

National Academy of Arbitrators  
HISTORY COMMITTEE INTERVIEW

Frances Bairstow

NAA Vice President, 1986 and 1987

Interviewed by Joyce Najita

May 6, 1994

TRANSCRIPTION

FRANCES BAIF.STOW INTERVIEW

tyf - . - . > ft 100/1

Minneapolis, MN

NAJITA: This is the interview with Frances Hairstow, in Minneapolis, Minnesota. We'll begin with a question dealing with your personal background and work through that list and into the specialty area that you're noted for, which is your Canadian experience.

BA IF: STOW: I was born in Racine, Wisconsin, in 1920, and I grew up in Racine, went to the University of Wisconsin, and there fell under the influence of professors of economics and labor relations such as Selig Perlman, Edwin Witte, Elizabeth Brandeis. The University of Wisconsin at that time was a very interesting place in the sense that not only did you go to the classes and learn the theory, but you learned the practice. These professors were heavily involved in the legislative accomplishments and excitement of the time. My period was '39 to '42, at the university. That's when Ed Witte helped frame the Social Security Act. Most of my professors were appointees of President Roosevelt. Elizabeth Brandeis was the daughter of the great Supreme Court Justice, Louis Brandeis. She was married to a man named Paul Raasohenbusoh, who wrote the first Workmen's Compensation Act, in the United States for Wisconsin. These people also wrote unemployment insurance legislation. They talked about not only what was in these acts, but the struggle to get them passed. It was a peculiar experience

to learn that the AFL (there was no AFL-CIO at the time) was opposed to the U.S. Social Security Act, They were afraid legislation would detract from union organisation. In addition to the fact that we students turned on by such teachers, they preached--and I'm using the word advisedly-- they preached, quote, "the Wisconsin Idea." What is the "Wisconsin Idea?" This is, namely, the students owe an obligation to the community which has given them the opportunity to be educated. Students are to go out and serve the community, not just worry about a career and making money. As a privileged group, students have an obligation. There is an inscription on the monument of Abraham Lincoln on the campus of University of Wisconsin. It says something like--I may not have it exact--"The borders of the university are the borders of the state and the borders of the world." In other words, you are a part of the community, and you are to make a contribution. That lesson must have been taken seriously, because so many students who came out of the University of Wisconsin became part of the legislative and labor relations world and stayed in contact with one another. Ed Witte really was so extraordinary, not only as a teacher, but as a human being. He would attend the IRRA meetings, or American Economic Association meetings, and rush around with a sign, saying "Wisconsin breakfast, 8:00 in the morning," at such and such a place. And he'd go around the table and say, "Do you have a job? What kind of job are you looking for? I know

somebody who's working for that kind of person," or "Are you hiring people? I know a student who would be ideal for you.." He was the most active proponent of following through with students, and seeing that they were placed. It would be hard to emerge from that environment without being turned on by it. That sense of wanting to be involved has never left me.

NAJITA: Why did you go into industrial relations?

BAI P. STOW: It was not a foreign field. My father was a chapel chairman of the ITU, the International Typographical Union, and he was very active in the union movement so I heard a lot about unions at home. The ITU had this tremendous democratic structure; it was the only union I know that had 2 parties (Progressive and Independent). Each party had a newspaper. One time one group would be in, and then the other would publish critical stories about them. Then the other group would come in, and then reverse the process. But not only was this unusual in the union movement, several things happened in that period. One, they had a total referendum on union ballots at the workplace. Instead of balloting at meetings, they held elections right at the place of work. So they'd get something like a 37 percent return in their union elections. The ITU was the only member of the AFL that fought the imposition of per capita assessments, a penny a member a month, levied to fight the development of the CIO. The ITU was the only union that objected to spending union money to fight

development of the CIO. The ITU policy was to encourage all types of unionisation, rather than beating down the development of the CIO. The ITU said "Mo, this is wrong."

Our father was active politically in the Wisconsin Socialist Party. He was a member of the Milwaukee group, the same group that spawned Goldo-Meier, who was then a schoolteacher in Milwaukee. She was a very active member of my father's group. I met her in 1912, and I talked to her about how my father used to talk about her. He'd come back and he'd say, "There was this smart schoolteacher at the meeting. She's so smart, and she's a woman!" He used to say things like that. So I told her about it, and she asked me what his name was. She smiled all over, and she says "Oh yes, then we are friends already." I thought she was just saying that, to be polite, that she really didn't remember. But then she used his, original Russian name. I knew then that she had made the connection. I told this to Gideon Ben Israel, who at the time was at the Histadrut. I said "She says she remembers him, but I don't really think so." And he said "Frances, she remembers better what happened 40 years ago than she remembers what happened last week." I still didn't believe it until I read her autobiography-- "Golda." In her book, she remembers the street she played on in Milwaukee when she was 10 years old. She remembers the names of her girlfriends. She had this incredible mind, a memory for detail. Those are my beginning. I wanted to manor in something to do with labor or labor relations. I

really didn't know anything about ^ arbitrators. I didn't know what an arbitrator was or did at that time. I didn't have a very clear idea of where a major in labor relations would take me. In fact I probably thought I'd get a job working for a union. That appealed to me. When I got my bachelors in 1942, I got married to a student I met there. We moved to Chicago because of his job. My first 30b was rather weird when you think of it now, I was Industrial Secretary for the Chicago YWCA. There was a very active pro-labor person in the Chicago YWCA named Annette Dieckman; I worked for her. We had no philosophical problem, we were on the same wavelength. My work included teaching classes in the stockyards to women industrial workers. I helped them with their problems—their children's problems, their workplace problems, their adoption problems., about which I knew nothing. But I had to learn. I had to find out where they could get help, where they could get money, where they could get shoes, where they could get a doctor, etc. Then would listen to them talk about how difficult it was to raise children and how hard it was working in the stockyards and their terrible work such as tearing chickens apart. I was doing okay in that 30b and could have continued, but then along came an organisation called the War Labor Board. This was 1943. All the people I knew at Wisconsin who were teaching courses such as government, statistics and labor economics were part of the War Labor Board. When they knew I was in Chicago, they invited me to join them. There was

such a shortage of people who had majored in labor economics, people who knew anything about how wages were arrived at and about working conditions., etc. It was a tremendously exciting job to work for the Chicago WLB. The chairman of the board was Ed Warren from California, UCLA. I met a lot of wonderful people there. I started as a wage analyst. Then I was put into the disputes section. There were many strikes going on and considerable industrial turmoil. Any one of us who had acquired skills as a wage analyst got thrown into some of the most demanding, horrendous, national problems. You heard that in both fireside chats, Ben Aaron's and Bob Fleming's. They talked about the point that struck us all at the time. We were so young and yet were given these tremendous responsibilities that we took very seriously. We worked very hard.

•Just before the war ended in 1945, my husband who was a biochemist at Swift and Company, got an offer of a wonderful job in Louisville, Kentucky, as chief chemist of a food company. I had to reluctantly leave the Board. The War Labor Board ended almost as soon as the war was over. And so I went off to Louisville with him, and I looked around there for something to do.

While I was at the University of Wisconsin, I worked as secretary in the School for Workers for several years. I "helped with all the summer resident courses. I met most of the active union leaders of the time. This experience turned me on to the importance of labor education. When I

was in Kentucky people told me I was nuts. This was "the south." The unions will never have labor education programs. However, some of those local union leaders had gone to the School for Workers at Wisconsin and were impressed by the need for more education. They were keen to have a local program. I was in the right place at the right time. The idea of a woman in this job was not too popular at that time. But there wasn't anybody else with qualifications who would work for so little money. So we set up a worker's education center in a kind of run-down facility in downtown Louisville. Each of the 10 unions paid in \$10.00 dollars a month to get it started. We paid very little rent. I started shop steward training classes. At the end of the war, and shortly afterwards, the unions ran into terrible difficulties in negotiating wage increases because of government limitations. They had very little experience in getting their cases approved by the government under the restrictions. When they found out I had these skills, and knew how to prepare cases that actually got approved they were so grateful. I took their cases to the Cleveland board which was their regional board. I managed to get raises for them. So they said, "Hey, this worker's education stuff has a practical application." Besides, they felt they should show gratitude, so they got other unions to join our Worker's Education Center. Our small Center expanded and expanded. And then the Secretary of the Kentucky Federation of Labor, a forward thinking person, was

so impressed by the work we were doing. He understood the importance of training stewards to handle grievances, negotiate, how to read profit and loss statements, and how to understand labor costs. All this was practical, down-to-earth material, they found useful. So, this man was impressed, but it wasn't a secure existence for a Center. We entered into a long struggle of about a year and a half. Because of the Secretary's backing and the backing of the people who were committed to what we were doing, we managed to get through the first state federation of labor per capita tax deduction from the dues of Kentucky Federation of Labor members for a permanent education program. It was one cent a member a month. The Kentucky Federation of Labor had the first state federation of labor education department in the United States. (We also set up the first resident labor school of a state federation, patterned after the University of Wisconsin School for Workers.) The U.S. Department of Labor was so impressed by this that they sent me around the United States to talk to other federations about doing the same thing. The college still exists to this day. They still have the courses every summer. They have 2 or 4 week courses depending on the need.

Toward the end of all this hectic labor education work in 1947, I became pregnant with twins. I gave birth to twin boys. I lost one but the other one lived. He is okay now. My husband was keenly disappointed. He thought once I was pregnant, and had a child or children, that I would be

content to stay home. But I wasn't; I tried it, it didn't work, I was not happy. He was not happy. It led to conflict.

At that time in 1949, I was offered a job in Washington, and I accepted. It was a wonderful job. And the job was working for the Senate Labor Committee. Jack Barbara was the chief economist. It wasn't an easy time in Washington. This was the McCarthy period in Washington, and nobody got hired in a staff job at the Senate without full clearance. They started my clearance process. I was acceptable to everybody at the Senate Labor Committee because of Jack's support. He said, "She's competent, she's trained, she's the person I want." But that wasn't good enough under the Senate procedures. First, applicants had to go through private detective investigations, then through FBI clearance. It's almost funny now, because the FBI people went to quiz my father's colleagues at the Racine Journal Times. The FBI people would ask, "Do you know if she's a communist?" They would get replies such as, "She was a little girl when we knew her. She's grown up now; we don't know if she's a communist." The FBI investigators were politically naive and didn't know the difference between the Third International of the Socialist Party, and the Fourth International. They found out my father had been a Norman Thomas Socialist, but he stopped being a Socialist in 1931 when Roosevelt came along. He said, "I want to vote for somebody who is going to be elected." Norman Thomas was a

very fine man. But dad said, "I'm tired of losing." Besides, the Democrats stole the whole platform of the Socialists. All those things like social security, unemployment insurance, workmen's compensation, etc. were taken over as platform planks by the Democrats in 1932. While I was waiting for FBI clearances, I got a job working for Morris Weiss at the Bannockburn Housing Project as secretary for 3 months. I had been working in a lawyer's office as a secretary, and I worked in <sup>5\*Jik</sup> ~~the~~ ADA, the Americans for Democratic Action. I took whatever job I could get because I had to support myself and my son, who was a little over 2. When my son was two years old, he came down with polio and was badly, badly, badly crippled. This was before the vaccine was available. Before <sup>5\*Jik</sup> ~~it~~ was ever heard of. Dale was not getting well. I had been with Jack in the Senate 30b for about a year, and was very depressed because Dale wasn't able to stand up, and had to be carried everywhere. The doctor said that Washington was a terrible place for him.

I was eventually cleared by the FBI. It took 11 months. Before starting on the 30b, I was interviewed by the whole Senate committee. It included Herbert Humphrey, Senator Murray, Senator Morse, Senator Taft, Senator Graham, and Senator O'Donnell. And they asked me personal questions such as what provision I had made for my child, in the way of childcare. I was amazed that busy senators took time to ask such questions. Senator Taft asked me questions about



vary fins man. But dad said, "I'm tired of losing." Besides, the Democrats stole the whole platform of the Socialists. All those things like social security, unemployment insurance, workmen's compensation, etc. were taken over as platform planks by the Democrats in 1932. While I was waiting for FBI clearances, I got a job working for Morris Weiss at the Eannockburn Housing Project as secretary for 3 months. I had been working in a lawyer's office as a secretary, and I worked in the ADA, the Americans for Democratic Action. I took whatever 30b I could get because I had to support myself and my son, who was a little over 2. When my son was two years old, he came down with polio and was badly, badly, badly crippled. This was before the vaccine was available. Before <sup>in 1955</sup> ~~1955~~ was ever heard of. Dale was not getting well. I had been with Jack in the Senate job for about a year, and was very depressed because Dale wasn't able to stand up, and had to be carried everywhere. The doctor said that Washington was a terrible place for him.

I was eventually cleared by the FBI. It took 11 months. Before starting on the job, I was interviewed by the whole Senate committee. It included Herbert Humphrey, Senator Murray, Senator Morse, Senator Taft, Senator Graham, and Senator O'Donnell. And they asked me personal questions such as what provision I had made for my child, in the way of childcare. I was amazed that busy senators took time to ask such questions. Senator Taft asked me questions about

the Taft-Hartley Act. He asked how I could possibly be impartial, since I came from the University of Wisconsin. Senator Morse asked me questions about national emergency disputes. I was there answering questions for almost 2 hours. I remember getting angry at a question that Senator Morse asked me, I was so disappointed in him. He had asked me a very nasty, difficult, convoluted question. So after an hour or so of this--I couldn't believe what was happening, that these Senators were actually interviewing a lowly research economist. They all sat there with a dossier from the FBI. After Senator Morse asked me this tough question about the Taft-Hartley Act, Senator Murray asked me, "Did you know that Senator Morse went to the University of Wisconsin?" I said, "Yes, I did.. As a matter of fact, when I was a student there, he came and lectured in one of Professor Perlman's classes. At that time he' said that the course in Labor History had been his favorite course when he was a student there. Professor Perlman told me later (I was one of his graders), 'I was so worried when he said that, I ran back to my file cabinet to look to see what grade I gave him, and I was relieved I gave him an A-?' " Everybody on the committee roared with laughter. Senator Morse seemed very embarrassed. He didn't join in the laughing. Senator Murray said, while laughing, 'There won't be any more questions." That night Jack called me and said, "You passed." But the polio was a terrible worry. My son's doctor said, "He is not getting well in Washington, you've

got to go someplace else." "Where?" And he said, "Well, you really should take him to a tropical island where there's a lot of beaches, and he can run and strengthen his legs, because he is resisting the doctors. He doesn't like anybody in a white coat, he starts screaming when they come near him, he won't take therapy." The therapy was very difficult. They used the Sister Kenny treatment, which consists of wet, hot packs applied constantly. This was Washington in July when it was over 100 in the shade. It was torture. There was no air conditioning in those days. Dale was two years old at that time. I went back one day to work, after a bad hospital visit. Jack asked me, "Well, how's it going?" I said, "Terrible. Dale is not getting well, and the doctor says I should take him to a tropical island—ha, ha, ha, you know, where am I, how am I going to go to a tropical island? I have no money." Jack said "Well, there was a man through here from the University of Puerto Rico. He was looking for a labor education person. He has been turned down by 5 men. Maybe he would be interested in you. Should I write him?" I said, "Yes, go ahead." To my great surprise, Professor Rottenberg replied. Jack, of course, had written a glowing letter. He said, "she's the person you need, because she's had worker's education experience, she has taught a lot, and she knows about collective bargaining and union leadership training. I was hired and off we went to Puerto Rico. It was a wonderful experience. I hated leaving the Senate, I

never hated leaving a job so much in my life. It was so interesting and exciting. They treated me so well, and we all did good work there. It was stimulating to be in the center of the action in labor legislation.

But Puerto Rico was another great experience. This was 1950. The doctor's prescription worked. Dale ran on the sand a lot, dug his toes in the sand and strengthened his leg muscles. He didn't know he was getting therapy. He improved in a few months. When we went back to Washington he was okay. Psychologically I would have loved to have stayed there forever. It was a very good life with interesting friends, good work and easy accessibility of affordable maids and babysitters. I worked all over the island, and really had a good labor education program going. After a year or so, a friend of mine, who worked at the White House for Truman, a man named Harold Enarson, who has lectured at the National Academy of Arbitrators in the past, asked me to come to work for the Wage Stabilization Board in Washington. He was vice-chairman of the WSE. Dr. Enarson sent me a formal application. It was difficult to leave Puerto Rico; we enjoyed it so much. But I interviewed Americans who had been in Puerto Rico a long time. They said, "Go. If you've got a good chance to go to Washington, you should take it, because those of us who've stayed behind have made a mistake. Nobody in the states wants a Puerto Rican expert. And if you get too specialised on Puerto Rico, your career will be very limited." We went back to

Washington. Unfortunately, that was the last year of Truman's time in office. Eisenhower and his people made it clear that would be the finish of the Wage Stabilization Board. At the Wage Stabilization Board I started there doing the same kind of work I did at the War Labor Board. I was a wage analyst, and in a short time was made chief of the wage data unit. I set up information and research services for all of the people who worked at the board. I made available the latest surveys in various sectors such as machine tools, or hotels, or whatever kinds of cases we were working on. I worked with the Pentagon people on wage rates in defense industries and military bases. I became knowledgeable about comparative working conditions, and of course collective agreements. When the wage board was winding down, somebody persuaded me to apply for a Fulbright fellowship in Industrial Relations in England. I never believed I would be awarded one but I was given a year at Oxford. I was able to persuade the best person in this field in England, Allen Flanders. However, there was still 10 months remaining before the Fulbright took effect. So I did something I always wanted to do. I got a job in the factory, as a factory worker. My parents lived in Los Angeles then. So my son Dale and I went out there for the 10 months. I got a job as a plastics helper at Lockheed making nose cones and plastic parts for airplanes. At the Wage Board I had worked on the aircraft panel, dealing with aircraft rates, so I had some knowledge of IP. in the

aircraft industry. And so the employment manager for Lockheed was frequently in Washington on oases and knew me. I told him that I had these long-range plans to work in industrial relations, and I wanted to get practical factory experience. He agreed to give me a factory job. When I arrived at the company, he said, "We want you to work in the labor relations office." I said "No, no, no. I don't want to work in the labor relations office. This is my only chance--I will never have a chance like this again--to work in a factory." They sat, tried to decide which job I would get, electric wire assembly or whatever. They put me to work in the plastics department. This was very difficult work; it was hot work, it was heavy work. The fiberglass we worked with got on your skin, your skin itched all the time.

I was in a carpool that left my parents house at 5:30 in the morning. I would go out with a lunch pail in my old blue jeans. We drove like mad to Burbank. We were at Lockheed at ten to seven, while there I became a member of the Machinists' union. I went to meetings to find out what the members wanted from their union and their complaints. I saw first-hand dumb things shop stewards did. When members would say, "We have a grievance," and the stewards would say, "Get lost." Or somebody would complain because the dues were raised a dollar., and the shop steward would yell, "You oughta be glad you got a job." I could see that this was a terrible way to treat people. I learned in that job that helped me later in teaching and arbitration. I

learned about monotony and about: how people survive in such difficult situations. At the same time I said to myself every day, 10 times a day, "I'm glad I don't have to stay here; I'm glad this has a time limit on it." Of course, it was absolutely forbidden for me to mention to anyone about my background because people would have thought I was a spy. Our cover story (the employment manager, the union and mine), was that I had been a secretary and couldn't make enough money as a secretary. This had a certain ring of truth to it. That story was acceptable. It wasn't until the week I was leaving that the foreman came over to me with a funny smile on his face and said, "I've always thought there was something strange about you. You're different." What used to puzzle him was that when the time study people came around, I was constantly asking questions about how they timed jobs, and how they decided who was the average employee. Workers were not usually interested in these matters. At first, the time study men got really suspicious. But after awhile they relaxed. Time study people get tired of being thought of as "the enemy." They then tried to explain everything I got more than I needed.

During my year at Oxford, while on Christmas vacation, I met the man who later became my husband, a Canadian who was making films in Europe. The year at Oxford turned out to be a marvelous experience. A few months after I was there, the Worker's Education Association in Great Britain sent me all over the U.K. to give lectures to adult education groups and

unions. I went to Wales in the coal mine area. I was critical of John L. Lewis. The Welshmen, who adored John L. Lewis, would argue with me. It was a most interesting time. I also went up to New Castle to teach at the dockyards. It was a very rewarding year. When I returned to California, I had a promise of a job, as lecturer with Ben Aaron and Irving Bernstein, and Ed Warren at UCLA. The 30b was in the Industrial Relations Center. At that time I also became an apprentice or intern to Mike Komaroff. He had been a chairman of the West Coast National Labor Relations Board and was an arbitrator in L.A.^ He was a member of the National Academy of Arbitrators.^ He was a permanent umpire for North American Aviation. He always had backlog of 175 cases. He was always behind in his work. All the cases had had transcripts. He asked me to brief the transcripts, giving him the essence of the case, and he wrote up the decisions. It was 1954^ ~~then~~ I came back. But I didn't plan to stay, because I expected to marry David Bairstow in a year. I didn't tell anybody in California about this. David Bairstow, whom I met in Paris while on my Christmas holidays, lived in Ottawa, Canada. We intended to marry in May. I was expected to finish the academic year at UCLA. I enjoyed the UCLA teaching and loved the arbitration work, I knew that's what I wanted to do eventually. Mike Komaroff thought I was working very well as his assistant, so that he took on a lot of extra work. I became very nervous about this, because I had never told him that I was planning to

leave at the end of the year. The situation worsened because, once David got it into his head that he wanted to get married, he would keep calling and asking, "Can't you come sooner?" I told him I couldn't come before the semester was over, because I had an obligation to finish the classes and do the exams. However, he did talk me into coming to Ottawa as soon as the semester was over. Then I had to tell both Ed Warren and Mike Komaroff that I was leaving. Hike didn't speak to me for a week, he was so angry. Ed Warren was also very upset. He hinted that this confirmed what people say about not giving jobs to women, because they leave. I felt badly about that. But it was my life, and it was my future.

I had never set foot in Canada, didn't know what I was getting into. It was tough at first both for me and my son Dale. They were much farther behind the United States in terms of hiring women in professional jobs. It was a long time before I could get a regular job. I managed to get a few research assignments for the Canadian Labour Congress in Ottawa. After a year and a half we had a second son. My husband was producer of the National Film Board, which moved to Montreal when Tony was a two-~~month~~<sup>year</sup>-old baby. This was 1955. I looked for a long, long time before I got a job in Montreal. It was very difficult, lots of questions: "Do you have children? Who's going to look after your children? We don't want a woman in this work. Oh, labor relations, a woman--no, no." Then a fine man, who was manager of labor

relations for the Canadian Pacific Railway Company, hired me to be research economist for the Canadian Pacific Railway, to help prepare materials for negotiations. The CFR was the biggest employer outside of the government in Canada. The company dealt with 17 different unions, 17 different national contracts. The research possibilities were enormous. When the manager became a vice president, they put in his place a really difficult person who was not intelligent. He was anti-Semitic, anti-female, anti-French-Canadian, anti, just about everything. The one subject he was anti the most about was anyone who read books. He used to say "You're not gonna learn anything from that, you gotta learn from life. You gotta do it. Those books aren't gonna tell you anything." He was hostile and negative. I was doing alright in the company, because the top people liked the work I was turnftM out, but I found it very unpleasant to put up with this manager, because he was always in between me and higher officers. Even though the top officers would say, "Ignore him and talk to me," it <sup>was</sup> isn't always possible to do that. Every day was uncomfortable. During this period I did a special job for the Canadian National Railway. They wanted to hire me then but I decided it would be the same kind of experience. So I decided to go back to school to McGill University because there were IP. courses at McGill. I met the director of the Industrial Relations Center, H.D. Woods, who was a member of the Academy of Arbitrators. I started working for him, as an assistant in

the Industrial Relations Center. I did administrative work there. I wasn't making very much money. This was a problem because we wanted to buy a house and couldn't afford it. I asked for raises, but they said there was no money at the University for raises. Once again, the Canadian National Railway people said, "We want you." I didn't want to go to work for another company, but the salary was much higher than the University one, and I liked the IRVP. I went to Bus Woods and I said, "I have this offer from the CN that I can't refuse," He went into a panic because I was doing so much of his work. This freed him from so much university work that he could spend more time arbitrating. He also liked talking about the cases with me. Because I knew Ben Aaron and all the active people in the Academy, I could understand what he was talking about. He said "You can't leave," and I said, "Well, I have to, Bus, I have to earn more money." He said, "If I get you a course to teach, will you stay?" and I said, "Yes, but I'm just not going to continue to do just administrative work the rest of my life." He came in the next day and said, "I've got you the fundamentals course in industrial relations." I accepted and went on the academic payroll. This was 1959. I just went from this assignment to eventually become an assistant professor. I went from lecturer to assistant professor. In 1951, Bus Woods became Dean of Arts. He was replaced by the chairman of psychology department who became head of the IR Center. This man didn't know anything about industrial

relations. So I did all of the work. I, in effect, was the director, which was fine with me. This man treated me well and the Centre flourished.

Bu<sup>s</sup> became so busy being Dean, with many meetings, that he had to turn down arbitration cases. There was one case offered to him that he couldn't take. He told them to call me. With his reference, they took a chance. It was a UAW case involving a culinary worker at the airport. The union knew they were going to lose the case; it was a theft matter where the evidence was solid. My theory was that they were happy to take a chance on a woman they didn't know, because they knew they were going to lose anyway. They just were going through the motions. Arbitrators always say that they will never forget their first case. I will never forget my first case, because it turned out to be a Mafia case. The whole Italian Mafia group was involved in this case, because the grievant was trying to hold this menial 30b desperately. It became apparent that he was using his work area in the airport as a conduit for goods going on and off the airplanes. His whole Mafia group supported him and financed an expensive lawyer^ and all that kind of thing. I remember when I upheld the discharge, my husband said, "Do you think we should put double locks on the door?" But I said, "No, Italian Mafia are very good about women." I wasn't certain about this but I was reassuring my husband.

I started arbitrating in 1962. Gradually, the cases came. In Canada there aren't lists like the AAA or the FMCS. One

got cases through reputation and recommendations. I later started mediation work. I did a lot of lecturing all over Canada to public groups - the pulp- and paper associations, personnel associations and various unions. Professionals got to know me, so I got more cases. Then I got involved heavily with Air Canada work--teaching and training and shop stewards classes, as part of my university work. Many of the people who were in my night classes, who worked during the day, went on to jobs in industrial relations and personnel mostly, and they would recommend me as arbitrator. This built up my practice- In 1972 I was accepted in the Academy of Arbitrators.

In 1959 and '70, my husband- younger son and I went to Australia for a year, when he was appointed film advisor to the Australians. I needed a change so was I was happy to leave for a year. Universities in 1968 were difficult places. There was the Berkeley obscenity hearing. That protest disease caught on in Canada. Then there were French-Canadian sovereignty problems. Many Quebecers wanted to make McGill a French university. There was terrible turmoil. All of the university staff were exhausted. And so the possibility of going to Australia was heaven-sent. Our son Dale was in his last year at McGill so he couldn't come with us. But we took Tony, who was 13 that time, and off we went to Australia. While there, I looked at the Australian IR system. I met a lot of active IR people, including Di Yerbury, Joe Isaac, etc. I wasn't interested

in getting a job, I was on sabbatical leave and I was very tired. But after 3 months of doing nothing, of course, I realized this wasn't going to work, I had to do something, so I became a journalist. I got a press pass from the Montreal Star, and I sent columns back to Canada describing Australian working conditions, strikes, industrial relations people, comparing Canada and Australia. This got me into lots of meetings and lots of conventions. I enjoyed not writing academic papers, and not grading papers. No really heavy research. Of course I fell in love with Australia; I've been back 5 times since 1970. Of course, people like Bill Ford at the University of New South Wales had me giving lectures pro bono. My lectures were on comparative systems of handling labor disputes. When I returned to Canada in 1970, I was made director of the Industrial Relations Centre. I remained director until I retired in 1985.

About 1975, I was put on the panel of the Boston AAA. I did quite a few cases in the New England area. I went to Vermont, New Hampshire, and Massachusetts; I got my toe in the water in U.S. arbitration. I found it not very different, except in the public sector.

NAJITA: In terms of the Canadian experience, what would you point out in that context?

BAI P. STOW: Well, it's much more difficult to be knowledgeable in industrial relations in Canada than in the United States because the Canadian federal jurisdiction is so limited. In the United States there is the Wagner Act,

the Taft-Hartley Act, etc., but state legislation is very minor. The principles which apply in most of the states (except the right-to-work states) have been taken over from the federal sector. In Canada it's the opposite. Over 90 percent of the IP. work is done through provincial legislation and regulations. This means that to be an expert in Canada you have to really know the laws of 10 provinces and the federal government. The federal laws cover transportation, federal employees, bank employees, and financial institutions. Manufacturing services of all kinds are provincial matters. The differences between Quebec, for example, and Ontario are enormous. There are so many and frequent provincial elections. Every time the government changes in any of these provinces, they throw out the old labor law and, depending on whether it's a right-wing government or a left-wing government, you have to go back to square one and start all over again. So although there's some universal principles that are kept like voting in elections, you're operating in a totally different context; so it's much more difficult to work in Canada, much more political.

NAJITA: Right. What about the development of arbitrators? Is there a similar pattern of development under the Canadian system as under the U.S. system?

BAIRSTOW: At least 95 percent of them are lawyers; there are very few academics. In the Academy I think we've got Mark Thompson, Allen Ponak, and myself who were exceptions.

I think almost every other member we've ever had in the Academy is a lawyer and/or a judge. They don't have a War Labor Board tradition or legacy-traditions. There are some people who arbitrate who are academics, but they just don't have a big practice, They're not considered significant. But full-time arbitration is generally practiced by attorneys such as Ted Weatherill and Howard Brown.

NAJITA: Are there any factors to explain why so many of them are attorneys? Is it because of the state of the law?

BAIRSTOW: I don't think the academics are respected as much in this field by practitioners. Academics are respected as teachers and scholars. I believe that part of the reason that Mark Thompson, Bus Woods and I got accepted in arbitration was that we held important IR conferences which were well attended. Many people got to know us and trust us, realise that we understood collective bargaining. We understood arbitration. We encouraged arbitration, so they were able to trust us. The average professor teaching labor economics isn't going to get a welcome from union and management people. It won't happen. There are no FMCS lists. There's a list in Quebec, which is made up from labor-management advisory committee; there's a list in Ontario, there's a grievance board in Ontario for the Ontario^ government employees, you know that kind of thing. But there is no federal or national list. They talk about setting one up, but they never do anything about it.

NAJITA: A lot of this is done on an ad hoc basis?

EAIIRSTOW: Yes. And, of course, there's a lot of industry adjustment boards like railways or postal.

It is a matter of real concern to me that our Canadian members don't attend our meetings. I know it's because we don't provide content for them that interests them, our meetings are so American. The few who come are those who are on committees, people interested in the camaraderie aspect of the Academy. They get so frustrated at being ignored by the Americans.

NAJITA: Do they have their own educational pro-grams?

BAIRSTOW: Yes, the University of Calgary has a 2-day conference, ~~-like~~ similar to the ones I used to run at McGill for union-management. Queens University has a kind of a program, a very expensive one. It costs about \$3,000 or \$4,000 for 3 or 4 days. Corporations pay for it; most of it's 3 percent management. Canadian arbitrators get paid much higher fees than Americans. They charge by the hour from \$150 an hour to \$300 an hour. In British Columbia some fees are \$2,000 a day.

NAJITA: Why is that?

BAIRSTOW: All the arbitrators? there are lawyers. They say that's what they'd earn if they worked as lawyers. That's how they determine their fees.

NAJITA: Has that made the process a little different? In other words, does it tend to be more legalistic?

BAIRSTOW: It's very legalistic, definitely.

NAJITA: Okay.

EAIRSTOW: Switching now to the Academy. I went on the Board of Governors for the first time in 1977. At that time, I had been chair of the Canadian region for about 3 years. In 1983, I was program chair for the Academy meeting in Quebec city. I think it was in 1984 when I became a vice president. That was a 4-year term. I was also national coordinator of the regions during that term. National coordinators were required to be board members. I've served on many Academy committees. I've been on just about every one, including Continuing Education and several program committees. I was on the membership committee under 7 different chairs. I think I must be the only person in the Academy who has served on the membership committee for 12 or more years. I can give you the names of the chairs. They were Mark Kahn, Eva Robins., Arvid Anderson, Al Dybeck, Tom Roberts, Bill Fallen, and Jim Sherman. This was probably because of my knowledge of Canadian arbitrators. Membership Committee was the most interesting and hard-working committee. I enjoyed it very much.

You asked me if membership in RAA affected my caseload. The answer is absolutely not, because the Academy membership means nothing in Canada. In fact, I raised that point today with Mario Eognanno in his presentation on earnings of arbitrators. He should state that his study applies only to arbitrators in the U.S.. His has no relevance in Canada at all.

I didn't have a big caseload when I was admitted to the Academy, probably under 50 or close to 50. I was told later there was a big discussion about my admission because of small caseload. I came in under the 2 B standard where community service and scholarship are taken into account. Eva Robins, who doesn't exaggerate in a positive way, said that she'd heard some muttering when she was made chair about the fact that I had got in under a less stringent standard than other applicants. She looked up my file, and she said she'd never seen such glowing letters. Letters came in from Alan Gold, other Academy members, as well as politicians and community leaders about my contributions to Canadian industrial relations. I did come in under standard. That standard isn't used much now.

What I want to say that I think is worthwhile and significant about the Academy has to do with what I learned when I was national coordinator. You asked me what was my greatest accomplishment. I think I would say that it was making it possible for the regional coordinator to attend Board meetings and bring news to the Board of what's going on in the regions. The coordinator brings problems to the Board from the various regions in a different way than what board members get from reports. Also, the coordinator can transmit information to the regions any actions that relate to the regions. This is not an elected office, it is not a voting office; it's an informational office. I believe that was a big contribution I made. It was easy to have this

whan I was there as a board member. But I was followed by Mario Chiesa, who was not a board member so without this policy he could not attend board meetings. I recommended him highly because he was the best regional chairman we had when I was coordinator. He would have no legitimate right to sit there, and the information he had would be lost. Howard Block was president then. He agreed that this made a lot of sense, so he got it through as a permanent thing--it was a board action. I believe that was a worthwhile change. I believe that was my greatest accomplishment.

My greatest disappointment came from learning how dreadful most of the regional activities were. Regional activity depends totally on one factor--the quality of leadership in the regions. For example, the Philadelphia region, with the Gershenfelds and other actively interested people--have great and successful meetings. When I was national coordinator, New York, California, and Washington were disasters. There would be other regions with no problem such as Boston. Canada is a tough one because the region consists of the whole country. The members can be 3,000 miles apart. There is only a once a year meeting. If the meetings were in the east there would be a pretty good turnout. It boggles the mind that in so many of these communities where you have so many arbitrators, you couldn't get them together for meetings;. They weren't interested in helping one another. I don't know if the situation has improved. Our Southeast group has a once-a-year meeting

which is a big success. But that's our only activity. When Mario Chiesa was chairman for the Michigan area, he set up a fantastic training program; he did a marvelous 30b. But that aside, I was so disappointed at how some members of the Academy didn't answer letters, didn't answer messages, criticised the Academy for being cliquish but didn't follow through. When I would call them in my capacity as coordinator, or write to them, they didn't bother to answer. It all came down to leadership. That is the weak link in the Academy. I'm talking about those of us who show up regularly 3 times a year; at our regional meeting, at our national meetings and at the continuing education meetings. We manage very well. We get a great deal out of our Academy memberships. We get the education we need from one another; we enjoy the social camaraderie. There are members out there who never show up to anything. Why can't they walk 5 blocks to a meeting or attend a lunch? Why do they want Academy membership? It gives you a bad feeling, because you know they're in it because they need the Academy imprimatur to get cases. With good strong leadership like they've had in Philadelphia or Boston, they could have once a month meetings. Why can't New York do that? The New Jersey members don't like to go to New York for meetings. They ~~do~~ go to Philadelphia meetings probably because the Philadelphia group is so active. That's a very serious problem. I would say that's my real disappointment.

NAJITA: Is that something the Academy should work on in the future?

BAIP.STOW: Oh, absolutely. I'm not sanguine about it-- because everything depends on who's in charge, what leadership there is.

NAJITA: *Anything* small thing you want to add?

BAIP.STOW: Membership in the academy means a great deal to me. I think meetings like we had yesterday are so worthwhile. We had a chance to learn new ideas and who is working in our field.

NAJITA: Is it a time to be worried, or is it a time to feel energized? At some meetings sometimes I feel "Oh, it's on the decline."

BAIP.STOW: Well we've got new members who come out of a different tradition from ours. Correction. They don't come out of a tradition, they come out of an idea of "That's an interesting career, and a way to make good money," not one of caring about collective bargaining.

NAJITA: To solve problems and do something positive; it's not that kind of feeling.

BAIP.STOW: They worry about advertising and that sort of problem. They don't see the value of camaraderie and arbitration ethics. They talk about the academy being run by a clique. I would have to look at the new committee names, to see whether new names are going on committees, or whether they are interested in serving.

NAJITA: I think there are new names. On the history committee, for example, there are names none of us knew, Gladys Gruenberg, Lois Rappaport, Jim Oldham, or myself didn't recognize these names.

EAIRSTOW: Well, Arme Sack said he went strictly by the return of the forms about which committee they wanted to be on. If you didn't ask to be on a committee, you didn't get appointed, which makes sense. In fact, I spoke to one member today about that. She said "I didn't sign up because I'm just too busy, I couldn't give anything. I don't like to sign up for something when I can't contribute." "Maybe someday, but right now I'm just too overwhelmed." This arbitrator does a great deal of training, and mediation as well as arbitration.

NAJITA: What about mediation? Is that something that the Academy should get involved with, and if so how?

EAIRSTOW: Well, some of us are already involved in it. I'm a very busy grievance mediator.

NAJITA: Okay.

BAIP.STOW: I do very little interest arbitration. I moved to Florida in 1985, starting all over again as it were, giving up a secure academic life for the uncertain world of arbitration. But it's worked out very well, very well, right from the beginning. I wish it weren't necessary to travel so much. Unfortunately, the area I live in, has very few cases.

NAJITA: So you go out of state?

EAI P. STOW: Not so much out of state, but I live on the West Coast of Florida, which is a very quiet place on the Gulf of Mexico. I fly frequently to ..Jacksonville, Orlando, Miami, or Fort Lauderdale. That's where the action is in Florida. There is little private sector work in Florida. I couldn't manage a living without the public sector.

NA-JITA: Oh, public sector. What is it, 40%, 50 / ' 4 0 , or what's the mix?

BAIP.STOW: On my cases? Approximately 85% police, fire, teachers, city employees, lots of city employees, AFSCME and other groups, as well as Teamsters and city employees. There just aren't factories in Florida.

NAJITA: That's right. If anything, there would be service industries such as the hotels.

BAIP.STOW: There is one unionized hotel in the whole state of Florida. It's in Miami, the one that the AFL-CIO uses for its conventions--the Sheraton Bal Harbour. That's the only one. There is airport catering arbitration. I also do grievance mediation for AT&T and Bell South. That is steady, not tremendous; but just goes on. I have approximately a case a month. Grievance mediation is very satisfying work.

NAJITA: How different is it--I mean do you enjoy it more?

EAI P. STOW: Oh yes. It's much harder work, but it's nonlegalistic; there are no lawyers allowed. The parties themselves present the cases. I get to talk to the union alone, the management alone, and then go back and forth

between the parties. I tease them that having the union people at one end of the building, and the management groups at the other end, means I'm going back and forth, up and downstairs all day long. I say, "What is this, your physical fitness course for grievance mediators?" But I manage to settle 95 percent of the oases. I don't always succeed in getting grievants their jobs back, but I usually get severance pay for them. I often talk them out of wanting to go back. I tell them, "You really don't want to go back to that 10b, because the people are angry at you, and it would be a hostile atmosphere. How about if I try to get you, first of all, before severance pay, a letter of resignation instead of a discharge? Then you won't have a discharge on your personnel record." Rarely are there older people as grievants. The grievants are usually in their 30s. They have a whole life ahead of them, so it is important to leave with a letter of resignation. Then I talk about severance pay. "Wouldn't you like to get some money to start your life anew?" We often have black employees as grievants. The work environment is very sensitive, so I have to be very careful. It isn't possible to get a dime out of a telephone company unless the grievant signs off on any EEOC future charges for example. If the grievant takes that money, he leaves. But this is preferable in most cases. If the grievant waits for arbitration, he may wait a year or longer. There is no guarantee that the grievant will win in arbitration. In

fact, it is unlikely the grievant will win at arbitration. In the meantime, when the grievant goes to look for work in this year, while waiting to go to arbitration, the employer will ask, "What's going on?" The grievant will have to say, "Well if I get my job back, I'm going back to the telephone company." It's not realistic. The person will have to work at some temporary 30b like driving a truck, or working at McDonalds. All that time he will be waiting for something that may not happen? Wouldn't it be better if they took the \$6,000 or the \$10,000 and start all over and just say, "I'm looking for a 30b, and I am available now." There's a lot of persuading in these cases on both parties. But when I get on the airplane to go home, I feel good. I don't have to write a decision. But the point is I feel very satisfied that was a good outcome of a difficult situation and that's good work. It is so much better for them than my coming down with a written decision that they have to live with forever. One of the big arguments I use always to settle is it's nonprecedental. What I do in Atlanta doesn't affect Fort Lauderdale. If I wrote an arbitration decision, they would pass it all around the company; it would be written in stone. This way we can make all kinds of deals. A lot of face is saved all the way around because the case is finished with a one-paragraph settlement.

NAJITA: How many actually do grievance mediation? Is that a growing field?

EAIIRSTOW: Yes, it's growing. In the Academy, I'm not sure how many members do this work, perhaps 25, maybe more. But it should grow more. The head of labor relations for AT&T in 14 states said that they have a backlog of 125 arbitrations. Nancy House gives speeches everywhere on the advantages of mediation. She said, "We have reduced the cost of an arbitration from \$10,000 to \$900 each by using mediation. They are very pleased with the results of grievance mediation.

NAJITA: Okay, all done.