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Comments

Suggested Citation

Gould, W. B., IV. (January 9, 1995). *William B. Gould IV, Chairman, National Labor Relations Board; Statement in response to Dunlop Commission Report*. Press release. Retrieved [insert date], from Cornell University, School of Industrial and Labor Relations site: http://digitalcommons.ilr.cornell.edu/key_workplace/465

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HOT TOPIC
"Future Worker-Management"

NATIONAL LABOR RELATIONS BOARD

WASHINGTON, D.C. 20570

FOR IMMEDIATE RELEASE
10:30 a.m., January 9, 1995

(R-2035)
202/273-1991

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WILLIAM B. GOULD IV
CHAIRMAN, NATIONAL LABOR RELATIONS BOARD
STATEMENT IN RESPONSE TO DUNLOP COMMISSION REPORT
JANUARY 9, 1995

I welcome the Report and Recommendations of the Commission on the Future of Worker-Management Relations (sometimes known as the Dunlop Commission) issued this day. My judgment is that the recommendations are both bold and balanced, pragmatic and constructive in their approach to the employment relationship and the development of labor policy during the coming years.

For most of my professional career -- and in my testimony to the Dunlop Commission on September 29, 1994 -- I have held the view that the promotion of a globally competitive economy is in no small means enhanced by: (l) a dialogue between employee and employer, labor and management, and employee involvement in all aspects of the firm; (2) the promotion of reforms which would allow unions to both organize and represent employees effectively and thus encourage the peaceable resolution of disputes both at the demand for recognition stage and in collective bargaining in its embryonic phases; (3) more effective dispute resolution systems in the employment relationship, particularly in the non-union sector where procedures have not been generally available; (4) more effective protection for contingent employees, who in some circumstances are the dispossessed in our society and economy.

The constant theme which runs through the Dunlop Commission Report is the promotion of dialogue and cooperation in lieu of conflict and wasteful litigation. I welcome and concur in that approach. Indeed, at the National Labor Relations Board we have explicitly implemented one of the Dunlop Commission recommendations i.e., that administrative agencies should promote alternative dispute resolution in connection with complaints that would otherwise have to be litigated before the agency, by adopting a rule effective February 1, providing for settlement judges who will have the authority to conciliate or meditate and more informal means to resolve disputes where that proves to be necessary.

It is, of course, impossible and inappropriate to predict the course of future Board decisions. In some instances, as I suggested on September 29, the way is open for the Board itself to institute reforms within the confines of interpretations of existing law. In some instances, such as the report's recommendation which would reverse the 1992 Lechmere decision excluding union organizers from private property, it will be necessary for Congress to intervene through legislation since only Congress can reverse Supreme Court interpretations of the Act.

But the overriding theme of Dunlop in all of these areas is a constructive one. I welcome the discussion of the agency's problems and the difficulties involved in the effective administration of the Act and commit myself to press ahead to interpret the statute in a proper manner. I look forward to a dialogue with both the executive and legislative branches about ways in which the law should be reshaped by Congress.

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