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## RECENT DEVELOPMENTS IN LABOR LAW: THE NINTH ANNUAL LABOR RELATIONS INSTITUTE

### FOREWORD

*J. Ralph Beard\**

The papers published in this symposium issue were initially presented at a labor institute jointly sponsored by the Atlanta Lawyers Foundation, the Federal Bar Association, the Labor Law Section of the State Bar of Georgia and the Institute of Continuing Legal Education in Georgia. This was the ninth such institute with the first having been held in 1964 for the purpose of acquainting the practicing bar with developments and trends in the field of labor law. The papers presented at each institute have served this purpose well,<sup>1</sup> and the 1974 presentations were no exception. The Ninth Annual Labor Relations Institute focused on five areas of labor policy: (1) the impact of Title VII of the Civil Rights Act of 1964<sup>2</sup>—recent developments, differing responsibilities, comparison with other anti-discrimination legislation—and the practical aspects of litigation under that statute; (2) the ally doctrine, struck work and secondary boycotts; (3) arbitration and the impact of *Collyer* on the arbitral process; (4) the extent to which an employer must allow solicitation and distribution of literature on the job; and (5) the extent of the employer's obligation to bargain and furnish information during the contract term. Each presentation provided new insight into emerging principles, expressing approval for certain

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<sup>1</sup> Papers from the annual labor relations institutes have been included in the *Georgia Law Review* on five previous occasions. See 7 GA. L. REV. 595-709 (1973); 6 GA. L. REV. 469-531 (1972); 5 GA. L. REV. 617-708 (1971); 4 GA. L. REV. 643-829 (1970); 3 GA. L. REV. 253-424 (1969).

<sup>2</sup> 42 U.S.C. §§ 2000e-2000e-17 (1970), as amended 42 U.S.C. §§ 2000e-2000e-17 (Supp. II, 1972).

approaches being adopted by the courts and suggesting areas in which more careful analysis is appropriate.

The papers selected for inclusion in the *Georgia Law Review* examine three of the topics discussed at the symposium. The first series of articles, by Messrs. Irving, Siegel and Connerton, are concerned with the proper scope of the ally doctrine and its application by the National Labor Relations Board and the courts at present. Mr. Irving's presentation essentially provides a framework for the remaining articles in this section, in that it analyzes the emergence of the ally doctrine in its various facets, the theory underlying the doctrine, and the requirements for its proper application. Mr. Siegel then focuses on the role of the ally doctrine in strikes or picketing of businesses which, although not themselves involved in a primary dispute with the union, are subsidiaries or divisions of a conglomerate which owns the subsidiary or division which is engaged in such a dispute. Finally, Mr. Connerton emphasizes the unique role of the construction industry from the standpoint of secondary boycotts, stressing that failure to perceive this distinction has led the National Labor Relations Board astray in its secondary boycott rulings in this industry. Together, these articles identify important characteristics of the ally doctrine and, more broadly, the secondary boycott provisions of the National Labor Relations Act.<sup>3</sup>

Mr. Fanning, a member of the National Labor Relations Board since 1957, contributed two articles for inclusion in the *Georgia Law Review* which identify the Board position concerning fundamental issues of labor policy. Initially, he explores the rights and obligations of an employer whose employees — or persons seeking to represent those employees — desire either to solicit union membership or to distribute union literature on the job. Next, he looks into the extent to which the good faith bargaining requirement of the National Labor Relations Act imposes upon an employer the obligation to furnish information to a bargaining unit representative.

The sponsors of this institute are to be congratulated for bringing this group of experts together, and the Editorial Board of the *Georgia Law Review* is to be commended for its work in making these materials available to its readers.

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<sup>3</sup> National Labor Relations Act § 8(b)(4), 29 U.S.C. § 158(b)(4) (1970).