate commerce.

The far-reaching measure was approved by the Select Labor Subcommittee on March 25 when the full Committee Chairman Carl Perkins (D-Ky.) joined with Subcommittee Democrats to form a quorum for reporting the bill over the resistance of Republicans who back a more reasonable Administration bill (H.R. 13373 & S. 2788) preferred by the National Chamber.

The pending safety proposals could extend Federal control into many traditional management functions, the most significant of which include the number of hours an employee can work, the qualifications required of employees to perform specific jobs, and even the size of work crews.

The National Chamber feels that, if Federal job safety legislation is to be enacted, it is absolutely essential that the legislation be fair and reasonable and that, because of the possible scope of administrative regulation, full and meaningful judicial protection must be guaranteed.

A dying man told his wife, "I want association members to be my pallbearers."

"Why"," she asked "You never belonged to the organization."

"They've carried me this far," he replied, "they might as well carry me the rest of the way."

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