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Symposium: Workers' Rights and the New Technologies

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Abstract

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KEYWORDS: workers, rights, technologies

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Introduction

That technology is a pervasive aspect of modern society is one of the commonplaces of the day. Since the first Industrial Revolution less than two centuries ago, technology has burgeoned and become the real metaphysic of the twentieth century. What Jacques Ellul called *technique*—which is different from and, indeed, far exceeds technology itself—characterizes much of modern life. The intellectual disciplines of economics and politics are no longer studied conceptually as political economy. Instead, they have been technicized. So, too, has law. Little of importance in the world does not depend in some measure on technology, even in its most restricted sense of man's mechanical means to his ends.

Theoretically at least, technology was a means to achieve certain human goals. Today, however, it has reversed the means-ends equation so as to become indifferent to all the traditional human ends and values by becoming an end-in-itself. Technological change is considered to be synonymous with progress, and the underlying assumption is that through some variation on Adam Smith's invisible hand the public good is furthered by uncontrolled new technologies. That deleterious second-order consequences of those technologies can and do have significant adverse effects is obvious. Consider, for example, the technology that produced the nuclear bomb, or those that create pollution, such as acid rain and toxic waste dumps.

Nowhere are the adverse consequences of new technologies more apparent and more directly felt by millions of Americans and hundreds of millions elsewhere than in the employment relation. Today, we are enjoined to accept the notion that an acceptable rate of unemployment is seven or eight percent of the work force. That may well be optimistic, as corporate managers ever increasingly employ new technologies—and replace human beings. Some tentative movements toward combating the adverse impacts of the new technologies have started, mainly in the labor unions. Government thus far has not responded, save to buy off some worker discontent through unemployment compensation programs and the like. And corporate management has single-mindedly pursued the bottom line of profit maximization, without

regard to the human costs involved. One response to the second Industrial Revolution, in which the United States is deeply immersed, has been developed by the International Association of Machinists (IAM): a workers' "Bill of Rights." It is set forth below, with an introduction by the editors of *democracy*, where it first appeared and who have kindly granted the *Nova Law Journal* permission to reprint it.

Copies of this workers' bill of rights were circulated to a number of knowledgeable observers, in law and economics, in political science and sociology, who were asked to respond and comment upon the IAM's proposal. This symposium, thus, is a contribution to the ongoing debate about the terminal sense of the loss of work itself that is being felt by so many who wish to have jobs and cannot, largely because of the advent of new technologies.

The Editors

Technology's Politics: International Association of Machinists

In the face of record unemployment, plant closings, and capital flight abroad, America's business and political elite repeat a by-now familiar refrain. To get American economic growth going again, they say, we need to invest in new technology and to develop programs to train the unemployed in the new skills needed by that technology. Critics have pointed to the paper entrepreneurialism of fast-profit-crazed U.S. managers as one sign of the bad faith embodied in these proposals, but it is not the only one.

In testimony before the Subcommittee on Economic Stabilization of the House Committee on Banking, Finance, and Urban Affairs in July 1981, William W. Winpisinger, President of the International Association of Machinists, pointed elsewhere: to the effects of the new technology on skilled labor. The search for short-term profits has dovetailed with labor-saving technology, but where machinists once operated and serviced their machines, the new technology has encouraged job fragmentation. Machinists have been replaced by low-skilled machine operators backed up by a relatively small number of specialized service people. Unemployment has been one result of the new technology, but another has been a lowering of the skill level of the average worker.

The government, in the view of the Machinists, has aided and abetted this process in two related ways. First, it has supported voca-

tional and technical school training, which most often takes the form of specialized training, rather than the more general training obtained through collective bargaining-based apprenticeship programs. Secondly, through efforts like the Department of Defense's "Partners in Preparedness" program, the government has promoted reindustrialization programs without the benefit of public involvement and without labor representation. The result has been reductions in health and safety regulations, increased corporate tax incentives, relaxed environmental restraints, and the encouragement of more labor-saving technology. A circle is thus created that excludes the interests of skilled labor.

The machinists have responded with a proposed Bill of Rights that would address the issues that are now shunted aside or ignored. The text of that document follows.

Proposed Bill of Rights

Congress hereby amends the National Labor Relations Act, Railway Labor Act, and other appropriate Acts to declare a national labor policy through a New Technology Bill of Rights:

I

New Technology shall be used in a way that creates jobs and promotes community-wide and national full employment.

II

Unit labor cost savings and labor productivity gains resulting from the use of new technology shall be shared with workers at the local enterprise level and shall not be permitted to accrue excessively or exclusively for the gain of capital, management, and shareholders.

Reduced work hours and increased leisure time made possible by new technology shall result in no loss of real income or decline in living standards for workers affected at the local enterprise level.

III

Local communities, the states, and the nation have a right to require employers to pay a replacement tax on all machinery, equipment, robots, and production systems that displace workers, cause unemployment and thereby decrease local, state, and federal revenues.

IV

New technology shall improve the conditions of work and shall enhance and expand the opportunities for knowledge, skills and compensation of workers. Displaced workers shall be entitled to training, retraining, and subsequent job placement or reemployment.

V

New Technology shall be used to develop and strengthen the U.S. industrial base, consistent with the Full Employment goal and national security requirements, before it is licensed or otherwise exported abroad.

VI

New technology shall be evaluated in terms of worker safety and health and shall not be destructive of the workplace environment, nor shall it be used at the expense of the community's natural environment.

VII

Workers, through their trade unions and bargaining units, shall have an absolute right to participate in all phases of management deliberations and decisions that lead or could lead to the introduction of new technology or the changing of the workplace system design, work processes, and procedures for doing work, including the shutdown or transfer of work, capital, plant, and equipment.

VII

Workers shall have the right to monitor control room centers and control stations and the new technology shall not be used to monitor, measure or otherwise control the work practices and work standards of individual workers, at the point of work.

IX

Storage of an individual worker's personal data and information file by the employer shall be tightly controlled and the collection and/or release and dissemination of information with respect to race, religious, or political activities and beliefs, records of physical and mental

health disorders and treatments, records of arrests and felony charges or convictions, information concerning sexual preferences and conduct, information concerning internal and private family matters, and information regarding an individual's financial condition or credit worthiness shall not be permitted, except in rare circumstances related to health, and then only after consultation with a family-or union-appointed physician, psychiatrist, or member of the clergy. The right of an individual worker to inspect his or her personal data file shall at all times be absolute and open.

X

When the New Technology is employed in the production of military goods and services, workers, through their trade union and bargaining agent, have a right to bargain with management over the establishment of Alternative Production Committees, which shall design ways to adopt that technology to socially useful production and products in the civilian sector of the economy.