EARLY LABOR LAWS

The Clayton Act (1914)

In response to pressure to clarify labor's position under anti-trust laws, Congress enacted the Clayton Act, which included several major provisions protective of organized labor.

The act stated that "the labor of a human being is not a commodity or article of commerce," and provided further that nothing contained in the Federal anti-trust laws:

Shall be construed to forbid the existence and operation of labor organizations nor shall such organizations, or members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the anti-trust laws.

The Adamson Act (1916)

The U.S. Government enacts legislation creating the 10-hour workday for railroad employees.

Railway Labor Act (1926)

In 1926 Congress passed the Railway Labor Act (RIA), requiring employers to bargain collectively and prohibiting discrimination against unions. It applied originally to interstate railroads and their related undertakings. In 1936, it was amended to include airlines engaged in interstate commerce.

Davis-Bacon Act (1931)

In 1931, Congress passed the Davis-Bacon Act, requiring that contracts for construction entered into by the Federal Government specify the minimum wages to be paid to persons employed under those contracts. *** Little Davis Bacon Act – is a set of state laws in Alaska Statues that does the same for state projects that exceed $25,000.

Norris-LaGuardia Act (1932)

The Norris-LaGuardia Act, passed in 1932, during the last year of the Hoover Administration, was the first in a series of laws passed by Congress in the 1930s which gave Federal sanction to the right of labor unions to organize and strike and to use other forms of economic leverage in dealings with management.

In addition, it barred Federal courts from issuing restraining orders or injunctions against activities by labor unions and individuals, including the following:

- Joining or organizing a union, or assembling for union purposes;
- Striking or refusing to work or advising others to strike or organize;
- Publicizing acts of a labor dispute; and
- Providing lawful legal aid to persons participating in a labor dispute.

NEW DEAL ERA REFORMS

National Industry Recovery Act (1933)

In 1933, Congress passed the National Industry Recovery Act (NRA) at the request of newly inaugurated President Franklin Roosevelt. The Act sought to provide codes of "fair competition" and to fix wages and hours in industries subscribing to such codes.

Title I of the Act, providing that all codes of fair competition approved under the Act should guarantee the right of employees to collective bargaining without interference or coercion of employees, was held unconstitutional by the U.S. Supreme Court in 1935.

National Labor Relations Act (1935)

By far, the most important labor legislation of the 1930s was the National Labor Relations Act (NLRA) of 1935. The law included a reenactment of previously invalidated labor sections of the NRA as well as a number of additions.

The NLRA was applicable to all firms and employees in activities affecting interstate commerce with the exception of agricultural laborers, government employees, and those persons subject to the Railway Labor Act. It guaranteed covered workers the right to organize and join labor movements, to choose representatives and bargain collectively, and to strike.

The National Labor Relations Board (NLRB), originally consisting of three members appointed by the President, was established by the Act as an independent Federal agency. The NLRB was given the power to determine whether a union should be certified to represent particular groups of employees, using such methods as it deemed suitable to reach such a determination, including the holding of representation elections among workers concerned.

Employers were forbidden by the Act from engaging in any of the five categories of unfair labor practices. Violation of this prohibition could result in the filing of a complaint with the NLRB by a union or employees. After investigation, the NLRB could order the cessation of such practices, reinstatement of a person fired for union activities, the provision of back pay, restoration of seniority, benefits, etc. An NLRB order issued in response to an unfair labor practice complaint was made enforceable by the Federal Courts.

Among those unfair labor practices forbidden by the Act were:

1. Dominating or otherwise interfering with the formation of a labor union, including the provision of any financial or other support.
2. Interfering with or restraining employees engaged in the exercise of their rights to organize and bargain collectively.

3. Imposing any special conditions of employment which tended either to encourage or discourage union membership. The law stated, however, that this provision should be construed to prohibit union contracts requiring union membership as a condition of employment in a company - a provision which, in effect, permitted the closed and union shops.
4. Discharging or discriminating against an employee because he had given testimony or filed charges under the Act.
5. Refusing to bargain collectively with unions representing a company's employees.

The NLRA included no provisions defining or prohibiting as unfair any labor practices by unions. The Act served to spur the growth of U.S. unionism - from 3,584,000 union members in 1935 to 10,201,000 by 1941, the eve of World War II.

Anti-Strikebreaker Law (1936 - 38)

The Bryness Act of 1936 and amended in 1938, made it a felony to transport any person in interstate commerce who was employed for the purpose of using force or threats against non-violent picketing in a labor dispute or against organizing or bargaining efforts.

Walsh-Healy Act (1936)

The Walsh-Healy Ace stated that workers working on U.S. government t contracts exceeding $15,000, must be paid not less than the "prevailing minimum wage" normally paid in a locality; restricted regular working hours to eight hours a day and 40 hours a week, with time-and-a-half pay for additional hours; prohibited the employment of convicts and children under 18; and established sanitation and safety standards.

Fair Labor Standards Act (1938)

Known as the wage-hour law, this 1938 Act established minimum wages and maximum hours for all workers engaged in covered interstate commerce.
The act prohibited children under eighteen from performing certain dangerous jobs, and children under sixteen from working in manufacturing or mining, or during school hours. This Act has been amended over and over, including the loss of overtime for working over eight hours a day.

POST WORLD WAR II LAWS

Taft-Hartley Act (1947)

It was not until two years after the close of World War II that the first major modification of the National Labor Relations Act (NLRA) was enacted. In 1947, the Labor- Management Relations Act, known as the Taft-Hartley Act, was passed by Congress. Vetoed by President Truman ***(on the basis that it was anti-Labor),*** and then re-approved over his veto. *The* comprehensive measure amended the National Labor Relations Act
{Wagner Act 1935) by:

- established procedures for delaying or averting so-called "national emergency" strikes;
- excluded supervisory employees from coverage of the Wagner Act;
- prohibited the "closed shop" altogether, and;
- banned closed-shop union hiring halls that discriminated against non-union members.

The Taft-Hartley Act retained the Wagner Act's basic guarantees of worker's rights to join a union, bargain collectively, and strike, and retained the same list of unfair labor practices forbidden to employers. The Act also added a list of unfair labor practices forbidden to unions. These included:

- restraint or coercion of workers exercising their rights to bargain through representatives of their choosing;
- coercion of an employer in his choice of persons to represent him in discussions with the union;
- refusal of the union to bargain collectively;
- barring a worker from employment because he had been denied union membership for any reason except non-payment of dues;
- striking to force an employer or self-employed person to join a union;
- secondary boycotts;
- various types of strikes or boycotts involving inter-union conflict or jurisdictional agreements;
- levying of excessive union initiation fees, and
- certain forms of "featherbedding" *(payment for work not actually performed).*

The Taft-Hartley Act included a number of other provisions. These included:

- authorization of suits against unions for violations of their economic contracts;
- authorization of damage suits for economic losses caused by secondary boycotts and certain strikes;
- relaxation of the Norris-LaGuardia Act to permit injunctions against specified categories of unfair labor practice;
- establishment of a 60-day no-strike and no-lockout period for any party seeking to cancel an existing collective bargaining agreement;
- a requirement that unions desiring status under the law and recourse to NLRB protection file specified financial reports and documents with the U.S. Department of Labor;
- the abolition of the U.S. Conciliation Service and establishment of the Federal Mediation and Conciliation Service;
- a prohibition against corporate or union contributions or expenditures with respect to elections to any federal office;
- a reorganization of the NLRB and limitation on its power;
- a prohibition on strikes against the government, and;
- the banning of various types of employer payments to union officials.

Landrum-Griffin (1959}

The Labor-Management Reporting and Disclosure Act of 1959, also known as the Landrum-Griffin Act, amended the Taft-Hartley Act, including;

- definition of additional unfair labor practices;
- including the concept of "Duty of Fair Representation" as an unfair labor practice;
- establishes the concept of "Agency Shop" or fair share; however, the provision must be negotiated between the union and the employer;
- a ban on organizational or recognition picketing, and;
- provisions allowing state labor relations agencies and courts to assume jurisdiction over labor disputes the NLRB declined to consider, at the same time prohibiting the NLRB from broadening the categories of cases it would not handle.

1962 - Federal Employees gain the right to join a union

This legislation passed by Congress in 1962 under the Kennedy Administration eventually spread to the states which passed state legislation giving public employees the right to join a union and bargain collectively.

The State labor relations agencies that evolved from the Landrum-Griffin Act and this legislation mimic a majority of the provisions that were in place for the amended National Labor Relations Act.

1963 – Equal Pay Act

This was an Act amending FLSA and made it illegal to pay workers based on their sex. However, white-collar women were exempt from the Act until it was amended in 1972.

1964 Civil Rights Act (Title VII – Equal Employment Opportunity)

Landmark legislation that outlaw's discrimination based on race, color, religion, sex, or national origin.

1963 – Age Discrimination in Employment Act (ADEA)

This law forbids employment discrimination against anyone at least 40 years of age. The Act included provisions on forced retirement due to age. Although forced retirement due to age is allowed in some instances, it is regulated.

1970 Occupational Safety and Health Act (OSHA)

An act ensuring federal and private sector employers provide employees with a work environment free from recognized hazards, such as excessive noise, toxic chemicals, mechanical dangers, hot or cold stress, or unsanitary conditions.

1978 Pregnancy Discrimination Act

The Act protects expectant women from firing, not being hired or otherwise discriminated against to their pregnancy or intention to become pregnant.

1990 Americans with Disabilities Act

The Act protects employees from discrimination based on disabilities. The Act further requires an employer to provide reasonable accommodations to employees with disabilities.