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LABOR AND FULL EMPLOYMENT PRACTICE

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The AFL-CIO worked 20 years to secure a federal fair employment practice law

Before Title VII of the 1964 Civil Rights Act became a reality, the American Labor Movement repeatedly asked Congress for FEP Legislation. As early as 1944, the American Federation of Labor and the Congress of Industrial Organizations called for a federal FEP, and continued this call jointly after the merger in 1955.

Labor also sought equal employment opportunity legislation from the states and encouraged its affiliates to continue to champion fair employment practices through collective bargaining contracts and in their own organizations.

Both William Green of the AFL and Phillip Murray of the CIO served on the war time Fair Employment Practice Commission established in 1941 by President Franklin Roosevelt's Executive Order 8802, forbidding discrimination in the defense industry

Labor recognized that the war time measure needed expansion. At the 1944 labor conventions, both the AFL and the CIO passed resolutions demanding federal FEP legislation. That call sounded at succeeding conventions for 20 years as well as before Congressional committees and in all labor policy statements on civil rights until it was finally enacted into law

Civil rights leader and stalwart, A. Philip Randolph organized the "National Council for a Permanent FEPC" in 1946. The council, strongly endorsed by organized labor, urged permanent legislation and the continuance of the FEPC, but as strong opposition in Congress blocked a federal law, the labor movement expanded its efforts to support passage of state laws.

At about the same time Labor endorsed Randolph's "National Council," AFL-CIO President George Meany, then an officer of the New York State AFL Council led labor's fight to establish the first state FEP law in New York. The effort to pass state laws con-

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tinued and by 1966 34 states had FEP legislation in varying degrees of effectiveness.

Labor also cooperated through these years with the Federal Government and the President's Executive Orders regarding discrimination in employment. Representatives from the AFL and the CIO served on Committees which reviewed cases of discrimination in the defense industry during the war years and subsequently sought to bring both public pressure and federal enforcement to bear on work performed under government contract.

In 1951, President Harry Truman issued Executive Order 10397, establishing the President's Committee on Government Contract Compliance. The Committee supervised the enforcement of nondiscrimination clauses and called for the "execution of significant pressure" to bring about compliance.

This was but part of a continuing string of Federal Executive Orders. In 1953, President Eisenhower set up the President's Committee on Government Contracts, abolishing the Truman Committee. President John F Kennedy, in turn, issued Executive Order 10925 which established the President's Committee on Equal Employment Opportunity, and in 1963 issued Executive Order 11114, which extended the PCEEO's jurisdiction to deal with federally assisted construction programs. Today the Office of Federal Contract Compliance, established by President Lyndon Johnson after the passage of the 1964 Civil Rights Act, enforces fair employment practices contract provisions on any project financed by the government. Regulation of employment practices was extended beyond government contracts to industries not covered by Executive Order with the passage of Title VII of the Civil Rights Act of 1964. To implement this title, Congress created the Equal Employment Opportunity Commission.

In addition to action concerning legislation and Executive Orders, the AFL and the CIO concentrated on an internal program reiterating to their affiliates the need for union programs to guarantee equal opportunity

At the 1955 merger convention of the AFL and the CIO, the Constitution of the new federation pledged "to promote and defend civil rights for all Americans." It empowered the AFL-CIO president to appoint a standing committee of international union officers to help bring about the "effective implementation of the principles of the AFL-CIO with respect to non-discrimination." To this end, a Department of Civil Rights was established to tackle the day-to-day work necessary to implement AFL-CIO policy

The call to renew efforts to achieve equal opportunity in em-

ployment was sounded in the civil rights policy resolution of the merger convention:

> Discrimination in employment, promotions or lay-offs because of race, color, religion or national origin violates both the legal and the moral rights of those who are discriminated against. Already substantial progress in ending discrimination in employment has been made by the negotiation and diligent policing of non-discrimination clauses in collective bargaining agreements. By giving full support to these clauses our affiliates can make a notable contribution toward the elimination of discrimination in a large sector of American industry By creating appropriate internal machinery our affiliates can assist in realizing these objectives.

By 1961 some 48 national and international unions had put anti-discrimination plans into action by negotiating equal opportunity clauses into collective bargaining contracts. Some clauses were limited to local plants while others covered multi-plant corporations. The clauses were varied in application and coverage. Examples of three follow·

> 1) The company will not discriminate against any employee or applicant for employment at the yard by reason of his membership in the union or by reason of any union activity on his part not in contravention of any provision of this agreement, or because of race, creed, color, sex, national origin or membership in any lawful organization.
>
> Bethlehem Steel Company (Shipbuilding Div)
> Quincy, Massachusetts
> and
> American Federation of Technical Engineers
> July 31, 1963

> 2) The policy of the company, the union and its IUE locals is not to discriminate against any employee on account of race, color, sex, creed, marital status or national origin.
>
> General Electric Company (Interstate)
> and
> International Union of Electrical Workers
> September, 1963

> 3) The company agrees that it will not discriminate in the hiring of employees or in their training, upgrading, promotion, transfer, layoff, discipline, discharge or otherwise, because of race, color, creed, national origin or sex. The

Union agrees that it will not discriminate because of race, creed, color, national origin or sex.

Bendix Corporation
South Bend, Indiana
and
UAW

October 15, 1964

Industrial unions weren't alone in the pledges. In its by-laws the National Joint Apprenticeship and Training Committee of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association provided that:

"It shall be the duty of the Committee to promote equal opportunity under these National Standards without regard to race, creed, color or national origin."

(And on local standards) "All applicants for apprenticeship will be afforded equal opportunity under these standards without regard to race, creed, color or national origin."

February 9, 1962

Similar provisions could also be found in by-laws of the national apprenticeship committees of several construction unions.

In addition to the push for non-discrimination clauses, the AFL-CIO set up internal machinery for investigating and processing complaints of discrimination by its own members. Shortly after its activation, the AFL-CIO Civil Rights Committee established a compliance procedure whereby any worker who felt aggrieved could file a complaint with the AFL-CIO Civil Rights Department. The department Director would then seek assistance from the parent union of the involved local.

If the complaint was not satisfactorily settled, it would be reviewed by a compliance sub-committee of the AFL-CIO Civil Rights Committee. Failing settlement here, the case would be referred to the Executive Council of the AFL-CIO with a committee recommendation to take measures to effect compliance with AFL-CIO policy

In the 11 years since the procedure was put into effect, no case has had to be referred to the AFL-CIO Executive Council. In every instance AFL-CIO international union affiliates sought to bring about compliance with AFL-CIO policy

Affiliates of the AFL-CIO were also urged shortly after the merger, to set up their own civil rights committees and machinery

to work out their own problems of discrimination as well as mobilize support for broad civil rights educational programs.

One of the problems in the labor movement has been the existence of segregated locals in some industries and unions. In 1959 the AFL-CIO, by convention resolutions, called on its affiliates to:

> take appropriate action to eliminate segregation of their local union membership on the basis of race or color. There is no blinking of the fact that segregation is discrimination. Just as we cannot accept the maintenance of separate but equal schools, so we refuse to countenance the existence of separate but equal unions in the ranks of our movement. We ask for a concerted effort by each of our affiliates having local unions with membership segregated on the basis of race to eliminate such segregation with all possible speed.

Of the present small number of unions with separate locals, several of these have successfully worked out merger agreements, while others are still in process of doing so. This has occurred even where the white or Negro local, or both, have desired to maintain their separate existence.

The first guideline issued by the EEOC after the passage of the 1964 Civil Rights Act declared segregated local unions and separate lines of seniority and promotion to be in violation of Title VII. The same day, President Meany issued a statement supporting the ruling and called on all affiliates that still have such segregated locals and/or separate lines of seniority and promotion "to merge such separate locals without delay and to adopt contractual clauses that will eliminate barriers to equal opportunity for promotion and seniority for all workers."

While it is estimated that up to 175 locals remain segregated out of approximately 60,000 locals affiliated with AFL-CIO unions, the AFL-CIO Civil Rights Department continues to work to eliminate segregated locals and all other forms of discrimination within Labor's ranks.

In addition to segregated locals, the AFL-CIO has identified such possible areas of discrimination as separate lines of seniority and promotion, exclusion from membership, unequal or unfair representation or "any procedure which would deny to any worker the full benefits of union membership because of race, creed, color or national origin."

Today 90 of the 129 affiliates of the AFL-CIO have designated an international officer as the equal opportunity director of their union to work on these and similar problems.

When President Kennedy called representatives from labor,

business, the churches and civil rights organizations to the White House in 1962 to discuss problems of civil rights in the United States, 122 unions signed a joint statement with the President's Committee on Equal Employment Opportunity to insure fair practices in employment. To implement the White House pledges, international unions signatory to the statement designated a staff person to work on the development, dissemination and implementation of this program for fair practices.

It was the events of the nineteen sixties, however, which drew the country closer to the very real possibility of a strong civil rights bill. The 1963 "March on Washington for Jobs and Freedom," the bombing of the Church in Birmingham and the march from Selma to Montgomery in 1965 helped to influence Congress to enact civil rights legislation.

At that time, the AFL-CIO applied itself diligently and with its best talent to pass the bill. Working through the Leadership Conference on Civil Rights, a legislative organization composed of labor, civil rights, and religious groups, lobbyists from the Federation and from affiliated unions devoted their full time to securing enough votes to pass the 1964 Civil Rights Act.

Clarence Mitchell, Director of the Washington Bureau of the NAACP, and nationally recognized for his contribution toward winning the Civil Rights Act of 1964, said of the labor movement's contribution:

> It is a duty and a pleasure to tell you that throughout the effort made in the 88th and 89th Congress for the passage of civil rights bills, organized labor gave unfailing, consistent and massive support where it counted most. Your legislative representative, Andrew Biemiller, was the leader of a hard-working, determined and highly effective coalition of AFL-CIO men and women in the civil rights campaign. It is frequently necessary to work nights, Sundays and holidays to achieve our goals. The members of organized labor were always present at the right time and in the right places.

The sort of activity so appreciated by Mitchell was typified by AFL-CIO President George Meany, who was in Geneva, Switzerland at the Convention of the International Labor Organization when President Kennedy submitted his civil rights package to Congress in 1963. The Bill lacked a fair employment practice section. Meany wired President Kennedy, urging that FEP be added to the Civil Rights Legislation. Title VII—which became the fair employment practice title—was subsequently included in the Act.

Meany laid the groundwork for this dramatic success when he testified before Congressional committees in 1962 and 1963 for strong FEP legislation, outlining the kind of law needed:

> 1962—We renew our call for the enactment of an enforceable Federal employment practices act to outlaw discrimination in all employment by employers engaged in an industry affecting interstate commerce, including all employment and training of apprentices and learners, and including all unions which represent employees engaged in employment affecting commerce.
>
> The fair employment practices law we seek should include the kind of conciliation and enforcement powers that have been tested and proved effective in the 20 states that have already enacted such laws.
>
> A law still stands in South Carolina that forbids the employment of an integrated production work force in any textile mill within the borders of that state.

Although the AFL-CIO has exerted its influence to eliminate discrimination among its affiliates, it recognized the need for some expression of public policy in this area.

Therefore in 1963, Meany told a Senate sub-committee:

> This is one reason why we want strong federal legislation, legislation putting the muscle of federal law behind the goal of equal opportunity We need the power of the federal government to do what we are not fully able to do.

Shortly after the passage of the Civil Rights Act of 1964, the AFL-CIO Executive Council—at its August 4th meeting—adopted a statement hailing the passage of the Act, and called for massive voluntary compliance with its provisions.

This statement warned that the implementation of the Act would not be automatic, and would require not only vigilance but long effort; and that even the complete success of the Act would not fulfill the hopes of minority groups raised without a social and economic climate which would allow for the "fulfillment of these rights."

The Council statement further asked President Meany to convene a national conference of union leaders including officers of international unions, state federations and key local central bodies in Washington, D. C., on September 2, 1964. That conference said the statement, would have the responsibility of formulating and implementing a 5-point program:

1. an educational program for union members and other citizens on the actual terms of the Civil Rights Act.
2. work through central bodies to create a climate for compliance at the community level.
3. special emphasis on compliance with Title VII, the FEP section of the Act.
4. an assurance of the funds and staff necessary for the administration of the various titles of the 1964 Civil Rights Act.
5. to keep possible need for further legislation under review

Shortly after the September Conference on the Civil Rights Act, President Meany sent a letter to the president of each international union requesting that they designate an international officer who would be responsible for·

1. work with government agencies, especially the Equal Employment Opportunity Commission to be established under the Civil Rights Act, to obtain voluntary compliance wherever it was necessary and,

2. to develop an equal opportunity program both within the union and in employment contracts.

In April of 1965, AFL-CIO President George Meany convened a conference at which 74 international union officials heard Vice President Hubert H. Humphrey, Secretary of Labor W Willard Wirtz and Director of the U. S. Commission on Civil Rights William L. Taylor set the stage for the launching of the Equal Employment Opportunity Commission July 2 of the same year

Walter G. Davis, Assistant Director of the AFL-CIO Civil Rights Department, during the Agency's first year served as EEOC Deputy Executive Director to help develop its organization structure and familiarize it with the labor movement. Davis' role also helped the commission obtain labor's cooperation with the new agency

As a result of the AFL-CIO conferences, discussions by the Civil Rights Committee and proposals by the Civil Rights Department, the Equal Employment Opportunity Commission was asked to establish a procedure which would enable the AFL-CIO and international unions to help in obtaining intelligent and effective compliance. The Commission then adopted the following procedure in regard to complaints involving local unions and/or collective bargaining agreements of AFL-CIO affiliates:

A. In states which do not have an FEPC, after initial investigation by a field representative and at the time a complaint is sent to the local union involved, a copy will be sent to

the national or international officer of the union and to the Civil Rights Department of the AFL-CIO

B. In states where there is an FEPC, the commission has recommended that the state agency make a similar agreement with the AFL-CIO and its affiliates.

Although still developing, this procedure has enabled international unions to help the Commission in a number of ways:

1. in getting satisfactory solutions to cases.

2. in helping the Commission staff—many of them not fully experienced in FEP work involving union collective bargaining agreements—to better understand the problems they were dealing with.

Failure to utilize the procedures and the cooperation available from international unions has on occasion impeded the effectiveness of the Commission's work. One case illustrates what can be done and what can be lost if the procedures are not followed.

In December, 1965, a complaint was filed in a southern city by three Negro laborers. A contractor had promised to hire them as journeymen in a particular craft if the local union would either give them a work permit or accept them into membership. The local union had no Negro members. The complaint alleged that the applicants could niether gain membership nor receive work permits because of their race.

The EEOC investigator could not get all the information he needed from the local union. The Civil Rights Department was asked for cooperation in line with the procedure. It asked whether the international union had been notified of the complaint and was answered negatively It then asked the EEOC to make such notification. When the International heard of the complaint, it sent a representative to the local. The representative interviewed the applicants, found they had knowledge of the trade, spoke to the local union officers and found that they had no unemployed members. He convinced them to give immediate work permits to the complainants. They went to work at journeymen pay rates and conditions. Within a month they were given an examination by the local union and when they passed it, were accepted into membership.

The only thing marring the success story is that to this day the Commission has not worked out a procedure for notifying the international union that the case has been satisfactorily settled. The cooperation of the international union unquestionably brought a rapid and satisfactory solution to this complaint. If the Commission and the complainant had taken any other route through concil-

iation and the courts, no more could have been obtained and certainly the men would not have been working or admitted into membership so quickly

In conclusion we find that significant progress has been made in the equal employment field both within the labor movement and in the country generally, but there is a long way to go in removing the barriers to equal opportunity and equality under the law, and for many this has been a frustrating period. Progress in eliminating the remaining barriers that dramatize the injustice of the denial of civil rights must be accelerated. But progress in the fields related to employment is also imperative for solving many of today's more complex problems.

Civil rights and related problems require firm policy and clear programs but more than that they require good will and understanding, knowledge of the problems and of the techniques to resolve them and finally patience and hard work. These attributes exist within the labor movement. They exist outside as well, and as difficult as the tasks ahead may seem at times, the tools are there and they must be used.