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The prospect of U.S. military unionization has become a distinct and controversial issue. One large public employee union has amended its constitution to permit military membership. Numerous bills have been introduced in Congress to prohibit such unionization. Findings/Conclusions: Many European countries permit military personnel to join unions or form associations to deal collectively on matters affecting their living and working conditions. The Netherlands, West Germany, Denmark, and Sweden all permit some form of organized representations. Except in Sweden, none of the unions or associations has the right to strike. Involvement or interference in military matters is generally prohibited. Unions and associations appear to have contributed to improvements in pay and benefits and to the general working and living conditions of military personnel. However, since the military pay systems are generally linked to private and public sector pay, improvements may have resulted without military organizations' involvement. Military officials feel that personnel practices have improved communication and have resolved personnel problems and conflicts. These practices did not seem to affect military discipline, efficiency, or morale.  
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# *REPORT TO THE CONGRESS*

*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*

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## Information On Military Unionization And Organization

The prospect of U.S. military unionization has become a distinct and controversial issue. One large public employee union has amended its constitution to permit military membership; while, in the Congress, numerous bills have been introduced to prohibit such unionization.

This study was made to provide additional information rather than to support a position for or against military unionization. The report describes military unionization and organization in selected European countries and discusses some basic aspects of the U.S. military unionization issue.



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-163422

To the President of the Senate and the  
Speaker of the House of Representatives

Because of growing interest in unionization in the U.S. Armed Forces, we studied military unionization and other forms of organized representation of military personnel in four European countries. We also discussed some of the basic aspects of the unionization issue in the United States.

We made this review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget, and the Secretaries of State, Defense, and military departments.

*Thomas B. Starks*

Comptroller General  
of the United States

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

INFORMATION ON  
MILITARY UNIONIZATION  
AND ORGANIZATION

D I G E S T

Many European countries permit military personnel to join unions or form associations to deal collectively on matters affecting their living and working conditions. A similar organization of the U.S. military has become the subject of considerable interest by the Congress, labor unions, and the public.

The report does not support a position for or against military unionization. However, it does discuss military personnel practices in the Netherlands, West Germany, Denmark, and Sweden, which all permit some form of organized representation. It should be noted that there are many differences--social, political, military, etc.--between the United States and the countries studied as well as between the individual countries. Because of these differences, the experiences in these countries cannot be directly related to the United States.

THE CONTROVERSY

Numerous bills have been introduced in the Congress to prevent military unionization. On the other hand, at least one large union has considered organizing the U.S. military. Various organizations have explored the implications of military unionization, which is likely to continue to be controversial.

RESULTS OF ORGANIZED MILITARY REPRESENTATION

Although the type of representation (union, association, council, ombudsman) varied in the countries studied, it was generally related to pay and living and working conditions. Except in Sweden, none of the unions or associations have the right to strike. Involvement or interference in military matters--operations, organization, and discipline--is generally prohibited.

Unions and associations appear to have contributed to improvements in pay and benefits and to the general working and living conditions of military personnel. However, since the military pay systems are generally linked to private and public sector pay, improvements may have resulted without military organizations' involvement.

In all countries, the unions and associations operate within a legal framework and appear to have the positive cooperation and support of government and military authorities. Military officials feel that personnel practices have improved communication and have resolved personnel problems and conflicts. These practices did not seem to affect military discipline, efficiency, and morale. A number of U.S. Embassies generally agreed with these conclusions.

Some problems are associated with unionization. Consultations, negotiations, and meetings between military management and personnel representatives tend to slow decisionmaking. However, these practices are viewed as a way to communicate and resolve problems.

Work-hour restrictions and related overtime compensation impose some restrictions on management flexibility, particularly training. A number of officials in the countries studied commented that because of these restrictions, the desired level of training may be difficult to attain.

Overtime also affects the budget. For example, the Danish Defense Command has reduced its scheduling of training exercises which would involve overtime.

#### U.S. MILITARY UNIONIZATION

U.S. military personnel have no formalized means to collectively address issues of living and working conditions as could be addressed by a union. Many forums are available within the chain of command for consideration of complaints and problems of military personnel.

Current Department of Defense policy prohibits any negotiation or bargaining on behalf of members of the U.S. Armed Forces.

Numerous bills have been introduced in the Congress prohibiting unionization by making it unlawful for military personnel to join a union and for unions to solicit military members. The Department of Defense is opposed to military unionization and the Secretary of Defense has stated that he will try to deter such activity.

However, because of possible legal problems related to legislation which would prohibit military unionization, the Department of Defense prefers restrictions based upon departmental policy.

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ABBREVIATIONS

AFGE American Federation of Government Employees  
GAO General Accounting Office  
NATO North Atlantic Treaty Organization



## CHAPTER 1

### INTRODUCTION

Many European countries permit military personnel to join unions or form associations to deal collectively on matters affecting their living and working conditions. Through various formal and informal arrangements between the representational organizations and the governments, the military unions and associations represent service personnel on a variety of matters.

A similar organization of U.S. military personnel has become the subject of considerable interest. The American Federation of Government Employees (AFGE) has amended its constitution to permit military membership. Numerous bills have been introduced in the Congress to prohibit such unionization and there is increasing discussion of military unionization. Many organizations have considered military unionization. The Department of Defense and the Quadrennial Review of Military Compensation have studied it. The Defense Manpower Commission in its April 1976 report to the President opposed the possibility, and the American Enterprise Institute for Public Policy Research published a pro and con forum on military unionization as part of its defense-related review.

The Department of Defense is opposed to unionization in the U.S. Armed Forces. The Department's policy on negotiation and bargaining in the Armed Forces is contained in a Secretary of Defense memorandum dated December 20, 1976. (See app. I.)

Because of congressional interest, we studied the experiences of four European countries having some form of military representational practice. We also reviewed studies dealing with the issue of U.S. military unionization. We studied bargaining and consultation processes, resultant achievements, and goals of the representational organizations in the hope that our observations will be useful in considering unionization in the U.S. military. There are many differences--social, political, military, etc.--between the United States and the countries studied as well as between the individual countries. Because of these differences, the experiences in these countries cannot be directly related to the United States. The countries studied are the Netherlands, Federal Republic of Germany, Denmark, and Sweden. Our study included an analysis of available reports, including selected North Atlantic Treaty Organization (NATO) studies on military unions in NATO countries and interviews with military, governmental, and labor officials. The references to foreign

laws in this report were derived from various books, studies, government reports, and interviews with public officials in the countries visited.

## CHAPTER 2

### THE NETHERLANDS

In the Netherlands all military members are permitted to join military associations. The associations represent their members' interests in broad policy issues such as pay, leave, and working hours, through mandatory consultations at the Ministry of Defense. Issues are discussed before a decision is made but the Minister of Defense's decisions are final.

Military personnel do not have the right to strike and there are provisions for suspending association activities during wartime.

Issues at the local unit level on implementing regulations such as housing, meals, and job conditions are handled by local commanders and unit councils. The unit commander's decisions are also final.

### THE NETHERLANDS ARMED FORCES

Since, in crisis or wartime, most of the Dutch Armed Forces are under the North Atlantic Treaty Organization commanders' control, their peacetime organization closely parallels the allied command structure. The Netherlands defense organization is comprised of the Ministry of Defense and the Royal Netherlands Army, Navy, and Air Force.

The Ministry of Defense employs about 30,000 civilian employees. The Netherlands active duty military forces total about 100,000 personnel.

	<u>Navy</u>	<u>Army</u>	<u>Air Force</u>	<u>Total</u>
Regulars	16,000	24,000	14,000	54,000
Conscripts	<u>2,000</u>	<u>40,000</u>	<u>3,500</u>	<u>45,500</u>
Total	<u>18,000</u>	<u>64,000</u>	<u>17,500</u>	<u>99,500</u>

### Defense expenditures

Defense spending during 1975 was \$2.9 billion, or 11.4 percent of total government expenditures of \$25.8 billion. From 1972 through 1974, defense spending declined in relation to total government expenditure for 2 of the 3 years. Defense spending, as a percentage of gross national product, remained relatively constant at about 3.4 percent from 1971 through 1974.

## DEVELOPMENT OF MILITARY ASSOCIATIONS

In the Netherlands, approximately 40 percent of the present civilian work force of 4 million people are union members. About 300,000 workers belong to unaffiliated unions, but the majority are organized in three large labor federations.

	<u>Number of members</u>
Unaffiliated unions	300,000
Netherlands Federation of Trade Unions	618,000
Netherlands Federation of Catholic Trade Unions	405,000
Netherlands Federation of Protestant Trade Unions	240,000
Total	<u>1,563,000</u>

A royal decree of December 1919 established a central committee for formal consultation between the government and authorized public employee associations.

Dutch military associations can be traced to the turn of the century. One noncommissioned officers' association was founded in 1898 to promote material interests of its military members. From 1901 to the 1920s, other military associations emerged and organized into units for officers and noncommissioned officers in the Army and Navy, but did not have consultation rights. In 1921 the Navy was granted, by royal decree, a formal consultation committee arrangement. The Army, shortly thereafter, was also granted by royal decree two formal consultation committees--one for officers and one for enlisted men.

The Civil Servants Act of 1921 and the Military Servants Act of 1931 gave the consultation committees a statutory base. The Military Servants Act required consultation between the Ministry of Defense and the association before government decisions on such matters as pay, leave, and working hours. In April 1975 a royal decree expanded this definition to include discussions on the general rules for establishing training requirements, dress regulations, and promotion and assignment requirements. Military operations are excluded from consultation. Military personnel do not have the right to strike and there are provisions suspending association activities during wartime.

The consultation arrangement provides a regular channel for communication with the Minister of Defense and input into policy development, but is not a system of bilateral negotiation. The Minister of Defense makes the final decisions.

### Military association activities

A total of 12 associations are involved in consultation: 3 officers' associations, organized along service and religious lines; 5 enlisted men's associations, organized by service, rank, and religious affiliation; and 2 conscript associations, a military police association, and a reserve officers' association.

The goals of the military associations differ. The largest conscript association and one noncommissioned officers' association are primarily concerned with the material well-being of their members, while many other associations view the military mission as most important.

The associations are managed by military personnel elected by the membership. Some associations are affiliated with civilian unions, but their internal management is still handled by the elected military personnel.

The associations are managed by active military personnel who are granted leave with pay from their military duties.

The 12 associations have a combined membership of almost 88,000, or about 90 percent of all military personnel. In proportion, associations represent more officers than enlisted men. The association's membership dues vary. The conscripts pay about \$12 a year and the officers pay from \$32 to \$40 a year. The Defense Department automatically deducts membership dues from an association member's pay and forwards it to the association. It is not mandatory to join a military association but any improvements the association achieves benefit all military personnel.

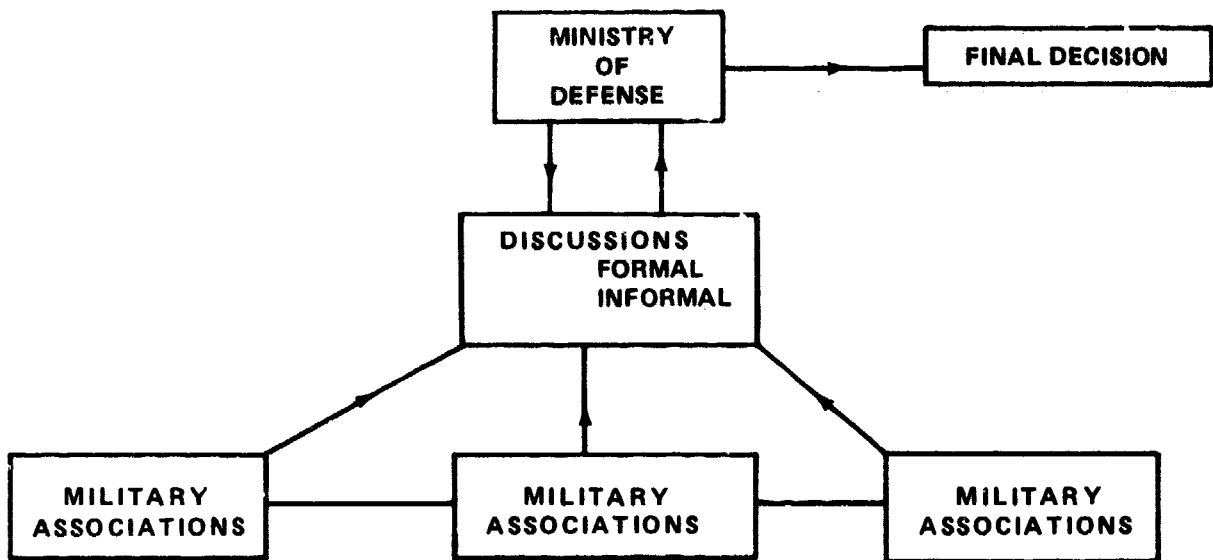
### The consultation process

The institutionalized consultation process between the Ministry of Defense and the military associations is comprised of formal and informal discussions. Informal discussions are held monthly between the Ministry of Defense and two representatives from each of the 12 associations. Problems, suggestions, and plans are discussed.

Worthwhile conclusions from informal discussions are assigned for study to working groups within the Ministry of Defense. Twice each month formal consultative discussions are

held between the 12 associations and the Under Secretary of State for Personnel Affairs. At this point, implementation of new regulations is discussed. After discussion, proposed regulations are sent to a Ministry of Defense committee for formulation and final decision. Promulgation of regulations affecting the social and economic interests of military personnel does not require the associations' consent, but, if such regulations involve the legal rights of military personnel, they are not valid if prior consultation was not made.

The following chart describes the institutionalized consultation process.



Through the consultation process, the associations have achieved many benefits for military personnel.

Military pay, in general, is not a critical issue because pay rates are adjusted according to a system based on private industry wage trends, but conscript pay has improved considerably. Conscripts receive a gross pay of about \$370 a month or about \$250 after taxes, which is roughly equal to the minimum wage in the Netherlands. In 1966 conscripts were paid about \$22 a month. At that time conscript compensation was considered an allowance; now it is considered a wage.

As stated, pay adjustments follow a trend system. Under this system military and civil servants receive pay increases equivalent to those of private industry firms employing 10,000 or more persons. A Defense Ministry official stated that because of the trend system, there is not much discussion about pay increases.

Some noneconomic gains claimed by the associations include the abolition of the saluting requirement and more liberal standards on hair styles. In general, spit-and-polish standards have been relaxed. Improved leave and transportation regulations for return trips to the Netherlands for Dutch soldiers stationed in the Federal Republic of Germany have also resulted from the consultation process.

The associations are concerned with the government's plan to reduce spending. For example, military personnel, until recently, received free lunches. The Ministry of Defense now requires military personnel to pay about \$1 for their lunches. Military personnel have also been required to contribute toward social security.

Because of actions such as these, the associations are concerned about a possible trend of reduced military benefits.

Working hours is another concern of the associations. Previously, military personnel were considered on duty 24 hours a day, 7 days a week. Members of the armed forces work a standard duty week and are compensated and given time off for part of overtime worked on weekends. Association members are not satisfied with the present overtime policy and will continue to try to revise work-hour regulations. Under current policy, a serviceman who is required to be on guard duty for 24 hours over a weekend is given 1 day off during the week and about \$6 pay. If a serviceman must be on duty on a weekend but does not actually work, he is paid about \$4 but gets no time off. This policy is the same for all services.

Changes are also sought in military justice. One conscript association advocates overhaul of the system because it feels that military personnel should be treated the same as civilians. Currently, military personnel committing minor offenses are punished by their commanding officer, who has broad authority for setting punishment. Military personnel committing major offenses are court-martialed under the Code of Military Justice and are permitted one appeal. Military and civilian courts are completely separated--that is, no appeal can be made from a military to a civilian court and there is no third-party review outside the military system.

The conscript associations also support revision of the draft policy and reduction of the period of conscript service from 14 to 12 months.

#### The unit council concept

Unit councils have been established at unit levels to deal with local matters. This concept is not related to the

consultation process between the Ministry of Defense and the associations.

To resolve local issues, the councils meet with the unit commanders to discuss problems and solutions. At present, the commanders' decisions are final. Some problems that might be discussed are working hours, industrial safety, and after-duty transportation.

Currently, all military members are represented by councils. In the Army and Air Force, unit members elect council representatives, while Navy commanders appoint council members.

#### RESULTS OF ORGANIZED REPRESENTATION

Publicity about military association activities and achievements in the Netherlands has given the impression that the associations interfere with military operations. In fact, the associations are not permitted any involvement in or have any impact on discipline in military operations. For example, 30 soldiers refused to participate in a winter exercise because they thought it was too cold. The exercise continued and the soldiers were court-martialed and sentenced to military prison.

Defense Ministry officials feel that morale of the forces has been improved primarily because the associations can discuss service problems. The Ministry of Defense also feels that the relaxation of spit-and-polish standards will not negatively affect military discipline. U.S. Embassy personnel indicated that association activities have not negatively affected military readiness.



## CHAPTER 3

### FEDERAL REPUBLIC OF GERMANY

German military personnel have many forms of representation. But each representational practice is subordinate to military command and discipline.

In Germany's public sector, unions bargain on wages and working conditions, and the negotiated terms are extended to military personnel by the Parliament. A military association and a union consult and lobby regularly with the government for the special interests of military personnel, while ombudsmen and personnel councils represent military personnel in matters affecting working and living conditions.

Military personnel do not have the right to strike. However, unlike the Netherlands, Germany has no legal provision suspending union activities in wartime.

#### THE GERMAN ARMED FORCES

There are about 1,700,000 personnel in the German Armed Forces--about 495,000 active duty military, 1,133,000 reservists, and 20,000 border police. Distribution of the active duty forces follows.

	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Total</u>
Regulars	168,000	28,000	72,000	268,000
Conscripts	<u>177,000</u>	<u>11,000</u>	<u>39,000</u>	<u>227,000</u>
Total	<u>345,000</u>	<u>39,000</u>	<u>111,000</u>	<u>495,000</u>

The Federal Republic of Germany spent more than \$19.7 billion, or almost 30 percent of total government expenditure, in 1975 for defense. Defense spending, as a portion of total government expenditure, remained relatively constant from 1972 to 1975--about 31 percent (excluding financial assistance to West Berlin). As a percentage of gross national product, defense spending has averaged 4.1 percent from 1971 to 1974.

#### DEVELOPMENT OF UNIONS

Local workers' associations began in Germany in 1848. Officially, these associations were considered dangerous and were dissolved by law in 1854. The 1878 Socialist Law severely restricted the workers' movement, but after the law was rescinded, the union movement gathered momentum. However, unions did not become the acknowledged representative of labor until the period 1918 to 1933.

Most German unions are affiliated with four major labor federations. Some small independent unions also exist. In 1974 trade union membership in the Federal Republic of Germany and West Berlin, according to estimates, was 8,917,830, or 38.7 percent of all wage and salary employees. Membership in the four major federations was estimated at 8,788,330, or nearly 99 percent of total trade union membership.

	<u>Number of members</u>
German Trade Union Federation	7,405,760
German Union of Salaried Employees	458,090
German Civil Servants Association	720,480
Confederation of German Christian Trade Unions	<u>204,480</u>
Total	<u>8,788,810</u>

Germany's constitution guarantees the right to organize. Article 9, section 3, of the German constitution (1949), in part, is translated:

"The right to form associations to safeguard and improve working and economic conditions is guaranteed for everyone and for all occupations \* \* \*."

Under the National Servicemen's Act of 1956, military personnel are guaranteed the same civil rights as other citizens.

Four military personnel representation forums have developed--military association, military union, unit personnel councils, and military ombudsmen for combat unit personnel.

#### The Federal Armed Forces Association

The Federal Armed Forces Association is a professional organization open to all military personnel. The association is to insure the social and professional well-being of its members and their dependents by adhering to the following principles:

- Insure the combat readiness of the armed forces.
- Support the maintenance of discipline in the armed forces.
- Insure recognition by the armed forces leadership of its responsibility to uniformed members.

- Maintain religious and political neutrality.
- Avoid interference in purely military matters.
- Deny itself the use of strikes in attempting to achieve its objectives.

The association views itself as a lobby or pressure group interested in the well-being of its members. It is to influence political parties, the Parliament and its committees, and the Ministry of Defense.

The association has about 186,000 members--officers, noncommissioned officers, and conscripts. Membership dues are \$1.40 a month. The association provides legal advice, vehicle liability insurance, assistance concerning pension and disability applications, and monthly newsletters and periodicals.

The association consults the Ministry of Defense regularly on matters affecting members of its armed forces. The consultation process was established and is governed by the Ministry of Defense's Cooperation Decree, issued November 24, 1971.

The civil service law requires that employee organizations be consulted before introducing legislation which would adjust salaries or fringe benefits of permanent civilian personnel and uniformed military personnel. The employee organizations may testify before the German Parliament regarding pay and working conditions.

Military personnel receive basically the same salaries as civilian public employees. However, the Ministry of Defense regulates any special problems peculiar to the military such as those relating to work hours after consultation with employee organization representatives. Generally, military personnel work a 40-hour week, but some personnel who may work a 70-hour week are not paid overtime. In some instances, civilian and military personnel work side by side. The civilians are paid overtime while the soldiers are not. An association official said this causes a problem, and the association is attempting to get the overtime policy changed to include military personnel.

Ministry of Defense officials feel the consultation process works well and recognize the association has special interests, which are taken into account when considering regulations affecting military personnel. The Ministry of Defense usually cooperates with the association concerning new proposals and regulations. Typical items for discussion

in consultation can be pay, fringe benefits, leave, training, dress, living conditions, and hours of duty. Military command and discipline are excluded from consultation.

### Military union

The Public Services and Transport Union obtained permission from the government in August 1966 to enroll members of the armed forces. However, only a few servicemen in technical crafts (from 2,000 to 5,000) have joined the union. Union dues are 1 percent of gross monthly income.

The union has not become involved in military order or obedience matters, which are specifically excluded from negotiations. The union is primarily involved in the consultation process with the Federal Armed Forces Association and the government. Also, a union statute forbids calling on the military members to strike even though nonmilitary members can strike. The union does, however, indirectly participate in collective bargaining with the government since it is affiliated with the German Trade Union Federation (one of the four federations that negotiate agreements with the government).

Federal, State, and local governments jointly negotiate wages and working conditions annually on the national level with the appropriate public sector unions. These contracts cover monthly salaried personnel and hourly paid personnel. After the negotiations are concluded, the German Parliament extends the negotiated wage increases and other improvements to permanent civil servants and uniformed military personnel.

Association and union members dealing with the Ministry of Defense are generally interested in higher salaries, better pensions, and overtime pay.

A short-term union goal concerns vacations. The length of vacation time now varies among the different categories of public employees. Generally, those receiving higher pay also get longer vacations. The union feels vacations should be based on an employee's age and is lobbying for revision of the vacation policy. It is also trying to get special allowances (i.e., hazardous duty and environmental pay) for personnel handling explosives and working in underground facilities.

### Personnel councils

In the public sector, personnel councils represent employees on matters not covered in the negotiated contracts. The councils represent both union and nonunion personnel. This arrangement also applies to military personnel.

Military personnel councils exist at the Ministry of Defense level, regional level, and the local unit level. At any military support installation, the work force may consist of several categories of civilian employees and uniformed military personnel. Employees in each category elect representatives from their ranks to represent them in dealings with local management. For instance, issues might include reductions in force, reorganizations, or safety programs.

Military personnel do not have the same rights, however, as other public employees represented by the councils. Military personnel are subject to military command and discipline and cannot make joint decisions with management.

In the public sector, unions do not represent employees directly in grievances. This is, by law, the function of the personnel council. If disputes and grievances between the councils and management cannot be resolved, an appeal can be made to a seven-person arbitration commission at the national level. Labor and management are represented equally at the national level and both parties select an impartial chairman. Decisions of the arbitration commission are binding on both parties.

#### Ombudsmen

In combat units a special arrangement--the use of an ombudsman--has been established for handling complaints and grievances. Ombudsmen are selected by military personnel to act for and to represent them before military management.

Ombudsmen are not permitted to interfere with military command and discipline. They can make proposals to the unit chief or supervisor. These proposals can emanate from complaints and grievances related to:

- Internal duty--general service regulations.
- Welfare programs.
- Occupational upgrades and retraining.
- General social activities (nonduty).

The ombudsman and supervisor discuss proposals. If the supervisor or unit chief cannot answer a question or proposal, the issue must be presented to the next higher military level. A May 1975 regulation requires quarterly battalion level meetings and also authorizes the ombudsman to hold meetings during duty hours with those represented.

The ombudsman must be consulted when disciplinary action is taken against any individual he represents, but his function is essentially only one of providing a character reference, not of representation. Management investigates and judges disciplinary cases. The ombudsman arrangement is suspended in a national emergency or during wartime.

#### RESULTS OF ORGANIZED REPRESENTATION

The Ministry of Defense has a positive working relationship with the union and association and according to U.S. Embassy officials, morale is good in the German military services.

Military pay generally follows the pattern set in the private sector. In the public sector, negotiated wage and working condition improvements are extended to military personnel. The small disparity in wages causes little discontent. U.S. Embassy officials also stated that the representation practices have had no adverse effects on the readiness of the German Armed Forces.

For national security reasons, representational activity is subordinate to the rights of military command to act and to maintain discipline. Within this framework, representation appears to contribute positively to the efficiency, discipline, and morale of the German Armed Forces.

## CHAPTER 4

### DENMARK

Denmark's military services have been granted rights similar to those of the civilian work force, and a high percentage of military personnel other than conscripts has joined unions.

Conscripts have not organized but deal with the Ministry of Defense through a spokesman process. Public employees in Denmark do not have the right to strike.

#### THE DANISH ARMED FORCES

Denmark has an active military force of about 35,000 personnel and an emergency mobilization force of nearly 200,000; as shown in the table below.

	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Home Guard</u>	<u>Other</u>	<u>Total</u>
Peacetime:						
Regulars	13,000	3,860	5,700	-	-	22,560
Conscripts	<u>9,000</u>	<u>1,900</u>	<u>1,370</u>	-	-	<u>12,270</u>
Total	<u>22,000</u>	<u>5,760</u>	<u>7,070</u>	-	-	<u>34,830</u>
Wartime	<u>91,500</u>	<u>8,560</u>	<u>14,570</u>	<u>70,000</u>	<u>12,000</u>	<u>196,630</u>

Denmark has a compulsory military service, but only a small percentage of the eligible are drafted through a lottery-like system. Individuals may refuse military service but must perform alternate service at a lower pay rate. Only about 15 percent of those eligible for the draft serve in this way, possibly because of Denmark's employment situation and the attraction of high military wages.

The conscripts serve 9 months of duty--3 months in training and 6 months in the active reserve--after which they enter reserve status and become part of the mobilization force.

Denmark's defense expenditures have been steadily increasing in the last 4 years, an average of 7.7 percent of the total government expenditure. As a percentage of gross national product, defense expenditures have remained relatively constant, ranging from 2.1 to 2.5 percent. In 1975 Denmark spent \$940 million on defense.

## DEVELOPMENT OF UNIONS

Denmark's first trade unions were organized in 1899 by industrial workers. In that same year, Denmark experienced a nationwide strike which lasted 6 months. An agreement reached after the strike remains the basis for negotiations in the Danish labor market today.

Early military organizations took the form of social clubs because the government prohibited the forming of associations. The clubs served as a forum for discussions for military personnel. In 1919 all public employees, including the military, were granted the right to form associations and negotiate with the government.

Approximately 52 military associations exist today. Nationally, there are three central military unions--the A Branch Officers Union, the B Branch Officers Union, and the Association of Regular Other Ranks. The B Branch Officers Union was established in 1891 as a noncommissioned officers' musical organization and was granted union status in 1919 when unions for public employees and the military were legalized. The A Branch Officers Union was also established in 1919. The Association of Regular Other Ranks was organized in 1939, but was not granted union status by the Ministry of Defense until 1953.

Conscripts have not organized unions but engage in a representational form which is explained later in this chapter.

The following is a breakdown of the membership in the three national military unions.

### Membership in Military Unions (note a)

	<u>Number</u>	<u>Percent</u>	<u>Monthly dues</u>
A Branch Officers Union	1,962	97	\$13.00
B Branch Officers Union	3,971	99	8.00
Association of Regular Other Ranks	13,769	95	9.00

a/The figures are estimates based on conversations with Danish union representatives.



The A Branch Officers Union represents officers of all ranks from each of the services who have graduated from one of the military academies and is affiliated with the Union of University Graduates, one of the four main public servants' unions. It represents university graduates such as doctors, lawyers, and engineers.

The B Branch Officers Union represents all nonmilitary academy graduate officers from each of the services up to the rank of major and is affiliated with the Central Union of Higher State Functionaries which represents such employees as legal advisors and musicians.

The Association of Regular Other Ranks represents senior sergeants, staff sergeants, sergeants, and enlisted privates. It is comprised of several smaller associations from all the services. The Association is not affiliated with any of the central organizations. According to the Defense Command, the Association of Regular Other Ranks is the strongest and most dynamic of Denmark's military unions.

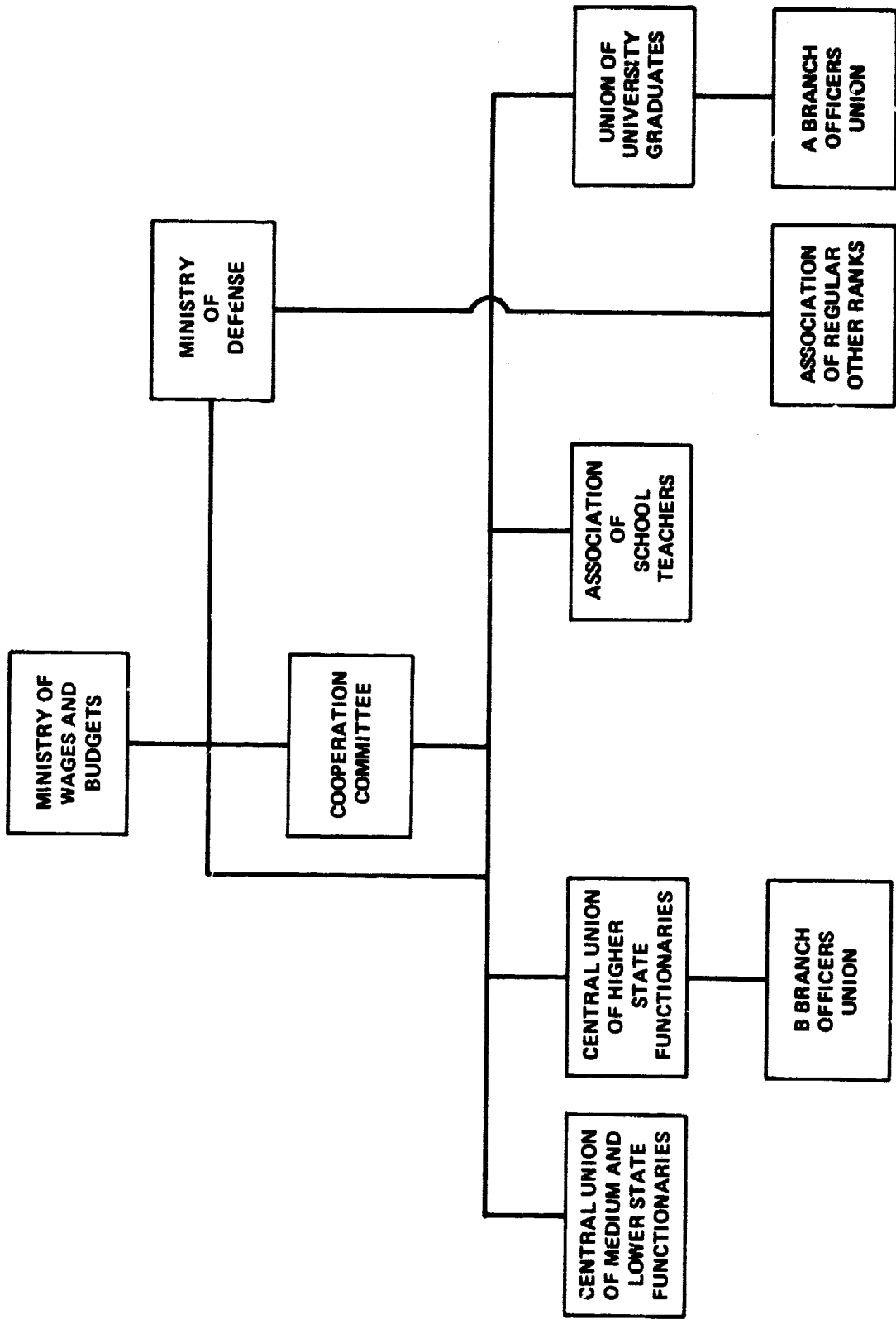
The representation forums in Denmark provide a means for all military personnel to communicate with top government levels. Every serviceman is permitted to join a military union, but, as previously mentioned, conscripts have not done so.

### Unions

Public sector employees, including military personnel, are covered by agreements negotiated by the Ministry of Wages and Budgets and the four main unions--the Central Union of Medium and Lower State Functionaries, Central Union of Higher State Functionaries, the Association of School Teachers, and the Union of University Graduates. Generally, the Ministry of Defense deals only in military personnel matters, and a cooperation committee handles issues common to the unions affiliated with the four central unions.

The collective bargaining process in the private sector is similar to that in the public sector. The Danish Federation of Trade Unions, which represents 64 different trade unions, negotiates and makes agreements with the Danish Employers Confederation.

The following chart shows the relationship of the military unions with the Ministries of Finance and Defense and the four main public sector unions.



Wages and other employment conditions may be negotiated. Such matters as pension regulations and the discharge and transfer of public employees are not negotiable when governed by other laws.

Since the Association of Regular Other Ranks is not affiliated with one of the four main unions, it negotiates directly with the Ministry of Defense. Matters relating to pay must be directed to the Ministry of Wages and Budgets.

Areas not negotiable are military operational and organizational matters, except those that affect working conditions. Public and private sector wages are generally comparable. Wages are negotiated every 2 years and are based on statistics compiled by the Danish Employers Association. Negotiation impasses can be either settled by arbitration or taken to a labor court for resolution.

Public employees do not have the right to strike, but some incidents by the unions and the conscripts do exist. In the late 1950s Air Force personnel on contract (who were not unionized) contested the existing policy that contract workers retire from service at age 35. About 800 Air Force noncommissioned officers announced they would resign en masse if the policy was not changed. In response, the government extended the retirement age.

In 1976 Danish conscripts received support from political parties and the Prime Minister for pay equal to that of regular privates. However, some governmental departments tried to defer the pay raise. In protest, the conscripts' executive committee planned a legal demonstration, but equal pay was promised before the demonstration was carried out.

In 1976 sergeants and enlisted specialists on board the ship INGOLF complained to the Ministry of Defense that they had to work overtime in violation of the 40-hour workweek. The working relations committee of the enlisted personnel on board the ship announced to the Ministry of Defense and the press that they were going to apply for transfers if the overtime practice was not changed.

It was reported that crew members caused a work slowdown which forced the captain to dock in the Faroe Islands. According to the Chairman of the Association of Regular Other Ranks, work never stopped; the crew and the ship's captain simply differed in their interpretation of the 40-hour week regulation. A Defense Command official, sent to the INGOLF as a mediator, concluded that a work slowdown had not occurred. The incident prompted the Defense Command to clarify the 40-hour week for naval personnel.

## Collaboration process

Danish conscripts have no union organization but participate in a representation system based on the 1967 Act of Rules of Cooperation in the Armed Forces which provided:

"With a view of promoting the growth of the individual, strengthening the community and increasing the efficiency of the Armed Forces through an active mutual relationship, it rests with every commanding officer within the military defence to see to it that a system of co-operation is established which, according to the special circumstances within each individual unit is considered best suited to encourage a mutual co-operation among the various groups of personnel."

The collaborative committee may deal with employment conditions, personnel matters, and financial matters.

The conscripts have not expressed an interest in forming a union partly because the conscript executive committee felt a union might come under political influence. Conscript spokesmen also said they prefer the collaboration system to union organization because it is more flexible and facilitates problem solving. Since conscripts have no other formal means of representation, they rely more on the spokesman system than do union members, to whom it is also available.

As stated the rules of representation for conscripts are governed by the 1967 Act of Rules of Cooperation in the Armed Forces. The act established guidelines for communications between the conscripts and military managers at all levels. Accordingly, conscripts are entitled to elect representatives to express their wishes and complaints to their commanding officers.

Conscript representatives can raise almost any matter with local commanders. If not satisfactorily resolved, the matter is passed up the chain of command until resolved or a final decision made.

## RESULTS OF ORGANIZED REPRESENTATION

The military unions in Denmark function in much the same way as unions in the private sector. Military personnel and other public employees do not, however, have the right to strike, and there are provisions for suspending the military representation arrangements during wartime or national emergency. Through the bargaining process, the military services have negotiated a 40-hour workweek and compensation for overtime.

The representation practices have introduced certain problems for military management. The labor relations process and work-hour restrictions tend to slow decisionmaking and reduce management flexibility. However, the Danish military view these practices as necessary mechanisms for communication and the resolution of personnel problems and grievances. Workweek restrictions and required overtime have affected management flexibility, particularly training. Because of the workweek restrictions and budgetary considerations in relation to overtime payments, the Defense Command has reduced its scheduling of training exercises which would involve overtime.

Although these restrictions are recognized and may be overcome by better planning, military managers do not feel the representation practices have adversely affected the armed forces readiness capability.

## CHAPTER 5

### SWEDEN

Sweden's work force is highly unionized; 95 percent of the blue-collar and 75 percent of the white-collar workers are members of unions. The military services are also highly organized. Three military unions represent most of the regular military personnel. These unions belong to larger central organizations which negotiate certain issues for them.

The military unions are fully integrated into the Swedish collective bargaining system. Because of this, the rights of the military unions are quite extensive. Legislation permits them to strike, and the government has the right to lock them out. Through the bargaining process the unions have made compensation gains. In the late 1960s, the military unions were successful in getting a 40-hour workweek and compensation for overtime.

#### THE SWEDISH ARMED FORCES

The Swedish military depends heavily on a defense mobilization system. Its armed forces would number about 750,000 in wartime and about 18,000 regular service personnel in peacetime. The Navy and Air Force maintain a higher degree of operational readiness than the Army because a larger proportion of their mobilization force levels are on active duty.

In addition to 18,000 regulars, there are 13,900 reservists, 51,700 conscripts, and 113,400 conscripts in annual refresher training. Following is a breakdown of staffing levels by service component.

	<u>Regulars</u>	<u>Reservists</u>	<u>Conscripts</u>	<u>Conscripts on annual refresher training</u>
Army	8,700	9,000	38,000	102,000
Navy	4,400	2,900	7,700	6,800
Air Force	<u>5,000</u>	<u>2,000</u>	<u>6,000</u>	<u>4,600</u>
Total	<u>18,100</u>	<u>13,900</u>	<u>51,700</u>	<u>113,400</u>

Military service is compulsory in Sweden. The length of service training varies according to the duties which conscripts are assigned in war and peacetime organizations. Most conscripts receive 7-1/2 to 9 months training while

those selected for special duty receive 15 to 21 months training. The conscripts are required to retrain every fourth year for 11 to 32 days, during which they exercise with the units to which they would be attached in a full military mobilization.

Since the end of World War II, 4 to 4.5 percent of the Swedish gross national product has been spent on national defense. In recent years, the ratio of defense appropriations to the government's operating budget has been declining. From 1969 to 1976 the percentage of the total national budget spent on defense declined 14.5 to 10.3 percent.

### DEVELOPMENT OF UNIONS

As mentioned, unionism in Sweden is prevalent in all sectors of employment, but until the late 1800s the extent of unionization was not significant. Before, there were legal restrictions on the formation of unions. With the removal of legal restrictions, various unions began to form, mostly for blue-collar occupations and crafts. Then, in 1898 the Swedish Confederation of Trade Unions was established. The Confederation provided a central organization for the existing national unions. The Confederation exists today and is the primary organization for blue-collar employees. It has a membership of 1.8 million and 25 affiliated unions. Other central unions have been formed for other employment sectors.

A general strike in 1902 prompted employers to form their own central organization, the Swedish Employers Confederation, essentially in defense against the employee unions. The Swedish Employers Confederation today has 37 affiliated employer associations, representing 27,000 member companies.

The employee unions and the employer associations are now structured principally according to specific industries rather than the traditional craft and occupational organizations. The national unions have the right to strike in negotiation disputes while the employer associations have a counter right to impose a lockout.

Until the late 1930s, the government did not recognize the white-collar public employee organizations. They could influence salaries and working conditions only by presenting their views to the government. In 1937 State employees and in 1940 local government employees were granted collective bargaining rights. However, the right to strike was not granted until 1965.

Today, there is little difference in the bargaining rights of public and private sector employees. The laws that govern the rights of association and collective bargaining, mediation in labor disputes, and collective agreements have been extended to all labor sectors.

### Military unions

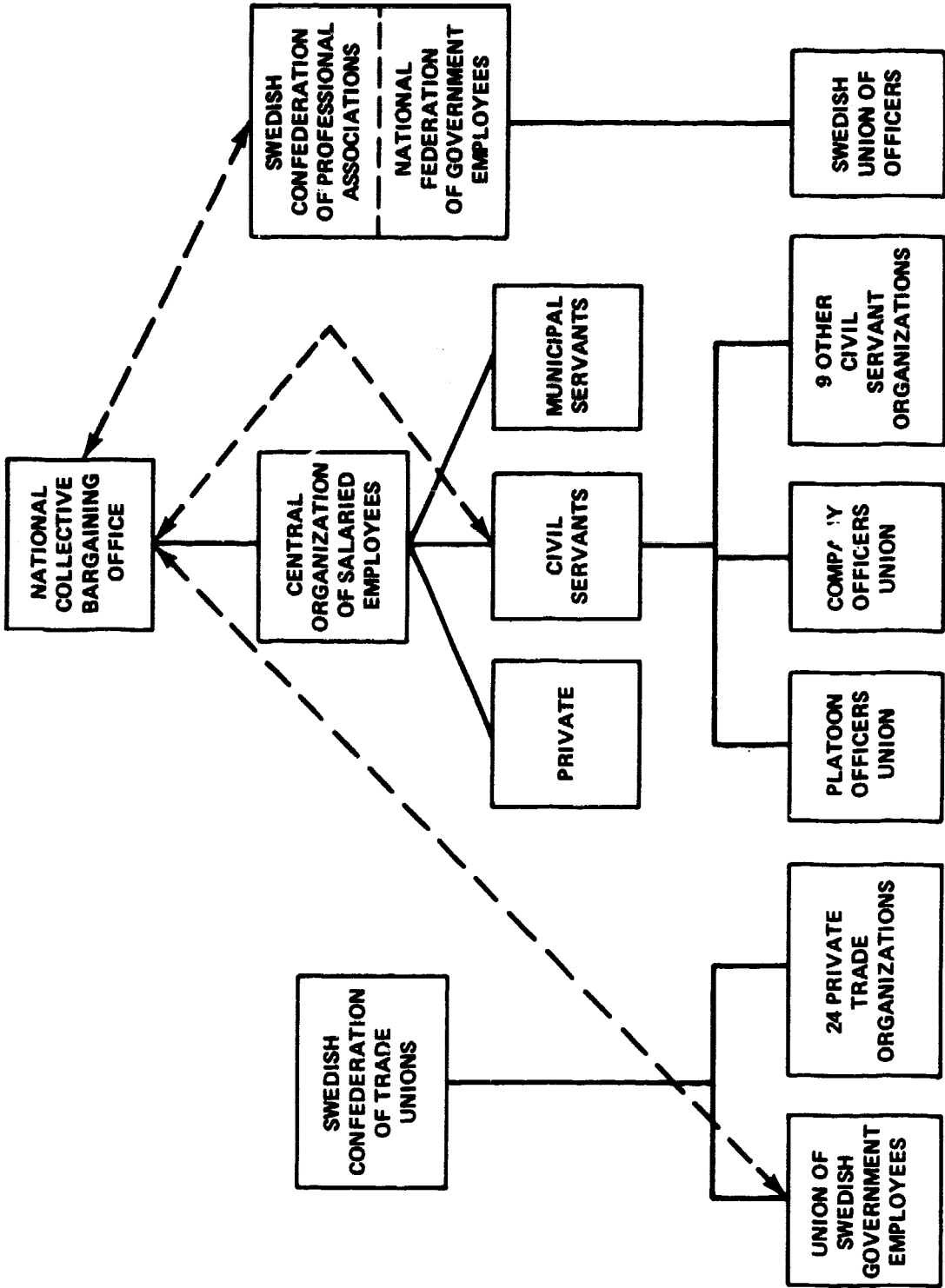
Military associations have existed in Sweden since the early 1900s, but were not given rights of association and collective bargaining until 1965. The State Officials Act extended these rights to all public employees, including military personnel. The military unions are now fully integrated into the Swedish collective bargaining system. The collective bargaining rights of private sector employees apply equally to military personnel and cover all aspects of pay and working conditions.

Three military unions have developed--the Company Officers' Union, the Platoon Officers' Union, and the Swedish Union of Officers. Membership in the unions is based on rank, and nearly all eligible military personnel are union members. Conscripts have not unionized. They were excluded from coverage under the State Officials Act of 1965 presumably because they are not considered regular employees.

As in other sectors, the three military unions are affiliated with larger national unions. The Company Officers' Union belongs to the Central Organization of Salaried Employees. The Platoon Officers' Union is also affiliated with the Central Organization of Salaried Employees and the Swedish Union of Officers is part of the Swedish Confederation of Professional Associations. The national unions engage in contract negotiations with the government's National Collective Bargaining Office for public employees and military personnel. This relationship is shown in the chart on the following page.

Although conscripts are excluded from unionization, they can, at an annual conference conducted by the Swedish Defense Counsel, present proposals and complaints on the terms and conditions of their employment. Conscripts elect delegates to the Conference. Continuity between conferences is provided by a working group which functions as an executive body for the conscripts. At recent conferences, the conscripts have asked for authorization to form a union, but the government has opposed the idea.





## The negotiation process

A pattern of central contract negotiations has evolved in Sweden. In the 1950s, the practice of holding negotiations between the central federations of employees and employers was introduced. The federations negotiate basic agreements which establish guidelines on wages and working conditions for subsequent negotiations between the national unions and employer organizations within the various industries.

The National Collective Bargaining Office represents the State in negotiations for public sector employees and military personnel. National unions represent public employees in negotiating a basic agreement with the Bargaining Office. The agreement is elaborated upon in secondary negotiations and usually covers 1 to 3 years.

If a union and management do not reach an agreement during negotiations, either side may resort to an industrial action--strike or lockout. A strike or lockout, however, cannot be effected until 7 days after the other side is notified of the intended action. At the same time, a government mediator, whose task is to try to help settle such disputes, is also to be notified of the intended action.

Mediators have no power to postpone strikes or lockouts, but do request the parties to delay the action during the mediation process. The parties usually honor a mediator's request. If the situation warrants, a commission of several mediators may be appointed to help settle a dispute.

Although unions may strike and employers (and the government in the case of public employees) have a corresponding right to resort to lockout, there are certain restrictions if such action would threaten essential public services. If the protection of a public interest is raised during a dispute, the matter is referred to a Labor Market Council. The Council, to which the interested parties have equal representation, decides by a majority vote as to whether a dispute is to be prevented, limited, or settled.

As discussed, negotiations in the public and private sectors have been generally limited to questions concerning wages and other conditions of employment. However, a new Swedish law, the Act on Codetermination at Work, effective January 1, 1977, replaces existing labor laws and includes modifications to collective bargaining. Previously, areas as management of a company, its structure, supervision of work, work areas, equipment, etc., were not negotiable. Under the act these matters may be negotiated as provided in article 32:

"Between parties to a collective agreement on pay and general conditions of employment there should, if the union side so requests, also be concluded a collective agreement on co-determination for employees in questions relating to concluding and cancelling employment contracts, to supervision and distribution of work or to other aspects of management."

#### RESULTS OF ORGANIZED REPRESENTATION

Many improvements in pay and general working conditions for Swedish military personnel are attributed to the military unions. The unions were successful in negotiating a 40-hour workweek and paid overtime. Also, the unions were primarily responsible for changes in military justice of transferring certain disciplinary authority from the military to civil authorities.

The military unions have been fully integrated into the Swedish collective bargaining system. The collective bargaining rights in the private sector have been equally extended to the public sector, including the military.

The impact of codetermination on the Swedish military will not be known for some time. Some officers expressed concern that codetermination agreements will result in their functioning as coordinators rather than commanders. Others feel that decisionmaking will gravitate from individual commanders to a group or board-type arrangement.

With regard to military capability and unionization, the Swedish Ministry of Defense has stated, "It cannot be claimed that unions have exerted any direct influence on readiness."

## CHAPTER 6

### SELECTED STUDIES

Many recent studies and surveys have dealt with the prospect and possible impact of U.S. military unionization. One study, for example, suggests that some form of organized representation or bargaining arrangement for U.S. military personnel is very likely. Another reports that military personnel do not feel that their interests are adequately protected and represented. A common observation is that military personnel perceive an erosion of promised benefits which they feel a union could restore and maintain. Highlights of selected studies are contained in the following sections.

#### DEFENSE MANPOWER COMMISSION

In a report issued in April 1976 to the President and the Congress, the Defense Manpower Commission discussed the possibility of unionization of the U.S. Armed Forces. The Commission noted,

"that many members of the active forces feel dismayed and disillusioned because of what they perceive to be either neglect, disinterest or a breach of faith on the part of their Government \* \* \* [and that] the attitudes of the members of the Armed Forces in this regard are shaped primarily by their perceptions of the attitude toward them of the President, the Congress and the Secretary of Defense."

Primarily because of this and its conviction that unionization would involve unacceptable consequences, the Commission expressed extreme concern about the possibility of military unionization; a possibility which the Commission believed "must be faced squarely and appropriate actions to deal with the possibility must be undertaken now." In this respect, the Commission recommended that the Secretary of Defense publish a regulation that would prohibit all officers, warrant officers, or noncommissioned officers from joining a union and publish a directive that prohibits commanders from recognizing or bargaining with a union.

#### DEPARTMENT OF DEFENSE

The Department of Defense conducted a background study of military unions and associations in five North Atlantic Treaty Organization countries that have unions or associations. In part, the Department found that unionization has

resulted in economic gains and better conditions of services for military personnel and that the military of those countries appear to have benefited from improved recruitment and retention of career personnel with resulting savings in training, an increased sense of involvement in military personnel, and a greater acceptance of the military by the general public.

In its analysis, the Department concluded

"the most obvious negative impact of the unionization of military personnel in NATO European nations has been a lowering of military standards of appearance and decorum. \* \* \*"

A less obvious, but serious negative effect cited in the study is lessening of management flexibility because of strict workweek rules and limitations on overtime work. Some former military commanders in the countries studied told the Department that there have been no overall adverse impacts of unions or associations on combat readiness and effectiveness. The Department's overall observations on the potential impacts of unionization of the U.S. Armed Forces follow.

"Because of their worldwide commitments, our Armed Services need the utmost flexibility in managing their military personnel. Currently, our personnel are managed with policies that are enlightened and sensitive, while responsive to our defense needs. Restrictions on personnel management which could ensue if unionization and even limited recognition occur may seriously hamper both the readiness of our forces and our capability to employ them in contingency situations. This need for management flexibility is far less important in nations which have defense commitments which typically end at their continental borders.

"While the negative impacts of unionization on the armed forces of the NATO European nations, at least in peacetime, do not appear to be seriously degrading their combat readiness and effectiveness, the consequences for the United States are very likely to be more detrimental. Further, while there appears to be generally harmonious relationships between the military unions and the governments in the NATO nations, we could not be assured of the same situation in the U.S. since our many labor organizations are more diverse in nature, appear to be more aggressive in pursuing their demands, and do not have a direct role and voice in our government.

"Internally, unionization could have very grave impacts on the morale, dedication and commitment of our members. Any attempt to unionize would be divisive. Many members will resist such efforts but even a small vocal minority who might support such efforts could seriously damage the cohesiveness of our units. Should efforts at unionization be successful, we are certain to see the loyalties of our members divided between Service and union, and in all likelihood, with time, sense of service to nation would wane and military service would be increasingly viewed as merely a job."

#### QUADRENNIAL REVIEW OF MILITARY COMPENSATION

A study conducted for the Quadrennial Review of Military Compensation by the consulting firm of Kramer Associates, Inc., analyzed factors which have historically been associated with the impetus for unionization in Government services with a special emphasis on police and firefighter organizations in the United States. Based on an analysis of public sector unionization, the following conclusions were presented regarding military unionization.

"The review of public sector unionization has shown that the United States has become a negotiating society, and that there is nothing to indicate a change in this trend. Clearly, the military is the last large unorganized sector of the U.S. economy in the eyes of many employee organizations. The United States is now experiencing a period conducive to military unionization, characterized by a non-conscript, professional armed force, largely in garrison and with a relatively long period unbroken by serious military conflict. Judging from the material contained in this report, there will be for the foreseeable future a distinct possibility of some form of collective bargaining for uniformed military personnel to improve pay and working conditions or to strengthen due process and employee participation in the decisions which affect their lives. It will probably become increasingly important for Department of Defense managers to realize that the attitudes of society and of the young people entering the force toward public service unions have changed since the early 1960's and there is little reason to expect that this more liberal view will not continue. This review of public sector unionization has shown that there are reasons for public service employee affiliation with unions other than the traditional employee considerations of pay, fringe benefits

and working conditions. An equally important function of unions is to protect the employees from arbitrary actions of management whether those actions are related to pay, fringe benefits, working conditions or other aspects of employment such as job security, advancement or status. The strongest current appeal of unions is the guarantee that the employee will be assured of having a strong influence in the decisions which directly affect his life. These findings suggest the need for the Department of Defense to develop alternative ways to meet these kinds of expectations within the framework of an authoritarian military organization."

AMERICAN FEDERATION OF GOVERNMENT  
EMPLOYEES (AFGE)

In 1975 AFGE studied the consultation and collective bargaining arrangements within the armed forces of the Netherlands, Sweden, and the Federal Republic of Germany. Some of its observations were:

The Netherlands--"\* \* \* does not possess a unionized personnel system which authorizes labor organizations to negotiate pay and military working conditions with the Ministries of Interior and Parliament. Instead, officers, enlisted personnel as well as draftees serving in the Army, Navy and Air Force are members of dues-collecting 'Associations' which send elected representatives to a monthly 'Consultation Committee' meeting with appropriate Defense Ministry officials. A continuous review of all facets of military personnel policy is thus achieved."

Sweden--"\* \* \* unionizing large portions of the Swedish military has not revealed any disturbing, or negative effects on military morale, combat training or efficiency: A sense of some participation in the alteration of the military working environment, actually raises, rather than depresses morale."

West Germany--"The Federal Republic's mixed military association labor union personnel system works well and comprised either discipline still subject to military control) or preparedness." (sic)

Also, in 1975 AFGE testified before the Defense Manpower Commission on organizing the military services into a union. The following excerpts contain some of the reasons given by AFGE for considering military membership.

"Since it appeared that AFGE and armed forces personnel would have a continuing mutual concern in pay adjustments in the future, I recommended to the AFGE National Executive Council--our policy board--that we consider offering membership within AFGE to members of the uniformed military.

"Since the original concept was discussed last April--centering primarily on pay--other areas of mutual concern have also come to the fore. These considerations include common or similar problems in the pension systems of both civilian and military personnel, changes in the health care system for both groups, identification of military and civilian positions in the regular operation of military installations and many others. \* \* \*

"Again, our experience in dealing with these problems, with legal, administrative and collective bargaining remedies, was part of the consideration which led our National Executive Council to extend the charter of the committee studying possible membership for military personnel by a unanimous vote earlier this month.

"\* \* \* In summary, then, it would be well for the members of this Commission--as well as for the policy officials of Federal management--to bear in mind that there are striking parallels between the conditions which spawned the unionization of Federal employees in 1932, when AFGE began, and those which could spawn a similar movement by military personnel in the coming years.

"As our work in representing Federal civilian employees has evolved over these forty-three years, we have found the mood of management has mellowed from the absolute obstructionism we first encountered. Our role in the scheme of things has grown to the point where we are now really helping management in the writing of their own regulations; something which would have been unheard of in the early years."



## CHAPTER 7

### SUMMARY

As discussed in previous chapters, each country we studied permits military personnel to engage in some form of organized representation. Because of social, political, and military differences, the experiences of these countries cannot be readily related to the United States. It should be emphasized that the arrangements in the countries we studied have evolved over many years and there are certain restrictions, legal and traditional, on the scope and structure of representational activities and legally defined relationships within the framework of military organization and authority.

### RESULTS OF ORGANIZED MILITARY REPRESENTATION

All military personnel in the countries studied, except Swedish conscripts, are permitted various forms of organized representation. Although the nature of the representation varies (unions, associations, personnel councils, etc.), activity is generally limited to matters relating to pay and living and working conditions. In general, military pay is tied to that of other public employees.

There are various restrictions on the nature and scope of military union and association activities including prohibitions on involvement in matters of a military nature--organization, operations and discipline, etc. Except for Sweden, none of the military organizations have the right to strike, and the Swedish unions have not exercised their right. Provisions for suspending representational activity in wartime or national emergency also exist.

Organized representation has been integrated into the military structures of Denmark, the Netherlands, West Germany, and Sweden without any apparent adverse effects on military capability. The unions and associations operate within a defined legal framework and appear to have the positive cooperation and support of government and military management. Military officials feel that the labor management practices have improved communication and facilitated the resolution of conflicts and personnel problems.

Many U.S. Embassy officials, including military and labor attaches, believe organized representation has not adversely affected military readiness, efficiency, or discipline. However, some officials characterized certain existing arrangements such as workweek restrictions and overtime

considerations as negative factors which could have negative impacts. Some of these officials also believe that, because of many differences, the experiences in European countries are not necessarily appropriate for drawing conclusions on the potential impacts of unionization in the U.S. Armed Forces.

The practices have, however, introduced management problems for the military. Consultations, negotiations, and discussions between management and military representatives tend to slow decisionmaking and reduce management flexibility. These practices are viewed as needed mechanisms for communications and an equitable resolution of problems.

Workweek restrictions and required overtime compensation have affected management flexibility, particularly training. A number of officials commented that, because of these restrictions, the desired level of military training may be difficult to attain. The budgetary effect associated with training and overtime is also a factor to be carefully considered. For example, the Danish Defense Command has reduced its scheduling of training exercises which would involve overtime.

Overall, the military organizations in the countries studied appear to have contributed to improvements in pay and benefits and to general working and living conditions of military personnel. However, since military pay systems are generally linked to private and public sector pay, improvements may have resulted without the military unions' involvement.

#### U.S. MILITARY UNIONIZATION

The unionization of U.S. military personnel has become a prospect. Numerous bills have been introduced in the Congress to prohibit such unionization. The Secretary of Defense has stated he will take steps to curb unionization activity on military installations.

At present, military personnel in the U.S. Armed Forces have no formalized means to collectively address issues of living and working conditions as a union or other form of authorized representation could do. Many forums are available within the chain of command, such as enlisted and junior officers councils, for consideration of complaints and problems of military personnel. There are also many military organizations and associations (for example, the Fleet Reserve Association and the Air Force Sergeants Association) which represent their members but do not engage in any formal negotiation, bargaining, or consultations.

Military personnel may individually seek redress of grievances and present complaints on matters, including pay and benefits, through established channels:

--Article 138 of the Uniform Code of Military Justice provides that any member of the Armed Forces who believes he has been wronged by his commanding officer and has been refused redress may have his case referred by a superior commissioned officer for investigation and corrective action, after which a report is to be sent to the secretary concerned.

--Department of Defense Directive 1325.6 states that an open door policy for complaints is a basic principle of good leadership, and commanders should personally assure themselves that adequate procedures exist for identifying valid complaints and taking corrective action.

--Federal law (10 U.S.C. 1034) permits any member of the military to petition or present any grievance to any Member of Congress.

--Inspector General systems were established to inquire into and report on matters affecting the performance of mission and the state of economy, efficiency, discipline, and morale of the Armed Forces.

### Legal questions

Unionization of the U.S. military involves several legal issues. Numerous bills have been introduced in the Congress to expressly prohibit unionization in the U.S. Armed Forces. One such bill (S. 274, Jan. 18, 1977) states in part:

"(b) It shall be unlawful for any individual, group, association, organization, or other entity to enroll any member of the armed forces in, or to solicit or otherwise encourage any member to join, any labor organization.

"(c) (1) It shall be unlawful for any member of the armed forces to be a member of or to solicit or otherwise encourage any other member of the armed forces to join any labor organization."

The Congressional Research Service studied the questions of whether members of the Armed Forces have a constitutional right to join a union and whether legislation designed to prohibit such unionization may be stated in a manner to be free of constitutional objections. It reported in May 1976 that:

"The cases cited in this study do not lead unerringly to any particular conclusion. However, certain general principles emerge which would appear to form a possible basis for legislation. First, the most recent case law on the subject holds that the right of government employees to join a union is guaranteed by the Constitution, although this principle has never been approved by the Supreme Court, which currently seems willing to uphold substantial restrictions on the freedoms of government personnel, and especially those of the military. In any event, it seems clear that any government body may be prohibited from bargaining collectively with a union purporting to represent its employees.

"Another important point which is fairly well established by the most recent Supreme Court decisions is that military personnel may be prohibited from participating in activities which are found to constitute a clear danger to loyalty, discipline, and morale. It is believed that legislation embodying the foregoing principles would be constitutional."

In March 1977 the Secretary of Defense testified before the Senate Armed Services Committee on the prospect of U.S. military unionization. While opposed to the concept of unionization within the U.S. military, the Secretary was concerned about possible legal problems related to legislation which would prohibit military personnel from joining unions. Rather than an outright ban on union membership by military personnel, the Secretary expressed preference for the restrictive measures already contained in Department policy.

It is evident that unionization of the U.S. military will continue to be a controversial issue. We made this study primarily to provide additional information rather than to support a position for or against military unionization.

THE SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

20 DEC 1976

## MEMORANDUM FOR Secretaries of the Military Departments

SUBJECT: Policy Regarding Negotiation and Bargaining in the  
Armed Forces

Unions and the labor movement have played an historic role in the economic and social development of our nation. Within the Department of Defense, there are labor agreements covering hundreds of thousands of civilian personnel. These people contribute to the operation of the Department. It does not follow, however, that the processes of negotiation and bargaining can or should be applied to U.S. military forces.

Members of the U. S. armed forces are prepared to fight -- and if necessary, to die -- to preserve our liberty and security. The key to effective operation of the uniformed services depends on proper functioning of the chain of command. Control, discipline, and prompt obedience to the lawful orders of one's superiors are the time-honored elements of our American military tradition. From the earliest Articles of War -- adopted as we fought for our freedom in the Revolution -- to the present Uniform Code of Military Justice (UCMJ) -- U.S. military laws and regulations have proscribed conduct that would undermine the chain of command.

Laws governing both the civilian and military communities make it clear that strikes, slowdowns, or similar job actions have no place in the armed forces. The UCMJ, for example, prohibits desertion, mutiny, or misbehavior before the enemy. A soldier may be punished for disrespect toward a superior officer or NCO. Likewise, failure to obey a lawful order or regulation may be punished under the Code. Similar laws apply criminal sanctions to certain actions by civilians which undermine military discipline or the chain of command.

The Department recognizes the importance of providing channels for service members to present problems to the chain of command. Such procedures currently include the Inspector General System and complaints under Article 138 of the UCMJ. The development by individual commanders of open door policies, enlisted and junior

officers councils, and similar programs attests to the flexibility of the chain of command in providing appropriate means for communicating complaints. There is no place in the chain of command, however, for organizations that would rely on bargaining and negotiation.

Members of the armed forces may join associations which promote programs for the benefit of their members, but the activities of such organizations have not and must not interfere with the lawful operation of the chain of command. To the extent that military facilities are involved, commanders have the power to regulate the time, place, and manner of the activity.

To date, the vast majority of such associations have functioned on the basis of a positive relationship with the DoD and the military services. The Department anticipates that the tenor of relations with these associations as well as with those associations that might be formed in the future will continue to be constructive.

The Department of Defense policy on this matter is as follows:

Negotiation and bargaining. No member of the armed forces, or civilian employee of the Department of Defense, may negotiate or bargain on behalf of the United States, with respect to terms and conditions of military service of members of the armed forces, with any individual, organization or association which represents or purports to represent members of the armed forces; nor may any member of the armed forces, or civilian employee of the Department of Defense, recognize any individual, organization or association for any such purpose.



CC: G/JCS  
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