

MAJOR LEGISLATION AFFECTING LABOR

Listed here are the major pieces of federal legislation dealing with labor:

ADA - Americans With Disabilities Act

Passed in 1992, the ADA prohibits employer discrimination against individuals with temporary or permanent disabilities whether or not the disabilities are job related. (See attachments in Section 8 of this book.)

Adamson Act

A 1916 law fixing the 8-hour day as a pay basis for railroad employees, and prohibiting wage cuts because of the shorter workday.

Anti-Injunction Act

The Norris-La Guardia Act of 1932, which limits the power of federal courts in issuing injunctions in labor disputes. Modified by the Taft-Hartley Act (Labor-Management Relations Act of 1947).

Anti-Racketeering Law

The Hobbs Act of 1934, making it a felony to interfere with commerce by robbery or extortion, by conspiracy or threat of violence.

Anti-Strikebreaker Law

The Brynes Act of 1936, making it a felony to transport interstate any person employed to interfere with peaceful picketing, or to block organizing or collective bargaining by violence or threats of violence. Many states and municipalities have since 1960 enacted restrictions on strikebreakers.

Antitrust Acts

See Sherman Antitrust Act and Clayton Antitrust Act.

Brynes Act

See Anti-Strikebreaker Law.

Civil Rights Act of 1964, Title 7

New Federal Fair Employment Practice Law, covering all industries affecting interstate commerce. It bars, as of July 1965, discrimination by employers, unions and employment agencies, based on race, color, sex, religion, or national origin. Administered by five-member Equal Employment Opportunity Commission, through informal and formal procedures seeking voluntary compliance, with further recourse to a federal court, permission for the Attorney General to intervene, a court injunction and contempt proceedings. Employers and unions may not discriminate in regard to apprenticeship, training or retraining programs. Employers, unions and employment agencies may not retaliate against any person opposing, making a charge, testifying or taking part in probes or proceedings regarding any practice unlawful under the Act; or publishing or printing notices or advertisements indicating discrimination. Employment agencies are forbidden to discriminate by failing or refusing to refer applicants for jobs, or classifying job applicants on the basis of race, color, religion, sex or national origin. Included in the definition of a "labor organization" are state and local central bodies.

Clayton Antitrust Act

Passed in 1914 and hailed by AFL President Samuel Gompers as labor's Magna Carta. It was in part designed to take labor out from under the Sherman Antitrust Act, and limited the use of labor injunctions by the Courts. It was unsuccessful in the latter, due to the interpretations of the Courts.

Copeland Act

A 1934 law making it illegal for an employer or his agent to extract a payment as a condition of continued employment.

Davis-Bacon Act

Passed in 1931 to protect local labor wage standards on government construction contracts. It was expanded in 1964 to cover fringe benefits as well. (See Prevailing Wage Law.)

Employment Act of 1946

Legislation designed to encourage federal government promotion of full employment. The Council of Economic Advisers is a creature of this law. (See Full Employment Act in the glossary section.)

Equal Pay Act of 1963

Requires that men and women performing equal work be paid equal wages. Act prohibits lowering pay for men to equalize rates. Applies to employers and workers covered by the Fair Labor Standards Act.

Fair Employment Practices Acts

The 1938 law (since amended) which sets minimum hourly wages, provides for payment of time and one-half for work beyond 40 hours a week, and regulates employment of those under 18 years of age. Known as the Wage and Hour Law, it is administered by the Department of Labor.

Family Medical Leave Act (FMLA)

One of President Clinton's first wins in 1993, this Act requires employers of 50 or more employees to grant up to three months leave for personal illness, birth or adoption of a child, care of a seriously ill child, spouse or parent. An employee returning from leave must be returned to the same or equivalent position. The employer must pay medical contributions for up to three months of the leave.

Federal Airport Act

The 1946 law which sets minimum wages for construction workers at airports which are federally-aided by grants.

Federal Coal Mine Safety Act

Passed in 1952, administered by the Division of Coal Mine Inspection of the U.S. Department of Interior, setting hazard standards and providing for enforcement of safety regulations.

Federal Wage-Hour Act

See Fair Labor Standards Act.

Hobbs Act

See Anti-Racketeering Law.

Labor-Management Relations Act (1947)

The Taft-Hartley Act, succeeding the Wagner Act of 1935 and modifying it in many respects. It continued the rights of workers to organize and bargain collectively, and the right to refrain from these activities. It restricts some activities of both management and labor and defines unfair labor practices. It outlaws the closed shop, a form of union contract which requires workers to be union members prior to their employment.

Labor-Management Reporting and Disclosure Act

The Landrum-Griffin Act of 1959, under which unions must file with the U.S. Department of Labor periodic reports of their financial dealings. The Act requires bonding of all union officers and employees handling union funds. Management is required to report expenditures made to third parties in connection with union organizing drives and collective bargaining. All reports are open to public inspection. Title I delineates certain rights of union members and limits the internal functions of unions.

Landrum-Griffin Act

See Labor-Management Reporting and Disclosure Act.

National Labor Relations Act (1935)

The Wagner Act, which has been called the most important of All New Deal legislation. It guarantees the right of workers to organize and bargain collectively for a contract, and declares specific employer actions to be unfair labor practices, which interfere with guaranteed rights. The law created the National Labor Relations Board to administer its functions.

Norris-La Guardia Act

See Anti-Injunction Act.

Prevailing Wage Law

The Davis-Bacon Act of 1931, under which the Secretary of Labor sets wage minimums, after hearings, for employees of firms carrying out federally-assisted or federally-financed construction contracts. The rates must be based on the going rate of pay for similar work or performance in a particular area.

Railway Labor Act (1926)

Law regulating relations between the carriers and their employees, including by amendment the airline industry. Administered by the National Mediation Board and the National Railroad Adjustment Board, the latter's jurisdiction being confined to settlement of railroad disputes.

Railroad Retirement Act

A 1935 law which sets up railroad pension payments for retired employees and their families. Administered by the five-member Railroad Retirement Board. The Board also administers a companion law, the Railroad Unemployment Insurance Act of 1938.

Sherman Anti-Trust Act

Passed in 1890 to prevent business monopoly. Courts misinterpreted the law and applied it against strikes. Unions were then fined triple damages for acts which were considered in restraint of trade. (See Clayton Anti-Trust Act.)

Smith-Hughes Act

A 1917 law providing basic vocational education with federal grants to encourage the training of skills in agriculture, trade and industry.

Taft-Hartley Act

See National Labor Relations Act (1947).

Wage and Hour Law

See Fair Standards Act.

Wagner Act

See National Labor Relations Act.

Welsh-Healey Public Contracts Act

This 1936 law sets basic labor standards for work on government contracts exceeding \$10,000 in value. It operates somewhat like the Davis-Bacon Act.

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