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# Union activity awaits recovery, NLRB chief says

3182  
By Kenneth Michael

OF THE SENTINEL STAFF

The sharp decline this year in the number of election petitions for unions to represent workers and a corresponding drop in the number of unfair labor charges is only a temporary situation, according to the chairman of the National Labor Relations Board.

"It is an aberration that will end when the recession ends and workers are no longer as concerned about losing their jobs," NLRB Chairman John Van de Water told 150 corporate executives Monday night at a dinner meeting of the Employers Association of Florida.

Describing himself as a "conservative who believes in the strict construction of the law and of upholding the precise terms of a contract between management and a union," Van de Water has been credited with leading the NLRB toward a new direction since his appointment by President Reagan last year.

Confirmation of Van de Water's appointment has been withheld by the Labor Committee in the U.S. Senate and he blamed the delay on Sen. Edward Kennedy.

He charged that Kennedy had tried to make a deal to let his appointment go to the Senate floor if a Republican candidate would withdraw as the Massachusetts senator's opponent in his bid for reelection.

Van de Water vehemently attacked a recent controversial 3 to 2 NLRB decision involving Conair Corp. of New Jersey in which he and another Reagan appointee to the board, Robert Hunter, dissented.

In that case, the board said that management had engaged in such "outrageous and pervasive" unfair labor practices during the course of union bargaining representation election that it directed the company to recognize and bargain with the union even though the union had never demonstrated that it had been supported by a majority of the firm's workers.

ORLANDO, FLA.  
SENTINEL STAR  
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Noting that such bargaining orders had been issued previously in serious unfair labor practice cases where the union had originally submitted petitions for an election signed by more than 50 percent of the employees, Van de Water said that the Conair case was unique because the union had submitted cards signed by only 43 percent of the workers and the resulting election showed only one-third of the workers supported the union.

He said that even though there were "rotten company tactics" such as threatening to close the Conair plant and move it to Hong Kong and coercive questioning of employees about their attitudes toward the union, the NLRB went too far in its decision.

"The decision entered uncharted waters," he said and predicted the case would eventually reach the U.S. Supreme Court.

Van de Water said it was the duty of a company to develop a feeling of mutual trust and respect with its employees "with or without a union."

"There are wrongs on both sides involving unions and management and both sides sometimes use 'dirty tricks,'" he said.

The NLRB chairman advised the corporate officials on legal methods of preventing solicitation for union purposes on company property while permitting soliciting for charitable causes.

"By using the company's management representatives to solicit funds for charities during non-work time such as lunch and break periods, the pitfalls of a non-solicitation policy can be avoided," Van de Water said.

Asked about Florida's "right-to-work" law which bans a union shop, Van de Water said such a law "is not evil but I think there are good arguments against it."

He noted that the Taft-Hartley Act already prohibits a union shop although it does permit an agency shop, in which employees are required to pay dues to a union even though they are not members.

Van de Water said the advantage of an agency shop is that while the employee must pay dues, he is not subject to possible fines and discipline for violating union orders.

The NLRB chairman gave high praise to the quality of work life circles in which workers have a role in the decision-making process of a company.

He said the popularity of quality circles is growing rapidly and that most enlightened companies have instituted them.

"There has been a marked improvement in productivity as a result of quality circles."

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