High Court Decision

Safety Rights Upheld

WASHINGTON — The Supreme Court ruled unanimously on February 26 that workers have the right, under limited circumstances, to refuse work they believe poses an immediate danger of death or serious injury.

The justices upheld a Labor Department regulation that forbids employers to make reprisals against workers who, lacking any "reasonable alternative," refuse in good faith to carry out hazardous assignments.

The regulation carries out Section 11(c) of the Occupational Safety and Health Act of 1970. The high court rejected the employer's arguments that the regulation exceeded the Labor Department's authority under the law.

OBJECTIVE OF LAW

Writing for the Court, Associate Justice Potter Stewart said: "The regulation clearly conforms to the fundamental objective of the act — to prevent occupational deaths and serious injuries."

He continued: "The act does not wait for an employee to die or become injured. It authorizes the promulgation of health and safety standards and the issuance of citations in the hope that these will act to prevent deaths or injuries from ever occurring. It would seem anomalous to construe an act so directed and constructed as prohibiting an employee, with no other reasonable alternative, the freedom to withdraw from a workplace environment that he reasonably believes is highly dangerous."

The case, Whirlpool Corp. v. Marshall, No. 76-1970, began with the refusal of two maintenance workers at a Whirlpool appliance plant in Marion, Ohio, to step onto a wire mesh screen 20 feet above the factory floor.

The screen was designed to keep objects on an overhead conveyor belt from falling into the work area. Maintenance workers had to walk on the screen in order to remove objects that had fallen onto it.

In the months before the two men refused their assignment, several workers had fallen through the screen, one to his death. The two employees had complained to the plant safety director about the screen and had also called the regional office of the Occupational Safety and Health Administration.

When they refused to step onto the screen, their foreman ordered them to leave the plant. They lost six hours' pay, or $25 each, and received written reprisals in their personnel files.

The Labor Department sued Whirlpool in Federal District Court. The trial judge agreed that the company had violated the regulation and that the workers had acted reasonably and in good faith. But the judge ruled for Whirlpool on the ground that the regulation itself was invalid, beyond the Labor Department's authority.

LIMITED IMPACT

As both the Government's brief and Justice Stewart's opinion emphasized, the rights given to workers under the regulation are fairly circumscribed.

The regulation carries out a section of general right to walk off the job because of potential danger at the work place. Ordinarily, a worker is expected to use the procedures set out in the Occupa-

The Jarvis II Sting

Toting their bags of groceries, a boy and his grandfather plod past a deserted playground. A decrepit city bus rattles by, bearing a sign — 'Fare, $2.'

Behind the chain-link fence looms a large boarded-up building and a flagless pole. "What's that?" asks the child. "They used to be called schools," says the woman, "before Jarvis II passed."

They tramp on, taking a short-cut through an overgrown park. The grandmother suddenly stops at the sight of a scorpion waiting in the path. She grabs the boy's arm and turns back, cursing the crawling scourge that has multiplied by the thousands since state health officials were laid off.

Farfetched? See pages 4-5
LA Leads the Way

Living in Los Angeles these days means nagging, or trying to cope, with the highest rate of inflation of any of the nation’s largest cities. A recent report from the Occupational Safety and Health Administration states that the highest rate of inflation is seen in Los Angeles. This is due to the cost of living, which includes rent, food, and transportation. The report was issued on Friday, April 18, Howard D. Samuel, president of the AFL-CIO Industrial Union Department, said that the rate in Los Angeles is 13.5%. The national rate is 10.8%.

Going for the Gold

Jack Blaze, a congressional candidate in Georgia’s Seventh District, has proposed that a Lisbon-surrounding area, from Mosul to the border with Iran, be used to house refugees from the depopulated area of Kuwait. The agreement reached between Israel, Egypt, and the U.S. has not resolved the basic issues in the Middle East—that of the Palestinian people and the return by Israel of the territories seized there. This area remains a danger to the region.

Utility English

The National Council of Teachers of English has presented its annual Distinguished Paper Award to the Metropolitan Edison Co., operator of the Three Mile Island nuclear plant, for coining such terms as “normal aberration” (reactor accident). The agreement reached between Israel, Egypt, and the U.S. has not resolved the basic issues in the Middle East—that of the Palestinian people and the return by Israel of the territories seized there. This area remains a danger to the region.

Secret Chemicals

The National Labor Relations Board will investigate labor unions that are trying to make use of what they call chemical weapons. The board was asked to arbitrate a recent 10-day labor dispute last year, up from 18,437 the year before.

Big Beef Year

The American Arbitration Association has notified 21, 000 workers in the beef industry who are working under the New England Journal of Medicine’s recommendations to which workers are exposed. These are the short-term effects; the problem is compounded with the government’s plan to open up the beef market to foreign countries. Women Hard Hats

Women hard hats don’t match federal goals. More construction jobs go to women, but a trade group says only 2% of the construction work force is female. The National Association of Women and the AFL-CIO Canadian Area View of World Crisis

The meeting, which will also be held in the Near East, and at the nation’s largest cities. Largely because of the high rate of inflation, the meeting will be held. Howard D. Samuel, president of the AFL-CIO Industrial Union Department, will hold the meeting.

Short Stuff

Save OSHA Meet

The third in a series of regional meetings, the Northeast meeting, at 11:30, a measure aimed at destroying the Occupational Safety and Health Act. Senator Richard Schuwalzer (D-R.I.). will be held at the Hyatt Regency Hotel in Los Angeles. The meeting will be held on Friday, April 18, Howard D. Samuel, president of the AFL-CIO Industrial Union Department, said that the meeting will be held.

The meeting, which will also be used to set up a permanent network to support OSHA if future attacks, will involve delegates from all western states.

A Canadian Area View of World Crisis

The following discussion of “The International Scene” is excerpted from the report of the officers’ report to the General Council of the ILWU Canadian Area. (See Dispatcher, March 7 for full report on their convention. It was adopted unanimously by the Convention delegates.

To say that we are living in troubled times is to stress the obvious. How has it been any different? With the arms race again surging forward, with the “Cold War” again heat- ing up, with the use of nuclear weapons around to destroy the world several times over and with an ever increasing number of fingers on the nuclear trigger, peace still remains the greatest single issue fac- ing mankind. Unless the arms race is halted, and armaments genuinely reduced by negotiations that protect the security of all concerned, we will never know whether by accident or design, be involved in a nuclear war from which there will be no return.

The decision of NATO, supported by the Clark government, to deploy 350 Persis- ting II and Cruise missiles in Europe will, as the Vancouver and District Labor Council pointed out last December, un- doubtedly lead to a “new escalation of the arms race and the danger of nuclear war.”

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Thinking About the Unthinkable

New York Times columnist Anthony Lewis wound a warning in his February 14 editorial titled “Thinking about the Unth- inkable.”

“As part of a general surge of hawkish- ness one can see a new trend to talk in a matter-of-fact way about the use of nuclear weapons.” Lewis said.

The general hawkswhiness Lewis re- ferred to includes continued debate over ratification of the SALT II arms limitation treaty, and President Carter’s intention to increase the military budget and reinstate draft registration.

The matter-of-fact talk about the use of nuclear weapons includes a recent De- fense Department study about the feasibil- ity of using nuclear weapons in the Middle East, and Republican Presidential candidate George Bush’s recent stress on the “use it or lose it” in a nuclear war.

As a reminder of what nuclear war really means, Lewis summarized a study in the New England Journal of Medicine illustrating what a nuclear war to Boston area. The study assumed a wea-

perth, the Shah had the backing and sup- port of many in U.S. in economic aid and other concessions to U.S. corporations.

The anti-U.S. feeling was brought to the fore again when the students seized the U.S. Embassy and held its staff hos- tage. The U.S.-Iranian conflict is, accord- ing to the Secretary-General of the United Nations, as dangerous potentially as the U.S.-Cuban missile crisis of 1962.

The Iranian students’ action is a viola- tion of internationally accepted standards of conduct among nations. While their de- mand that the U.S. return the Shah as a criminal who must stand trial is under- standable, holding U.S. Embassy hostages is not the method to redress this grievance, and the U.L.W.U. endorses the resis- tation adopted by the United Nations in condemning the Iranian government’s action.

A NEW COLD WAR

As of the writing of this report, it is our feeling that because of the Soviet invasion of Afghanistan and the reactions of the United States, we now have a “Cold War,” as cold as at any time in the 1950’s. The current situation in the Middle East and in Afghanistan in particular, has the potential of backing us into a full scale “HOT” war.

The problem is compounded with the two political leaders of Canada and the United States, both fighting an uphill elec- tion battle this year. It is hard to distin- guish between political rhetoric used sole-ly to get votes, and real anti-imperialist, anti-peace in the Middle East.

It is not our intention in this report to argue the merits of whether the “invasion” was right or wrong, because that argument becomes irrelevant when 60,000 political opposi- on trial of the nuclear accident.

"One of the most serious post-attack public health problems is disposal of the dead. The presence of more than 2.2 million bodies will pose a continuing and serious problem for the health of the sur- vivors.”

Concluding his column, Lewis warned against “hysterical” militarism and added, “least justifiable of all is easy talk about ‘survivability’ in a nuclear war.”

Be it resolved that the conference rec- ommend that the National Farmers’ Union and the Canadian Labour Congress Grains Committee urge the Canadian Wheat Board to continue market opportunities, and

NO GRAIN BOYCOTT

In regard to President Carter’s call (and Clark’s echo) for a grain boycott to the Soviet Union, the L.U.W., along with the C.L.C. Grain Handling Committee and the National Farmers’ Union, have adopt- ed the following position:

"Be it resolved that this conference rec- ommend that the National Farmers’ Union and the Canadian Labour Congress Grains Committee urge the Canadian Wheat Board to continue aggressively pursuing any potential grain market opportunities, and

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Local 142 Wins Dole Can Pact

HONOLULU — A two-year contract, which provides wage boosts of $1.10 to $1.43 in pay raises, while unclassified journeymen will receive from $1.84 to $2.01.

A grade 1 worker's wages, for example, will increase from $5.70 to $6.89 during the life of the agreement — 50 cents February 1, 1980 and 55 cents in February 1, 1981 — while a journeyman "A" skilled trained worker will get the current $9.005 to $11.015 within the two-year period — $1.005 each on February 1, 1980, $1.005, making him the top paid worker.

The following additional gains were won:

• A five cents hourly hike in night work premium.
• An additional paid holiday in 1981.
• The vacation section is improved as follows: (a) may be taken in two periods of at least one week per period and re-qualification of part periods will be considered; (b) a new method of computing vacations gives intermittent workers a break.
• The dental plan is amended to provide 100 percent payment of diagnostic and preventive services and palliative treatment, as provided in the present plan, starting January 1, 1981.
• Other improvements and "housekeeping" changes in the contract involves sick leave, leaves of absence, separation allowances, continuous and uninterrupted leave, and a system whereby the employees are responsible for keeping their own hours.

As this issue of The Dispatcher goes to press, negotiations have resumed with the company to come to an agreement on a contract.

Office Workers Strike for First Pact

SAN FRANCISCO — In a struggle to win their first union contract, 30 ILWU Local 26 office workers struck the Transpacific Transportation Company on March 26 and set up two picket lines, one of which shut down Pier 27 for the entire morning until an arbitrator declared that the pickets weren't bona fide under the ILWU-Pacific Maritime Association agreement.

Before the ruling was announced, however, ILWU longshoremen stayed off the job and no trucks crossed the line. The targeted firm at Pier 27 was the Pacific Orient Transport Company. PPTCO is partly owned by the giant Nedloyd Corporation, which owns the controlling interest in Transpacific.

Still in force is the picket line in front of Transpacific's headquarters at 60 California Street.

Big Back Pay Wins For Local 17 Members

SACRAMENTO — ILWU Local 17 member Hector Islas took a few days off on short notice last June to care for his sick 4-year-old son, little suspecting that it might cost him his job as a warehouseman at S. E. Rykoff. He had been unable to contact his foreman, but left word with the company secretary and with his shop steward that he would be out.

After his son recovered, however, and Islas prepared to go to work, he discovered that he had been fired. The company had during the space of one week, sent three warning letters to his home in accordance with a contract provision that three such letters are necessary before suspension or discharge. Then they owned him, on the basis that he had failed to follow the house rule which required notification of the foreman.

ARBITRATION HELD

In an arbitration held in November, 1979, the committee argued that it had fully complied with the contractual provisions to discharge. The union, represented by Local 17 President Orin Brandon and attorney Richard Patsey, argued that Islas had made a good faith effort to inform management of his absence by contacting the steward and that at least one of the warning letters were inappropriate issued.

The result: A back pay award of more than $14,000, full seniority and fringe benefits, handed down late last month by arbitrator Robert Le Prieur.

SAFETY CASE

In a case before Arbitrator Charles Crofter, President of Law at UC, Davis, Local 17 member Dennis James was awarded immediate reinstatement at the Safeway Stores warehouse in Sacramento with full back pay to October 1, 1979.

James was off of work for nearly two years as a result of a knee injury suffered at work. Under contract language providing that an employee's seniority is terminated if he is unemployed for more than 12 months, James was denied reemployment when he was fully recovered from the injury.

In his Award, the Arbitrator pointed out: "The general term 'unemployed' should not be construed to cover the period of time when an employee is absent from work due to an occupational disability...The term 'unemployed' usually encompasses individuals who are out of work but still able and willing to work. Disabled employees do not fall within that category.

FAST WORK

This was the first arbitration held under the new Fast Work processing provided in last year's contract settlement. Under that clause, neither the company nor union can arbitrate, there is no transcript of the hearing, and the arbitrator must make his decision not later than 3 days after the grievance is heard.

Local 17 was represented by International Research Director Barry Silverman, assisted by Local 17 President Orin Brandon.
**Breakthrough**

SAN FRANCISCO - A breakthrough Financial District organizing victory for law suit against Local 6.)

and Local 6 Business Agent Al Lannon distributed a special "Menu" along with is pending.)

Garrett be reinstated. (The Savings & Best Pact Ever

clerical workers at Dunhill of London, asand Local 6 over Proposition 13, the Jarvis-Gann property tax (which forced lay off administrative officials two years ago. It'll get worse, they say when and if Jarvis II, also known as "Jaws II," are not sure of passage.

Scorpions aside, however, opponents of Jarvis' new scheme charge that it is an "ill-timed" proposal which will provide a windfall for the wealthy, while it devestates the state's school and park systems, plunges public transportation, and oppresses the poor, aged and mentally ill. But Jarvis II supporters push-poo this picture of fiscal and social chaos. They point to the apparent agreement and action and ask, "Isn't it about time we started to oc

Jarvis strongly contests the validity of these projections, dismissing them as a "misinformed public," and attributing them to his opponent's pre-Proposition 13 warnings of a governmental apocalypse that has yet to occur. He contends that because of a combina-

tion of relative factors, Jarvis II will increase government reve-

ues. Jarvis argues, for example, that the production of oil on oil lands will offset his proposed tax cuts. Unfortunately, his projections are based on all prices increasing so rapidly that we will never see the economic trouble even if we ever realized those revenues. Besides, even at the highest estimate of inflation, the state will lose $30 billion in the next decade if Proposition 9 is approved.

BARE FACTS

But here, according to the state's Legis-

lative Analyst, are the bare facts about Proposition 9:

It's a proposed constitutional amend-

ment that would cut the state's income tax in half on a permanent basis. It also permanently eliminates the income tax on business in-

flation, and eliminates the business in-

ventory-taxes and two which have al-

ready been added recently. The Com-

missions will receive no tax reduction. Proposition 9's first year would be an initial $4.9 billion reduction of state tax revenues this fiscal year -- which is more than twice the budget deficit, or $4.32 billion next year.

The entire revenue loss would be ab-

sorbed by the state's general fund, which supports virtually all state agencies and services. About 80% of that fund is spent through locally administered programs such as education and health and welfare services.

Budget figures suggest that if all state-

level employees were fired and all state run facilities such as universities, prisons and mental hospitals closed, the savings would still not offset other revenue losses from Proposition 9, says State Senator Albert Henning, Executive Officer of the Califor-

Those potential cuts come at a time when local government officials and school districts are especially vulnerable to any funding loss. The state came to their rescue after the passage of Proposition 13, and appropriated money from its large surplus to help them survive the $7 billion revenue loss.

Three-fourths of these bail-out funds are already being appropriated for temporary school districts around the state. The surplus is running out, however, and a crisis situation is pending. Meanwhile, state and local government is scheduled to arrive about this time next year. The surplus will be eliminated by any additional largesse brought on by Jarvis II.

The more proper of yet another budget crisis in the state's economic future in these dire times, the state's surplus is uncertain. There is no agreement among state legislators as to what programs should be cut. And measures designed to ease the pain of the initiative are not sure of passage.

Several high-income communities will undoubtedly vote in bond measures to ensure police and fire protection or other services, as they did after Proposition 13. But here, according to the state's Legis-

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nia Labor Federation.

Henning also says its passage would:
• Cause drastic cutbacks in Cal/OSHA safety inspections;
• Seriously weaken, perhaps kill, the state's Division of Apprenticeship standards;
• Dictate sharp reduction in state-financed construction projects;
• Force big cutbacks in the California Labor Commissioner's office, at the same time thwarting good enforcement of state labor laws;
• Lead to tuition at the state colleges and the University of California and tend to make these public institutions into private preserves of the wealthy.

When school what will happen to education in the state if Proposition 9 passes, Jarvis answered: "Nothing." It would probably be safe to say that every school administrator in the state disagrees with him.

Proposition 9 "has nothing in it for anybody" except the federal tax collector, said University of California President David Saxen. "I believe Mr. Jarvis is reckless about the well-being of the state of California.

Glenn Dumke, Chancellor of the California State University and Colleges system, has warned that Proposition 9 would force increases in student fees to $1,000 a year, result in layoffs of 7,000 employees, increase the faculty workload, close campuses and possibly exclude some students from admission.

ALTERNATIVE

Nevertheless, many voters seem to feel like Lieutenant Governor Mike Caro, that Proposition 9 is the only ballgame in town and it will do until someone comes up with a better idea.

There is an alternative, the Tax Simplicity Act stated for the November ballot. It will provide a tax cut for 96% of California's income taxpayers averaging $330 by closing loopholes and raising the income tax rate for corporations.

The Tax Simplicity Act also simplifies the personal income tax by eliminating virtually all exemptions, credits and deductions in favor of larger "zero brackets" and more equally balances the tax burden between individual taxpayers and corporations.

The Act exempts from taxation the first $20,000 of income for couples ($10,000 for single people). Above these "zero brackets" and more equitably balances the tax burden between individual taxpayers and corporations.

The "California Tax Simplicity Act," sponsored by the California Reform Association, would therefore reverse the Jarvis II or Proposition 9 approach in the following respects:

• by raising more state tax revenue from households with $20,000 and more in income; and
• by reducing or eliminating altogether the tax burden of households with $20,000 or less in income; and
• by increasing corporate income taxes.

The CTRA initiative not only provides greater tax relief than Jarvis II, but it is also a more significant tax reform measure, which Jarvis II is not.

Jarvis II is getting all the current attention because it comes to a vote first. But passage of Jarvis II in June would render the CTRA "Tax Simplicity" initiative meaningless next November.

Therefore, if California voters are to have the chance to opt for more responsible tax reform, which would give more economic benefit to the majority of voters, then it becomes essential to understand more about what people expect from a major change in the state tax policy — and whether they really want to get it by voting for Jarvis II.

WASHINGTO — The Occupational Safety and Health Administration recently announced the new effective date — March 27 — for its cotton dust standard.

Other start-up dates also were announced, which will affect many of the approximately 1,200 ILWU cotton workers in California's San Joaquin Valley.

As originally promulgated, the standard was to become effective September 4, 1978. It set permissible worker exposure limits at 250 micrograms of lint-free respirable cotton dust (per cubic meter of air averaged over eight hours) for yarn manufacturing processor, 750 micrograms for spinning and weaving; and 500 micrograms for non-textile industries.

But before any of the provisions became effective, the entire standard was stayed by the DC Circuit Court pending judicial review.

Last October 24, the Court upheld the validity of the standard, except as it applied to the cotton gin industry, but allowed time for the parties involved to pursue appeals and to show cause why the stay should not be lifted. Then on January 11, the court denied motions for rehearing, and for continuation of the stay. Key new dates include:

• June 27, 1980, for completion of initial education and training for all employees, and for establishment and implementation of a written program of work practices to minimize cotton dust exposure.

• September 27, 1980, for completion of initial monitoring for cotton dust present in workplaces, and for provision of any dust respirator, including single use, to all employees exposed to cotton dust unless the employer has conducted required monitoring and appropriate selection of a respirator.

• March 27, 1981, for completion of medical surveillance, and for establishment and implementation of a written program of work practices to minimize cotton dust exposure.

An ILWU Local 2 shipscaler inspects a pump being demonstrated by one of the instructors at safety school sponsored by Shipscalers Contractors Assn.

Shipscallers Sharpen Up on Safety

MARTINEZ — In fulfillment of an important demand on their previous contract, 17 members of ILWU Shipscalers Local 2 in San Francisco attended the first employer-sponsored training session March 4 in Martinez.

The theme of the all-day session was to acquaint members with safe methods of operation and maintenance of the equipment they work with, specifically pumps and boilers.

Local 2 President Bob Edwards: "We plan to have more of them to sharpen up the finer points of shipping."

The trainees, who weren't paid for their time, included foremen, stewards and other interested members. The session was sponsored by the Shipscalers Contractors Association.

New OSHA Date for Rim Standard

Under the standard, for example, a tire must be placed in a cage-like restraining device whenever it is to be inflated over three pounds per square inch. The device must be checked for cracks, corrosion and worn out components before each day's use.

At the same time, the standard will cover workers who dismantle and assemble wheel rim cons of two or more parts, one of which is a side or locking ring. This includes ILWU longshore maintenance gearlocken men and tire recap workers in Hawaii Local 142.

It's estimated that the average size truck tire fully inflated exerts a force of more than 40,000 pounds against the rim flange. Should the rim separate from the rim expan- sion can hurl a 215 pound worker ten feet into the air.

The standard requires that employers train all workers who service multi-piece rim wheels. The training must cover the correct procedures for mounting, demounting and all related services and activities; and the correct safety procedures for the rim type being serviced; and the employer's operating procedures. Afterward, each worker must demonstrate his ability to follow the proper safety procedures.

OSHA's Cotton Standard in Effect

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Due to various legal challenges and exemptions, the new dates do not apply to the standard as it affects the cotton gin industry, users of cotton batting, the cottonseed oil industry, and the cotton ginning industry.
Local 10 Man Heads Northern Cal ILWU-PMA Alcoholism Program

SAN FRANCISCO — ILWU Local 10 longshoreman George Cobb has been appointed superior court judge of the Northern California Substance Abuse Rehabilitation Program established under the ILWU-Pacific Maritime Association for association benefit plan.

The program will aid ILWU members in all ports from Eureka to San Francisco who are victims of alcoholism or drug abuse. Cobb is already working with three volunteer coordinators, and says he soon expects to have a total of 12 ILWU volunteers to help service the area.

The program will stress early intervention and offer referral services, as well as gather and spread information through workshops and stews' councils.

"Alcoholism rehabilitation is a totally new area in the union," said Cobb "We have to make the effort and begin now."

Cobb has an office at the Local 10 hall at 400 North Point, and he plans to open the office away from the union headquarters to ensure confidentiality and provide better environment for counseling. The office phone number is (415) 779-8383.

UNFULLY TRAINED

Cobb, a recovering alcoholic and a 15-year veteran of the waterfront, is now committed to a one-year training and internship with the California Department of Labor Alcoholism Program.

In 1977, he attended the University of San Francisco Alcoholism Rehabilitation Institute at Local 10 expense. The Local and the PMA then applied to the Department of Labor for funds to establish an alcoholism program. But the request wasn't approved due to the small membership.

However, Local 10's attempt to provide alcoholism treatment so impressed the Treasury of the Benefit Funds that it led to the appointment of Cobb to the Department of Labor.

The new Northern California ILWU-PMA alcoholism rehabilitation program is also the result of the steady efforts of Coast militant attorney Richard L. Patsey and President Ed Wyn, who offered the three-year experience for such a needed program not provided for in the contract.

W. L. Patterson, 89

William L. Patterson, who won the title, "Mother of Human Rights" for his lifelong leadership of mass struggles in defense of the victims of political and racist repression died March 12, 1980, at 89 years old.

Internationally renowned for his 17-year victory in the fight for human and constitutional rights of Black Americans, Patterson received additional acclaim as the leader of a petition to the United Nations, sanctioning genocide against the Afro-American population.

As national executive secretary of the Civil Rights Congress, he also organized and directed the defense of other victims of racist frame-ups, including Willa Mae Gee, Rosa Lee Ingram, the "Trenton Six" and others.

His activities brought into national and international focus great struggles of Black people, the human and constitutional rights of Black Americans. These included exclusion from juries, the widespread use of the charge of rape of white women to obtain automatic convictions and death sentences, and discriminatory police behavior against Afro-American communities.

Survived by wife, private. A memorial tribute is being planned.

George W. Gates

COTATI — George W. Gates, a veteran longshoreman with service on the docks going back to the days of World War I, died last month in this San Francisco suburb. He was 85 years old. He retired in 1955 and was active in the formation of the ILWU in the early days.

Everead Drawings

PORTLAND — Reproductions of pen and ink drawings by the late Everett Ede are available for $3 each, or in sets of $5. Also available are reproductions of the last four Catholic popes, a $10 set. Six other sketchers portray boat scenes and fishermen.

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"We have sold quite a number of these," said Joe Lindsay, "and we are sorry to see him go."

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ILWU Tells Congress:
Contracts Should Be Free from FMC Jurisdiction

WASHINGTON, DC — The ILWU has put its support behind federal legislation to exempt collective bargaining agreements from the jurisdiction of the Federal Maritime Commission.

The legislation (HR 6165) is necessary, because of a recent split decision by the US Supreme Court in the Jones Act case of 1916 that requires such contracts must be filed and approved by the commission.

"The Union and the employers with whom we deal are aware of the fact that there has been only one industry-wide strike in our jurisdiction since 1943," ILWU President Fred Toleman said in a statement submitted to the House Committee on Merchant Marine and Fisheries. "We fear, however, that the recent decision of the Supreme Court threatens to disrupt the relationships and stability in bargaining we have struggled to achieve."

In a statement of the court decision, Herman said, would be like "using a sledge hammer to fix a watch." It would create "needless uncertainty and delay" in the collective bargaining process.

Herman said a statement by the commission itself that the delays involved "have a potential for disrupting the collective bargaining process to a considerable extent. The clear pattern of collective bargaining in the maritime industry is immediately applicable that it is once a settlement has been reached that the implementation of the filing requirement could cause delay in the bargaining process, hence implementation filing requirement could cause delay in the bargaining process, hence the decision of the court."

The referendum ballot on officers of the local union of the ILWU, which follows nominations at the Canadian Union Convention, is by mail. Ballots are to be mailed no later than May 25, 1980. The following positions are open: secretaries-treasurer, dispatcher, two representatives of any group of members, a representative of the RMC committee and the RMC committee.

Local 94, Wilmington
This Foremen's union elected Jim North as president last month. Vice president is Sylvester Kahlau, secretary, and Robert Hoke, treasurer. The council's decision of the president and chairman of the ILWU's Legislative Committee, urged each member to write to his or her congressman or senator, to advise President Carter, and protest the balancing of the Carter's proposed 'cold-war' budget by cutting the already meager budget for food, housing, medical care and fuel of the elderly, which many experts believe will be a lot less than you expect it to be.

"It is true that the greatest danger to our social security system is the way that we will be going to be sold to the elderly. We are looking to Washington know that the organized pensioners' movement is going to have to do more to educate ourselves to benefit on a continuing basis.

"We are not pleading for kindness or charity," Burke declared. "We paid for our social security benefits by taxes taken out of our wages every working hour of our lives since 1935. And we now demand that the government honor its contract with the elderly.

Local 10 Pensioners Improve Services

Local 10, San Francisco, the ILWU Pension Trustee. The Trustee, who has remained steadily at $8 per month, and with the added benefit of three pints of blood, Donlin says.

"Weeping Waters' Pension News"
As this issue of The Dispatcher goes to press, the positive fall-out from the March 1 Los Angeles - Long Beach Harbor Labor Unity parade is still coming down. (See Dispatcher, March 7.) Shortly after the parade, for example, Harbor Labor Coalition representatives met with the Los Angeles County Central Labor Council to successfully iron out difficulties over respect for QCAC picket lines. In addition, future “unity events” are planned. These additional photos, showing the broad participation in the parade, were developed too late for the March 7 issue. Center photo shows former International Board member L. E. “Chick” Loveridge, Local 13 President Lou Loveridge and International President Jim Herman addressing enthusiastic rally at Local 13 Headquarters at march’s conclusion.

Workers’ Safety Rights Upheld By High Court

Continued from Page 1—

I.

By High Court

Rights Upheld

Workers’ Safety

“is a question not now before us.”

Stewart said that the placement of the

sought from his employer, and been un-

able to obtain, a correction of the danger-

the Union, and has enacted

log sorting yard in this area last

The court did not address the question

of whether the employees must receive

injury and that there is insufficient time,

tion forbids employers from discriminat-

ing against any such employee. Justice

definitely become a part

to work with those wonderful brothers

and St. Peter invites me in

I’ll ask if it is possible

to refuse an assignment only when “a

reasonable person would conclude that

there is a real danger of death or serious

injury and that there is insufficient time,

due to the urgency of the situation, to

eliminate the danger through resort to

statutory enforcement channels.” The reg-

ulation also requires the employee to “have

sought from his employer, and been un-

able to obtain, a correction of the danger-

ous condition.”

The court did not address the question of

whether the employees must receive pay for the work they refuse. The regulation

forbids employers from discriminat-

ing against any such employee. Justice

Stewart said that the placement of the

written regrets in the Whilpool workers’

files constituted the prohibited dis-

crimination. Whether withholding pay is also forbidden by the regulation, he said,

“is a question not now before us.”

ILWU Files Charges

Against Company

CENTRAL FERRY: We — The North-

west Regional Office has filed new unfair

labor charges with the National Labor

Relations Board against Western Grain

Exchange, a wholly-owned subsidiary of

Marubeni-America, headquartered in Port-

land.

The Japanese multinational also man-

ages the former Cook elevator in Portland.

The Central Ferry workers were organ-

ized some time ago by the ILWU North-

west Regional Office. They belong to a

unit of Local 40 and were scheduled to

vote in an NLRB election November 20,

but the firm demanded a “review” of the

Board’s decision to hold one. (See January 4 Dispatcher.)

The new charges against Western Grain

Exchange are based on:

• The fact that the company has laid

off and refused to rehire workers, denied

holiday pay to employees and reduced

hours of employment because the em-

ployees engaged in union activities.

• Since on or about March 17, the em-

ployer has failed and refused to meet

and bargain with the Union and has en-

gaged in bad faith bargaining and other

discriminatory activities.

• On or about February 5 the Union

requested information regarding em-

ployee vacation time, “said information

being relevant to contract negotiations

and working conditions in the unit, but

the employer failed to and refused to supply

said information.

New Local 75 ‘A’ Members

SAN FRANCISCO — Members of ILWU

watchmen’s Local 75 voted last month

to promote the following workers to “A”

status. They are, Raymond Defanti and

Ronald Defanti, stevedores at APL; Nadine

Martin, hall; and John David Paradelo,

a steady at Matson. The new members

will be sworn in at the Local 75 general

meeting on April 9.

Log Yard Vote

PORT ANGELES — Log sorting yard

workers at Peninsula Timber are slated to

vote on ILWU affiliation, in an NLRB

election April 10. Ten employees are in-

volved, according to NW Regional Office.

A first contract covering sensational pay

increases was negotiated for employees of

another log sorting yard in this area last

year. (See Dispatcher November 2.) They

belong to a unit of Local 35.

Logs in Portland

PORTLAND — Portland is usually

thought of as a log port. But last year

265,624 tons of logs were loaded here.

The importance of logs as a cargo item

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