



LANDMARK DISAPPEARING—Another landmark all but disappears to progress as the famed San Francisco ferry building prepares to disappear from view as the Embarcadero Freeway work progresses. Despite a battle of those who want to preserve the historic landmark, this massive concrete structure all but blots the ferry building from view. —(UPI Telephoto)

Plugging Loopholes In T-H Act Seen As Aim of Congress

Editor's Note:—This is the third of four dispatches by the general counsel of the National Labor Relations Board explaining the new labor reform law. This dispatch deals with secondary boycotts.

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Distributed By UPI

Washington — UPI — Plugging loopholes in the "secondary boycott" provisions of the Taft-Hartley Act was clearly a major objective of Congress in adopting the new amendments.

This is one of the most complicated sections of the new law, but there is no doubt that major changes are made in what constitutes illegal secondary boycott by a union.

Tied closely to these changes is the board ban against "hot cargo" agreements.

The exact meaning of many parts of the new amendments must still be explored. The pioneering in this area falls upon the general counsel as the one designated by statute to prosecute unfair labor practices. But he can act only after a private party has filed formal charges.

In essence, the changes broaden the secondary boycott ban to outlaw almost any effort to embroil a neutral employer into a union's dispute with another employer. Under the law before the 1959 amendments, a union was forbidden only to urge employees at a neutral employer's place of business to take any kind of strike or boycott action because of a dispute with another employer—such as, for example, asking employees to refuse to handle goods that came from an employer the union had tabbed as "unfair."

Bans Boycott Appeals
The drafters of the new law made it clear in the congressional debates and reports that the new amendments were meant to outlaw in addition at least the following conduct:

1. Boycott appeals to an individual employee, or to railway workers, municipal and government employees and others outside the act's definition of employees.
2. Appeal to foremen and other supervisors to direct employees under them not to use or work on another employer's product or goods.
3. Secondary consumer picketing. The standard example of this is picketing before a retail store to urge customers of the store not to buy products of a manufacturer with which the union has a dispute.
4. Threats of picketing or other economic pressure on an employer in order to get him to refuse to do business with another employer.
5. The making of "hot cargo" agreements by an em-

ployer and a union. Under the old law, all these types of union conduct were held lawful.

Permits Publicity
The new amendments, however, specifically permit truthful union publicity about a labor dispute with an employer. This publicity does not include picketing at another employer's place of business, but it was said in the debates to include passing out handbills there. Radio and newspaper advertisements also were mentioned as permissible.

Such publicity may advise "the public, including consumers and members of a labor organization, that a product or products are produced by an employer with whom the labor organization has a primary dispute and are distributed by another employer." But the publicity may not interfere with the pickup or delivery of goods at the secondary employer's business by individuals other than employees of the employer involved in the primary dispute.

The new provision which is usually tagged as the ban on "hot cargo" clauses appears to go farther than that.

Makes Clause Illegal
The most common type of "hot cargo" or "hot goods" clause provides simply that employees will not be discharged or otherwise penalized for refusing to handle goods from an employer designated by the union as "unfair."

Congress apparently meant to make this type of clause void and illegal. And the actual words of the new law go on to forbid an employer and a union "to enter into any contract or agreement, express or implied" for the employer to boycott the products or services of any other employer. This would appear to outlaw not only oral or written agreements but also arrangements indicated only by what the parties do.

Exemptions from some of these provisions, however, are given the building and construction industry and the clothing and apparel industry.

Next: Votes for economic strikers and the "hot cargo" exemptions.

BLAST HITS HOSPITAL
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