Should strikers get welfare? Court tests move to climax

WITHIN the next few months, definitive answers may emerge on the knotty question of whether striking workers should be eligible for welfare and unemployment compensation benefits.

The U. S. Supreme Court has spurred resolution of the controversial issue by sending a key New Jersey case back to a lower court for a decision on the legality of state laws permitting welfare payments to strikers. The high court's action is expected to help sort out the confusing jumble of court tests on the question, specifically triggering decisions in related cases in Rhode Island and Michigan.

The pivotal New Jersey case stems from a 1971 strike by the Teamsters union against Super Tire Engineering Co. and Supercap Corp. The two affiliates—who make, sell, and repair truck tires—sought an injunction to stop welfare payments to striking employees, which are allowed under New Jersey law. Such benefits, the firms claimed, interfered with free collective bargaining by "hardening the resolve" of the union.

An appeals court later dismissed the case because the strike had been settled. But the two companies won a Supreme Court review. By a 5 to 4 vote, the high court overruled the appeals court. Thus, the case goes back to a lower court for a basic decision on whether New Jersey's law is valid.

Key precedent—The decision, expected in about 60 days, will set important legal precedents, indicates G. Brockwel Heylin, labor relations attorney for the U. S. Chamber of Commerce, Washington.

"For the first time after the question has been to the Supreme Court," he says, "a court will be trying the merits of welfare benefits to strikers."

Moving ahead — The related cases in Michigan and Rhode Island—both involving unemployment compensation payments to strikers—now will move forward, too. Trials in both have been delayed until six months following the Supreme Court's action in the New Jersey case.

The Michigan case will be heard in federal district court in Detroit where Dow Chemical Co., Midland, Mich., joined by the U. S. Chamber, is questioning the legality of unemployment compensation received by strikers at Dow's Bay City, Mich., plant. Although the Dow workers weren't eligible for unemployment pay when they first went on strike in February 1972, they got around that by taking advantage of a Michigan Supreme Court ruling that allowed strikers to collect benefits if they took an interim job elsewhere and then were laid off again.

The Rhode Island case arises from a May 1972 strike by the United Steelworkers of America at ITT Grinnell Corp., a Providence manufacturer of valves, pipe, and related products. Claiming the union refused a contract offer because strikers were getting an average of 70% of their prestrike pay through state unemployment benefits, Grinnell asked to have the payments stopped.

The federal district court dismissed the case, saying only Congress—not the court—had the authority to resolve the question. An appeals court, however, ruled that Grinnell was entitled to a hearing. Later, the Supreme Court refused a bill to consider the matter, thus returning it to the district court.

Food stamps — While these cases progress, corporate labor attorneys will also be watching developments in Maryland. There, a long-standing dispute is continuing over whether the state should issue food stamps and other federally assisted benefits to families of strikers.

Although it was one of 23 states taking advantage of a Dept. of Health, Education & Welfare (HEW) program to aid families with dependent children of unemployed fathers, Maryland banned payments of such benefits to families of strikers. Last year, the Supreme Court ruled that Maryland was out of line because HEW regulations were unclear as to whether states had the right to deny such aid.

Last summer, in response to the Supreme Court's order, HEW clarified its rules, allowing states to make their own decisions on whether to cover strikers. Maryland then followed with another statute reimposing the ban. But that's being challenged by the Baltimore Legal Aid Society. Lengthy court action is expected. □

If PVC's a hazard, big changes lie ahead

THE FUTURE of a major plastic material may hinge on a delicate understanding of the difference between a monomer and a polymer. If that difference is clearly understood by government rulemakers and consumers, polyvinyl chloride (PVC) will stay with us.

If that difference is missed, PVC will be in serious trouble.

Early this year, reports began to trickle in that vinyl chloride monomer (VCM) might cause

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liver cancer. Such cases were suspected in workers at PVC plants of three firms: Union Carbide Corp., B. F. Goodrich Co., and Goodyear Tire & Rubber Co. The Occupational Safety & Health Administration (OSHA) was alerted, and last month it set a 50 part per million (ppm) level for worker exposure to VCM.

Now the Manufacturing Chemists Assn. (MCA) has announced that lab tests show that VCM can indeed cause liver cancer in mice at several exposure levels. In the MCA-sponsored tests at Industrial Bio-Test Laboratories Inc., exposure to as little as 50 ppm produced liver cancer in the mice. How this relates to humans is far from clear.

The results are called preliminary, but MCA immediately notified OSHA, the National Institute for Occupational Safety & Health, and the Environmental Protection Agency (EPA) of the results.

VCM is the basic building block for PVC and it is only the monomer that has been found to cause cancer. Basically, it is PVC that finds its way to industrial and private consumers. Thus, the only ones who are actually exposed to VCM are those workers in plants using that material to produce PVC.

PVC is found in a wide range of items, from shoesoles to films for packaging everything from food to hardware. The Food & Drug Administration is supposedly looking into the safety of PVC's use in connection with food items. FDA has not been heard from as yet.

One other place where VCM could be a danger, it's now thought, is its use as an aerosol propellant in some hairsprays and pesticide products. EPA asked for a recall of those products under its jurisdiction, and the Consumer Product Safety Commission is trying to determine what, if any, aerosol products containing VCM are under its jurisdiction.

Meanwhile, the United Rubber Workers is claiming that there is no known safe-exposure level for VCM. This is where the confusion can begin, and possibly lead to the demise of PVC.

It is natural to find small amounts of unreacted monomer in any polymer. So, chemical analysis should find small amounts of VCM in any sample of PVC. Indeed, this is the case. But, it this a potential danger? Most observers say no.

However, a small portion of the VCM in PVC can be leached out. For example, some liquor packaged in PVC bottles was found to contain a minute amount of VCM which had leached into the liquor. Can this be a danger? Again, most say it can't, and in fact it is nearly impossible to detect the leached VCM with today's analytical techniques.

But strong pressure from unions and consumer groups could affect the outcome. If it is decided that PVC itself is a hazard, changes in many products could lie ahead.

The next move appears to be up to the regulatory agencies involved, with OSHA considered the most likely to take action. □

Du Pont workers are target in USWA organizing effort

THE UNITED Steelworkers of America (USWA), already the nation's largest industrial union and the major force in labor for basic materials companies, now is attempting to improve its position on both counts.

The union is mounting a nationwide organizing drive at plants of E. I. du Pont de Nemours & Co., Wilmington, Del., perhaps the largest remining bloc of industrial workers not affiliated with a major union.

The union claims that Du Pont employs about 110,000 workers at nearly 100 plants.

The campaign is headed by Elmer Chatak, USWA organization director, who was a speaker at the Federation of Independent Unions of Du Pont convention last week in Atlantic City.

Seek unity—Mr. Chatak says the union undertook the drive only after evaluating "numerous requests" for affiliation from Du Pont workers and leaders of independent unions.

An "exhaustive effort" to measure the extent of that interest, Mr. Chatak says, "revealed that there is widespread interest in unifying all workers at Du Pont properties so that they might establish a single, cohesive bargaining instrument to produce contract results equal to or better than those achieved in the basic steel, aluminum, and metal container industries where the USWA negotiates. . . ."

The union, which also leads coordinated bargaining for some 24 unions in the copper industry, became the largest union in the chemical industry through its merger in 1972 with the 175,-

CORRECTION

In its Apr. 22, 1974, issue, INDUSTRY WEEK *reported that the new United Steelworkers of America contract provides for a one-cent wage boost for each* 0.35 *of a point rise in the Consumer Price Index. The correct figure is* 0.3 *of a point.*

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