

Over the years, employers and unions have been relatively successful in reconciling these fundamental objectives however much the verbal controversies continue to rage (and however foreign to both of their philosophies the idea of full "codetermination" may be). Businesses that have engaged in collective bargaining relationships have by and large not only been able to survive but often have flourished. Many of the most influential and prosperous firms in this country (the automobile companies and the airlines, at least in normal years, come immediately to mind) have, as we know, been highly unionized for years. Likewise, organized labor not only has survived but has grown appreciably in strength over time, the contemporary unexciting performance of union membership totals being accountable chiefly by causes other than management destruction. Although the objectives of the two institutions are quite different, and although occasional major impasses are reached in the bargaining on these issues, sufficient protection for both organizations has been provided in the vast majority of unionized organizations.

Discussion Questions

1. Arguing in favor of right-to-work laws, a publication of the National Association of Manufacturers has expressed the view that "no argument for compulsory unionism—however persuasive—can possibly justify invasion of the right of individual choice." Do you agree or disagree? Why?
2. "From the viewpoint of providing maximum justice to all concerned, the agency shop constitutes the optimum union security arrangement." To what extent, if any, do you agree with this statement?
3. "Good unions don't need compulsory unionism. Bad unions don't deserve compulsory unionism." Comment.
4. Evaluate the opinion of a former Steelworker Union president that "nothing could be worse than to have . . . management appease the union, and nothing could be worse than to have the union appease management." Relate your remarks to the areas of management rights and union security.
5. Even though the closed shop has been illegal in interstate commerce since 1947 (except in the construction industry), should it be? Why or why not?
6. If you were a top manager engaged in contract bargaining with a union, which theory of management rights would you pursue—the residual theory or the trusteeship theory? Why?
7. How sympathetic are you to the statement of a former General Motors chairman that offering a union leader a seat on GM's board of directors made "as much sense as having a member of GM's management sitting on the board of an international union"? Explain.

Minicases

1. A Question of Freedom

"I can see arguments both for and against right-to-work laws," says a fellow student in your class. "But there is one overriding reason why I'm on balance against these laws. And it involves the question of freedom."

"Specifically, it relates to freedom of contract, a basic and critical right in this land of free enterprise and individualism in which we live. A union shop can only come about in one way: the union—for whatever

reason—has asked for such an arrangement in its collective bargaining with the management, and the management—again, on whatever it considers to be good grounds—has agreed to grant the union shop. This being the case, what right does the government have to intrude and tell the two parties, 'That's too bad—you still can't have it'?"

How would you respond? ■

SUBJECT: PROPOSED APPOINTMENT OF A NEW LEADER TO FENWICK BOARD OF DIRECTORS
I'm not saying that it would solve all our problems but I'd like to know what we'd lose by giving four twenty seats on our board of directors to officer non of the Chemical Workers Union.

By my calculations, we're talking about only fifth of the board membership, so there's no wa board decisions could actually result from just desires even if all four union people were unit

Notes

1. All statistics in this section are based on information furnished by the Bureau of Labor Statistics, U.S. Dept of Labor.
2. *Union Starch & Refining Co.*, 87 NLRB 779 (1992).
3. *National Right to Work Newsletter*, November/December 2007, p. 1.
4. See, as an example of all of this, the center's 2007 *Right to Work—For Less*.
5. *Grainance Guide*, 11th ed. (Washington, DC: B National Affairs, 2003), pp. 453–54.
6. *Ibid.*, p. 452.
7. *Ibid.*, pp. 427–30.
8. 398 U.S. 235 (1970).
9. *Metropolitan Edison Co. v. NLRB*, Case No. 8 April 4, 1983.
10. Section 301(e) states: "For purposes of this section, determining whether any person is acting as an 'agent' of another person as to make such other person responsible for his acts, the question of whether the specific act formed were actually authorized or subsequently shall not be controlling."

Selected References

- Bakke, E. Wight. *Mutual Survival: The Goal of Un Management*. New York: Harper & Row, 1946.
- Blackard, Kirk. *Managing Change in a Unionized Work*. Westport, CT: Quon
- Countervailing Collaboration. Westport, CT: Quon
- Brohawn, Dawn K., Ed. *Journey to an Ownership*. Washington, DC: The ESOP Association and Lant
- The Scarecrow Press, 1997.
- Chandler, Margaret K. *Management Rights and Interests*. New York: McGraw-Hill, 1964.