

Initiative Measure No. 130

BALLOT TITLE

A MEASURE relating to employment; providing for the service of written demands upon the employer; providing that a majority vote of the employees concerned cast in a prescribed manner shall be necessary before a strike may be called; making provisions concerning lockouts; and providing penalties.

AN ACT to prevent interruption of employment, obstruction of production, trade and commerce and the occurrence of strikes unless approved by a majority vote of the employees involved cast in accordance with certain procedure under conditions to be established and supervised by the County Auditor and preceded by service of written demands upon the employer involved and an opportunity to adjust such demands; providing civil rights and prescribing penalties.

Be it enacted by the People of the State of Washington:

SECTION 1. Uninterrupted employment of its citizens is of vital importance to the State of Washington. Strikes and lockouts diminish public revenues, increase public expenditures, cause general financial loss, destroy the peace and retard the progress of the State. Neither strike nor lockout should be permitted until a reasonable period of time shall have elapsed within which the difference between the contending parties may be adjusted. And finally, no strike should be permitted until the employees directly concerned shall have been informed of the issues upon which a strike may be called and a majority of such employees shall have freely approved of such strike. Therefore for the purpose of promoting the common good and preventing discontent, disorder, and social unrest, the State of Washington exercising herein its police and sovereign power hereby declares that a reasonable opportunity for settlement must precede either a strike or lockout and that an opportunity to cast a secret ballot without inter-

ference or coercion must be provided for the employees liable to be called out on strike, that a majority of such employees must approve such strike before it can lawfully be called, and that prior to such approval no obstruction to the ordinary course of production, trade, or commerce upon which the employment of its citizens and the support of its institutions depend shall be permitted by the State.

SEC. 2. As used in this act:

The term "strike" shall mean the cessation of work by a body of persons employed in any trade, industry, or occupation, acting in combination, or a concerted refusal or a refusal under a common understanding, of any number of persons who are, or who have been so employed, to continue to work or to accept employment or to perform the duties for which they are employed.

The term "lockout" shall mean closing a place of employment, or suspension of work, or refusal by any employer to continue to employ any number of persons employed by him with the intention of compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of, or affecting employment.

The term "union" shall mean any association or group of persons in this State who shall directly or indirectly combine for the purpose of obtaining better hours, wages, or working conditions of the members thereof.

SEC. 3. It shall be unlawful to cause a strike or go on strike:

(a) Unless for a period of thirty (30) days from the date of submission of written demands to the employer the Union shall have attempted in

Initiative Measure No. 130

good faith through negotiations, meditation or conciliation, to reach an agreement or settlement with said employer with respect thereto: *Provided*, That the employer within such period shall not have finally refused to enter into negotiations with said Union; *And provided further*, That nothing in this act shall prohibit any employee from leaving the employ of his employer under circumstances that do not constitute a strike; and

(b) Unless, upon failure to reach a settlement within the period above provided, the Union shall have requested the County Auditor of the County within which a majority of the employees involved reside to conduct a strike vote and certified to said County Auditor the demands for the enforcement of which it is proposed to call a strike; and

(c) Unless said County Auditor shall have certified as hereinafter provided that a majority of said employees have voted to go on strike.

SEC. 4. Immediately upon receipt of the foregoing request and demands, the County Auditor shall

(a) Advise the Union of the time and place of conducting a vote of said employees;

(b) Notify the employer concerned in said dispute of the taking of a strike vote and request such employer to certify to said Auditor the names and addresses of the employees involved, whereupon it shall be the duty of such employer to immediately furnish such information; *Provided*, That the accuracy of such list, upon the petition of the Auditor, the Union, or any employee affected thereby, shall be subject to review by the Superior Court of the County in which such petitioner resides;

(c) Prescribe, enforce and carry out such rules, regulations and provisions for conducting such vote as shall insure that each such employee so voting shall cast a secret ballot without interference, coercion or direction of any person, and provide each employee at the time of casting his vote with an unmarked ballot upon which he may record his vote, and it is hereby made the duty of the officers now charged by law with the duty of furnishing election supplies

to provide whatever is necessary to carry out the provisions hereof;

(d) Post copies of the demands certified to the Auditor as above provided in two or more conspicuous places at the polling place.

Only those employees so certified shall be entitled to vote and the Auditor shall indicate upon said list those voting.

At the conclusion of the voting, the Auditor shall tally the votes, certify the result thereof to the Union and the Employer involved, and post the same in a place easily available to the Employees so voting. The Auditor shall retain said list of those entitled to vote and of those voting and the ballots cast, in his possession for a period of six months. Upon receiving such certificate from the Auditor, if the strike be approved by a majority of those entitled to vote, then the employees whose names have been certified to the Auditor may be called out on strike to enforce the demands so approved by them. If, however, a majority of said employees shall vote not to strike, then no strike of said employees may be lawfully called.

SEC. 5. The County Auditor concerned, or the Union, or any employer, or employee whose rights and privileges under this act shall be affected by the violations of any of the provisions thereof, may petition the Superior Court of the County in which the petitioner resides for the purpose of preventing such violation. Upon the filing of such petition, the Superior Court shall have jurisdiction, power and authority to grant such relief as it shall deem proper and necessary in the premises.

SEC. 6. Prior to the service of written demands on the employer and during the period provided in Section 3 of this act, it shall be unlawful for any person to advertise, speak, patrol or post patrols in, on or near the premises or property owned, occupied, controlled or used by any person, for the purpose of obtaining or communicating information regarding any controversy with said person or persuading or inducing any person to work or abstain from working or ob-

structing the approach to said premises or property or egress therefrom.

Sec. 7. Prior to the service of written demands upon the employer and during the period provided in Section 3 of this act it shall be unlawful for any employer to declare or cause a lockout, provided that nothing in this act shall prohibit such employer from doing any act in connection with the conduct of his business which is in the ordinary course thereof.

Sec. 8. Prior to the service of written demands on the employer and during the period of time provided in Section 3 hereof, it shall be unlawful for any person, persons, association or organization, for the purpose of enforcing any demand for the enforcement of which a strike might lawfully be called hereunder, to obstruct or prevent or attempt to obstruct or prevent the lawful buying, selling, transporting, receiving, delivering, manufacturing, harvesting, processing, handling, or marketing of any agricultural product or merchandise of any kind; provided that nothing in this act shall be so construed as to make lawful any act which except for the passage hereof would be unlawful.

Sec. 9. It shall be unlawful for any person to incite, aid, abet, encourage or assist any employer or any employees or any organization of employees or representatives thereof, or any other person, in the violation of any of the provisions of this act.

Sec. 10. Any person convicted of violating the provisions of this act declaring certain acts to be unlawful shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars or by imprisonment in the County Jail for not less than thirty (30) days nor more than one (1) year, or both.

Sec. 11. If any part of a section, clause or sentence of this act should for any reason be declared unconstitutional and invalid such adjudication shall not affect the validity of any of the remaining portions of the act or if the application of the act to any person or circumstances be held unconstitutional or invalid such adjudication shall not affect the application of the act to any other persons or circumstances not directly involved in the action wherein such adjudication was made. If the operation of any clause, part or section of this act, including any or any part of the penal provisions thereof, shall be held to impair the obligation of contract or to deny to any person any right or protection secured to him by the Constitution of the United States of America, or by the Constitution of the State of Washington, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this act, the remainder of the act would nevertheless have been adopted without any and all such invalid clauses, parts or sections,

ARGUMENT FOR INITIATIVE MEASURE NO. 130
"RELATING TO STRIKES AND LOCKOUTS"

Sponsored by 100,000 Washington Voters

Purpose of Initiative No. 130 is to prevent loss of wages to workers, and consequent loss to the public, through unnecessary and avoidable strikes and lockouts. It will prevent unnecessary interruptions of production on which public prosperity depends.

Initiative No. 130 prescribes orderly procedure for the calling of strikes by workers and regulates the calling of lockouts by employers.

Power Given to Workers: Power to call strikes is put into the hands of the workers on the job by provision that no strike can be legally called unless it is authorized by favorable vote of an actual majority of the workers employed in the operation; voting to be by secret ballot, conducted by the county auditor, under conditions which will prevent intimidation of the workers.

Time For Peaceful Settlement of the questions involved is allowed by provision that no strike can be legally called until thirty days after written demands have been served upon the employer and negotiations carried on to effect agreement, during which both workers and employers would become thoroughly acquainted with the issues involved. If employers refuse to negotiate, the strike vote can be held immediately. During the same period, employers are prohibited from declaring a lockout of their employees.

Would Stop Great Loss to Public: With the power to determine whether or not to strike placed entirely in the hands of the men on the payroll, with ample time to investigate and negotiate before a strike vote is held, it is generally admitted that there would be a great reduction in the loss of hundreds of thousands of dollars suffered annually by the people of Washington, through unnecessary strikes and interruptions of employment, and consequent increase of relief costs.

Workers May Strike and Picket: Initiative No. 130 puts no restrictions

on the questions over which strikes may be called. Workers may strike for any reason deemed important enough for a strike by a majority on the payroll.

The act puts no restrictions on picketing during a strike. It makes illegal, picketing for purpose of intimidation of workers or boycott of employers, when no strike is in progress.

No Interference With Workers' Rights: Initiative No. 130 does not interfere in any way with exercise of the legally recognized rights of workers; to organize, to bargain collectively and to strike. It does not conflict with any of the provisions of the Wagner Labor Relations Act or any other Federal or state legislation which establishes and guards the rights of labor. It gives workers control over their bargaining agents. It is constitutional.

Enactment Would Benefit Workers: Enactment of Initiative No. 130 would prove a benefit rather than a setback to the labor movement, as proven by experience of the railroad Brotherhoods, which have been under similar Federal regulation of calling of strikes for many years. They have strengthened the Brotherhoods, maintained high wages, and have won popular favor by furnishing uninterrupted transportation service, to the benefit of the Nation. Some other unions successfully follow virtually the same procedure regarding strikes.

Initiative No. 130 is a strictly non-partisan issue presented to the voters on its own merits.

ADELLA H. MURFIN, Pres. Women
of Wash., Sunnyside,
HAZEL K. HILLYARD, Ex. Sec.,
Seattle,
BENJ. F. SMITH, Pres. Asso.
Farmers, Kent,
L. O. BIRD, Ex. Sec., Yakima,
L. E. PRUITT, V. Pres., Wenatchee,
JAMES W. GARRETSON, Treas.,
Yakima,
LOUIS THUN, Trustee, Underwood.

Argument Against Initiative Measure No. 130

Initiative Bill No. 130 could not have settled any of the great strikes in the past, and will not settle any in the future because it is so loosely drawn. There is no mention in the bill that the state is interested in any business engaged in or affecting interstate commerce. Accordingly it has no application to freight and passenger transportation companies, the fishing industry, lumber industry, fish and vegetable processing industries, nor to any manufacturing company whose products may ultimately be sold or transported in interstate commerce. In fact it does not include the average retail merchant who buys products manufactured outside the state.

Initiative Bill No. 130 will prevent the signing of agreements which are fair to all employers and all employees in the same industry and trade. Such agreements to be fair must and are approved by all employers and the unions representing all of the employees. They are fair because everybody has agreed to them. Under this initiative the employees of one employer is the constituted unit for bargaining purposes with the result that all employers in the same industry and community will not be paying the same wages and the employees will likewise not be receiving the same scales. The actual wages will vary according to the economic strength of the particular employer and its particular employees and will bear no relationship to that observed by other employers.

Initiative Bill No. 130 will result in the destruction ultimately of all of the great labor agreements many of which have been extended from year to year with no major labor dispute for over 20 years. These agreements have been executed and signed by the unions because they had discipline over their members and they would not permit a strike condition to exist just because one group of employees were dissatisfied. Under the bill a strike can be provoked by one group of employees although the great majority of employees are satisfied. The recently signed Seattle Building

Trades agreement, which has been hailed all over the United States as a model, cannot survive under Initiative Bill No. 130. Harmony in the teaming crafts, culinary crafts, metal trades, building trades, printing trades, theatre crafts and hundreds of other unions throughout the state will be disturbed by the effect of Initiative No. 130 on their contracts.

Initiative No. 130 provides for either side or any interested party to take the dispute into court resulting in delay and expense at a time when the parties should be negotiating a settlement instead of fighting.

Initiative No. 130 places control of labor disputes in the hands of politicians and makes a political football out of bona fide disputes. In the past the unions have prevented a strike unless the dispute affects a majority of all of the employees and members of the union. The bill destroys discipline by the union over its members because it provides that any group of employees can have a dispute and only those employees can vote however small their minority may be. It thus permits a small group to shut down a plant where the majority are opposed. The Initiative places the decision in the hands of every County Auditor to determine who shall vote and he can refuse to permit anyone to vote. With this control over those voting, a politician can swing the election one way or another and in effect determines whether there will be a strike or not.

Initiative No. 130 recognizes only the employee status so that in such seasonal industries as grain producing, fruit and vegetable producing and processing, fishing and fish processing, where the season is short there is no opportunity for a determination of the conditions of employment based upon the price received for the products so that the seasonal employers will not know how many apples to pick or fish to catch because of uncertainty as to the labor cost.

WASHINGTON STATE FEDERATION
OF LABOR

By JAMES A. TAYLOR, *President.*