

**Arbitration Award 03/19/1935**

Arbitration under Award of National Longshoremen's Board

I. Question Presented for Decision

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**ARBITRATION UNDER AWARD OF NATIONAL LONGSHOREMEN'S BOARD**

March 19, 1935

M. C. SLOSS

Arbitrator for Pacific Coast Ports

on Basic Questions

1300, One Eleven Sutter

San Francisco, California

In the Matter of )

)

INTERPRETATION OF )

AWARD OF NATIONAL )

LONGSHOREMEN'S BOARD )

)

RELATING TO STOPPAGE OF )

WORK.)

**AWARD OF ARBITRATOR FOR PACIFIC COAST PORTS**

M.C. Sloss

Arbitrator for Pacific Coast Ports

In the Matter of )

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INTERPRETATION OF )

AWARD OF NATIONAL )

LONGSHOREMEN'S BOARD )

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WORK.)

**I. QUESTION PRESENTED FOR DECISION**

The arbitrator is asked to interpret the Award of The National Longshoremen's Board, with respect to the right of longshoremen to refuse to work pending the disposition of controversies.

Substantially the same question was considered by me as local arbitrator for San Francisco Bay Ports in connection with a dispute over the number of cases of cocoanut [sic] which should constitute a sling-load. In an award, dated January 4, 1935, I ruled that: "Under the Arbitrators' Award of the National Longshoremen's Board the men are required to continue at work in the manner directed by the employer until any complaint that they may have regarding such manner of doing the work is adjudicated as provided in Sections 9 and 10 of the Arbitrators' Award".

It is now contended that a similar issue has arisen in other ports and that a coastwide ruling is called for.

The present award deals only with the interpretation of the Arbitrators' Award, so far as continuance of work pending the settlement of any controversy is concerned. I do not undertake to pass upon the merits of particular disputes that have, as is claimed, resulted in cessation of work at San Francisco Bay or other ports.

**II. DECISION AND AWARD**

I reaffirm the principle of the ruling of the local award, dated January 4, 1935, i.e., that Sections 9 and 10 of the Award of the National Longshoremen's Board, providing a method of adjusting or adjudicating controversies, necessarily contemplates that,

while this process of adjustment or adjudication is going on, the work of loading or unloading ships is to continue uninterruptedly, and that any attempt to enforce the contentions of either side by stoppage of work is contrary to the Award. As has been well stated by the Arbitrator for the Port of Los Angeles in an award recently made by him, the acceptance of the Award by the organizations of employers and employees "imposes upon the members of both organizations the obligation to refer all disputes over conditions of employment and interpretations of the Award to the joint Labor Relations Committee, and, failing agreement at that point, to submit the controversy to arbitration".

It is only fair to say that, so far as appears, the officers of the I.L.A. have accepted the interpretation expressed in the award of January 4, 1935, and have endeavored to secure compliance with it.

The foregoing interpretation does not mean that any individual may be compelled to work against his will. Each individual longshoreman has the right to refuse to work under conditions which do not suit him. This would be true, even if the Award did not specifically provide that the men "shall be free to select their jobs" (Award, Section 11(a)). But there is a plain distinction between individual cessation and an organized or collective stoppage of work. Such collective or combined stoppage is not consistent with an observance of the Award.

The collective quitting of work by a gang is not, in itself, a refusal on the part of the I.L.A., as an organization, to respect the Award. In the case of such quitting, it is the duty of the I.L.A. officials, upon the fact being called to their attention, promptly to induce the men to resume work or to furnish another gang so that the work may continue without interruption.

(Signed) M. C. SLOSS

Arbitrator for Pacific Coast Ports.

DATED:

March 19, 1935.