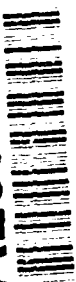


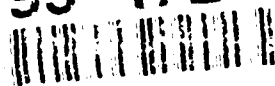
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## Human Resources Division

B-240976

January 18, 1991

The Honorable Howard M. Metzenbaum  
Chairman, Subcommittee on Labor  
Committee on Labor and Human Resources  
United States Senate

The Honorable William Clay  
House of Representatives

On March 9, 1990, you asked us to document trends in strikes and the use of permanent strike replacements for striking workers. We provided testimony on June 6 and June 13, 1990, on the number of strikes and the use of permanent replacements in the 1970s and 1980s.<sup>1</sup> In subsequent discussions with your staff, we agreed to update some data provided in our testimony and obtain additional data on the use of permanent replacements. The results presented in this report reflect our additional work and, thus, differ from the data we reported in our testimony.

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## Results in Brief

The number of strikes in the United States during the 1980s was about one-half what it was during the 1970s. More specifically, strikes declined about 53 percent in the 1980s compared with the 1970s.

We estimate that, in strikes reported to the Federal Mediation and Conciliation Service (FMCS) in 1985 and 1989, employers announced they would hire permanent replacements in about one-third of the strikes in both years and hired them in about 17 percent of all strikes in each year. We generally found little difference in the use of permanent replacements by employers in large versus small strikes.

Many employers and union representatives involved in strikes in 1985 and 1989 believe permanent strike replacements were hired more frequently in the late 1980s than they were in the late 1970s. We estimate that, if we had interviewed all employers and union representatives, 33 percent of the employers and 13 percent of the union representatives would have said they had no basis to provide an opinion.

## Background

The National Labor Relations Act (NLRA) of 1935 is the principal federal law governing private sector labor relations. The act protects the rights

<sup>1</sup>Trends in the Number of Strikes and Use of Permanent Strike Replacements in the 1980s (GAO/T-HRD-90-34, June 6, 1990 and GAO/T-HRD-90-41, June 13, 1990).

DISTRIBUTION STATEMENT A

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Distribution Statement A

of workers in most industries.<sup>2</sup> For example, the act establishes the right of workers to join unions and to strike. Also, it prohibits employers from firing workers because they strike. However, in 1938, the U.S. Supreme Court in NLRB v. Mackay Radio & Telegraph Co. ruled that NLRA's protection of workers' right to strike does not prevent employers from hiring employees to temporarily or permanently replace striking workers in strikes over economic issues, such as wages.

Unions and some labor-management relations experts contend that employers rarely used the right established by the 1938 decision until 1981. They believe employers have increasingly hired permanent strike replacements since President Reagan fired and permanently replaced about 12,000 striking air traffic controllers in that year. They also believe that the number of strikes has decreased, and that the decrease is due to workers' increasing fear of being permanently replaced. To help assess the need for legislation to prohibit the use of permanent replacements, you asked us to document trends in the number of strikes and the use of permanent strike replacements.

## Methodology

We obtained the number of strikes during the 1970s and 1980s from FMCS.<sup>3</sup> To develop information on the use of permanent strike replacements, we selected, from a computerized FMCS data base, samples of all work stoppages that began in 1985 and 1989.<sup>4</sup> Because we wanted to compare the practice of using permanent strike replacements in large and small strikes, we stratified our sample according to the size of the bargaining unit in each work stoppage. We chose a random sample of work stoppages that involved bargaining units with fewer than 1,000 workers and all work stoppages with bargaining units of 1,000 or more workers. We selected 1985 and 1989 because they were the earliest and latest years for which automated information was available that we needed to conduct our study.

<sup>2</sup>Major exceptions from coverage under the NLRA are the rail, airline, and agricultural industries.

<sup>3</sup>Employers and unions covered by NLRA are required to report to FMCS when agreement is not reached in negotiations terminating or modifying collective bargaining agreements. This requirement does not extend to industries not covered by NLRA. Thus, recent highly publicized airline strikes at Eastern, TWA, and Continental in which permanent strike replacements were hired were not required to be reported to FMCS.

<sup>4</sup>Work stoppages initiated by employees are strikes, while work stoppages initiated by employers are lockouts.

We sought out employers and union representatives knowledgeable about the specific work stoppages we selected and, if it was a strike, we interviewed them about the use of permanent replacements. We also obtained their opinions about the change from the late 1970s to the late 1980s in the use of permanent replacements in all strikes during those periods.

Our results are weighted so that our estimates describe the information we would have obtained if we had surveyed employers and union representatives associated with the universe of strikes reported to FMCS in 1985 and in 1989. (See app. I for details.) For example, our estimate of the percentage of 1989 strikes in which employers hired permanent replacements applies to all strikes reported to FMCS but does not include all strikes in industries, such as airlines, not required to be reported to FMCS.

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## Principal Findings

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### Strikes Reported to FMCS Declined Sharply in 1980s

The number of work stoppages reported to FMCS during the 1980s was about one-half what it was during the 1970s. During the 1980s, there were about 1,250 work stoppages a year compared with about 2,660 a year during the 1970s, a decline of about 53 percent. The vast majority of work stoppages were strikes rather than lockouts. (See p. 12.)

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### Permanent Replacements Were Hired in About 17 Percent of the Strikes

We estimate that employers in strikes reported to FMCS announced they would hire permanent replacements in about 31 percent of the strikes reported in 1985 and about 35 percent of the strikes in 1989. (See p. 13.) We also estimate that employers actually hired permanent replacements in about 17 percent of all strikes in both years. (See p. 15.) We estimate that about 4 percent of all striking workers were permanently replaced in both years. (See p. 17.)

Many labor-management relations experts believe that employers are increasingly announcing the intention to hire permanent replacements even before a strike begins as a way to keep workers from going on strike. We found, however, employers made the announcement before the strike less often in 1989 than in 1985. In both years covered in our survey, employers most often announced their intended use of replacements after the strike began. (See p. 14.) In addition, our analysis shows

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that in both years employers hired permanent replacements more frequently when the strike lasted more than 1 month than when it lasted less than 1 month. (See p. 18.)

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### Little Difference in Use of Replacements in Large Versus Small Strikes

We generally found no significant statistical differences in the percentage of large and small strikes in 1985 and 1989 in which employers (1) announced the use of and hired permanent replacements, and (2) announced replacements after, rather than before, the strike began. However, we did find some issues with statistically significant differences. First, when we compared the percentage of strikes in which employers announced replacements in 1989 with the percentage in 1985, we found an increase for large strikes (31 percent in 1989 compared with 25 percent in 1985). There was no statistically significant difference for small strikes. Second, when we examined how often employers announced before the strike began that they would hire replacements, we found a decrease for small strikes from about 8 percent of the strikes in 1985 to about 1 percent in 1989. We found no difference in large strikes. Third, in 1985, the majority of the striking workers replaced were in small strikes (about 80 percent), while in 1989 the majority of those replaced were in large strikes (about 70 percent). (See pp. 13-17.)

### Employers and Union Representatives Believe Replacements Were Hired Less Often in Late 1970s Than in Late 1980s

About 45 percent of the employers and about 77 percent of the union representatives involved in strikes reported to FMCS in 1985 and 1989 believe permanent strike replacements were hired in proportionately fewer strikes in the late 1970s than in the late 1980s. However, we estimate that—if we had surveyed all employers and union representatives—33 percent of the employers and 13 percent of the union representatives would have told us they had no basis to provide an opinion on a change in the hiring of permanent replacements from the period 1975 to 1980 to the period 1985 to 1990. (See p. 18.)

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We did not obtain agency comments on this report because our work did not address a specific agency's activities. We are sending copies to the Secretary of Labor, the Director of FMCS, and to other interested parties. Please call me on (202) 275-1793 if you or your staff have any questions. Other major contributors to this report are listed in appendix IV.

*Eden Sehgal*

*for* Franklin Frazier  
Director, Education and  
Employment Issues

# Contents

Letter		1
Appendix I		8
Background and Methodology	Background Objectives, Scope, and Methodology	8 9
Appendix II		12
Strikes and the Use of Permanent Strike Replacements in the 1970s and 1980s	Strikes Reported to FMCS Declined Sharply in 1980s Employers Announced They Would Hire Replacements in About One-Third of the Strikes Strikers Permanently Replaced in 17 Percent of Strikes in 1985 and 1989 Employers and Union Representatives Believe Replacements Were Hired Less Often in Late 1970s Than in Late 1980s	12 13 15 18
Appendix III		20
Data Points for Figures II.1 Through II.3		
Appendix IV		21
Major Contributors to This Report		
Related GAO Products		24
Tables		
	Table I.1: Sampling Plan and Response Rates	10
	Table II.1: Estimates of the Frequency With Which Permanent Replacements Were Announced and Hired (1985, 1989)	13
	Table II.2: Announcement of Permanent Replacements in Large and Small Strikes (1985, 1989)	14
	Table II.3: Timing of Announcement in Large and Small Strikes (1985, 1989)	15
	Table II.4: Hiring of Permanent Replacements in Large and Small Strikes (1985, 1989)	16

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## Contents

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Table II.5: National Estimates of the Number of Workers on Strike and Permanently Replaced (1985, 1989)	17
Table II.6: Hiring of Permanent Replacements in Long and Short Strikes (1985, 1989)	18
Table III.1: Data for Figure II.1	20
Table III.2: Data for Figure II.2	20
Table III.3: Data for Figure II.3	20

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## Figures

Figure II.1: Decrease in Work Stoppages Reported to FMCS (1970-89)	12
Figure II.2: Use of Permanent Strike Replacements (1985, 1989)	16
Figure II.3: Respondents' Opinions About Trends in Hiring Permanent Strike Replacements	19

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## Abbreviations

FMCS	Federal Mediation and Conciliation Service
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board



# Background and Methodology

## Background

The National Labor Relations Act (NLRA) of 1935 is the principal federal law governing private sector labor relations. It provides basic protection to workers in most industries. Major exceptions from coverage under NLRA are the rail and airline industries, agricultural employees, and independent contractors.

NLRA establishes employee rights to organize and to join unions and recognizes the right of employees to strike. In addition, the act defines employer and union unfair labor practices. For example, employers and unions are prohibited from refusing to bargain collectively.

Striking workers are protected by the act. For example, although employers may hire replacement workers during strikes to continue operations, strikers cannot be fired. Reinstatement rights of striking workers, however, depend on whether the strike is an economic strike (related to terms and conditions of employment, such as wages) or an unfair labor practice strike (related to employer conduct prohibited by NLRA).

In 1938, the U.S. Supreme Court in NLRB v. Mackay Radio & Telegraph Co. interpreted NLRA's protection of workers' right to strike as not precluding employers in economic strikes from hiring employees to temporarily or permanently replace striking workers. Economic strikers who are permanently replaced are entitled to reinstatement only when or if vacancies occur, such as when replacements choose to leave. In contrast, if a strike is for unfair labor practice reasons, striking workers cannot be permanently replaced. They are entitled to full reinstatement upon their unconditional offer to return to work.

NLRA requires covered employers and unions to notify the Federal Mediation and Conciliation Service (FMCS) when a proposal to terminate or modify an existing collective bargaining agreement has been made but no agreement has been reached. They are not required to report when that lack of agreement results in a work stoppage.<sup>1</sup> However, FMCS monitors the bargaining process in cases reported to it and keeps records on work stoppages of which it is aware. It has maintained computerized records on these work stoppages since 1985. In addition to information on work stoppages in industries covered by NLRA, FMCS's data base includes data on some work stoppages associated with agreements outside the scope of NLRA.

<sup>1</sup> Work stoppages initiated by employees are strikes, while work stoppages initiated by employers are lockouts.

Unions and some labor-management relations experts contend that employers rarely used the right established in the Mackay case to hire permanent strike replacements until 1981, but since that time, employers have more often hired permanent replacements. They believe the greater use of replacements has weakened the bargaining power of unions, which can be seen in a decreasing number of strikes in the 1980s.

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## Objectives, Scope, and Methodology

Because of concerns about the hiring of permanent strike replacements, the Chairman of the Subcommittee on Labor, Senate Labor and Human Resources Committee, and the former Chairman of the Subcommittee on Labor-Management Relations, House Education and Labor Committee, introduced bills to amend NLRA to prohibit this practice. To help assess the need for such legislation, they asked GAO to document trends in strikes and the use of permanent strike replacements.

To answer their question about trends in the number of strikes, we obtained data from FMCS on the number of work stoppages of any size and duration that occurred between 1970 and 1989. We did not verify the FMCS data.

Because no comprehensive data are available to answer their question about trends in the use of permanent strike replacements, we selected, from a computerized FMCS data base, samples of work stoppages that began in 1985 and 1989. We selected 1985 and 1989 because they were the earliest and latest years for which automated information that we needed to conduct our study was available.

Using a computer-aided telephone interview technique and a standardized interview questionnaire, we attempted to interview both the employer and union representative identified in the FMCS data base as knowledgeable about the work stoppages in our samples. If we could not reach the individual identified in the data base, we tried to speak with another employer or union official familiar with the selected stoppage. We conducted our interviews between May 21 and 31, 1990, and September 26 and November 19, 1990.

We asked respondents whether the work stoppage was a strike or a lockout. If it was a strike, we asked whether employers announced that they would hire permanent replacements and, if this announcement was made, whether it was made before or during the strike. We also asked whether any of the people who went on strike were actually replaced

with permanent replacement workers. In addition, we asked all respondents their opinions about the hiring of permanent strike replacements nationwide during the late 1970s and 1980s.

Because we wanted to compare the use of permanent strike replacements in large and small strikes, we stratified our sample according to the size of the bargaining unit in each work stoppage. We chose a random sample of work stoppages that involved bargaining units with fewer than 1,000 workers and all work stoppages with bargaining units of 1,000 or more workers.

We selected 201 work stoppages that began in 1985 and 203 that began in 1989. These samples represent about 17 percent of the work stoppages in 1985 and about 27 percent of the work stoppages in 1989. We completed interviews with 646 individuals: 326 employers and 320 union representatives. From our interviews, we obtained information on 181 strikes (90 percent of the work stoppages) in our 1985 sample and 192 (95 percent) of those in our 1989 sample. About 68 percent of the cases in both years were described by both the employer and the union representative. Our results are weighted according to the sampling plan shown in table I.1 so that our estimates describe all strikes reported to FMCS that began in 1985 and 1989.

**Table I.1: Sampling Plan and Response Rates**

	1985		1989	
	Number	Percent	Number	Percent
<b>Universe of work stoppages<sup>a</sup></b>				
Total	1,172	100	766	100
Small <sup>b</sup>	1,117	95	708	92
Large <sup>c</sup>	55	5	58	8
<b>Sample selected</b>				
Total	201	17	203	27
Small	146	13	145	20
Large	55	100	58	100
<b>Response rates—strikes<sup>d</sup></b>				
Total	181	90	192	95
Small	126	86	134	92
Large	55	100	58	100

<sup>a</sup>Based on FMCS data

<sup>b</sup>Bargaining units with 0 to 999 workers

<sup>c</sup>Bargaining units with 1,000 or more workers

<sup>d</sup>Employer or union representative or both

From our analyses we estimate, for all strikes reported to FMCS that began in 1985 and 1989, replacement-related information, such as the frequency with which employers announced they would hire permanent replacements. We also compare the actions of employers (1) in large strikes (1,000 or more workers) versus small strikes (less than 1,000 workers) and (2) in strikes that lasted 1 month or less versus more than 1 month.

To summarize our data about each strike, we matched the responses from each employer and union representative. If both parties described the strike and their descriptions matched, or if only one person described the strike, we used that description. When they disagreed, we either resolved the differences or did not use their input.

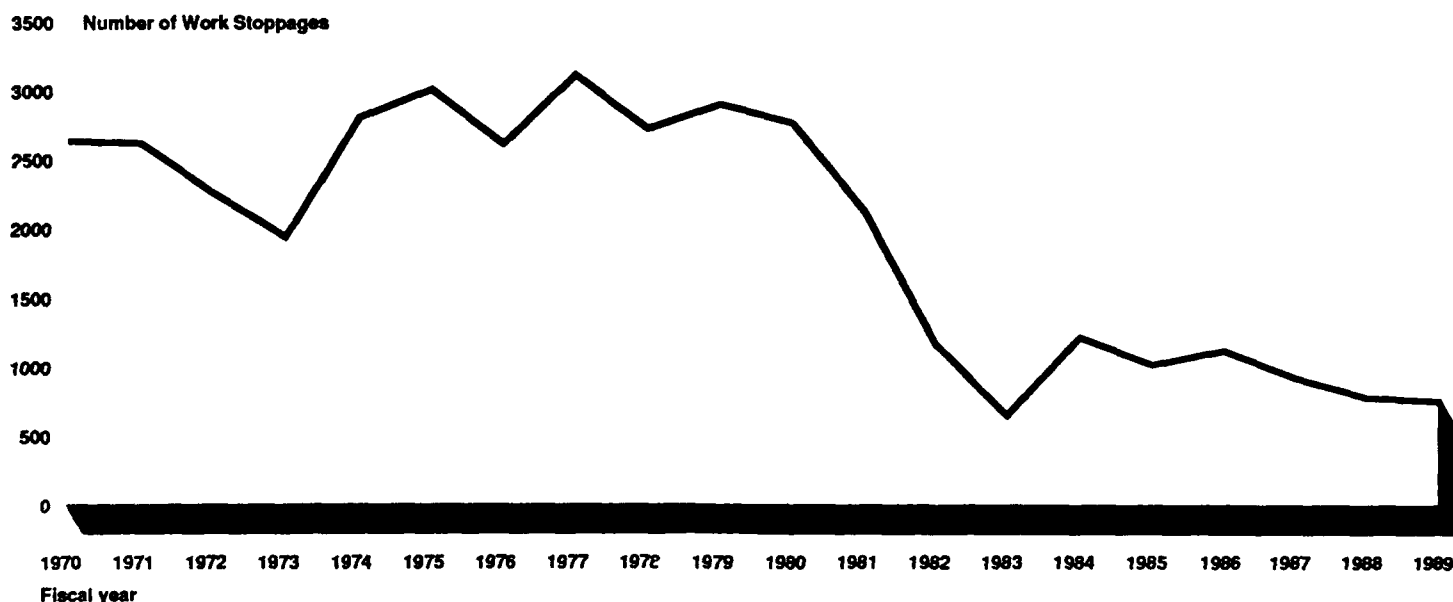
We conducted our review in accordance with generally accepted government auditing standards. We calculated sampling errors of our estimates at the 95-percent confidence level. The sampling errors are included in the tables along with our estimates.

# Strikes and the Use of Permanent Strike Replacements in the 1970s and 1980s

## Strikes Reported to FMCS Declined Sharply in 1980s

Substantially fewer work stoppages were reported to FMCS during the 1980s than the 1970s. Although the FMCS data base does not distinguish between strikes and lockouts, according to FMCS officials, the vast majority of the work stoppages are strikes. Therefore, we interpret the data to mean that the number of strikes declined sharply in the 1980s. (See fig. II.1.)

**Figure II.1: Decrease in Work Stoppages Reported to FMCS (1970-89)**



During the 1980s there were about 1,250 work stoppages a year compared with about 2,660 a year during the 1970s, a decline of about 53 percent. As figure II.1 indicates, the annual number of work stoppages during the 1970s ranged from 1,937 in 1973 to 3,111 in 1977. In contrast, the annual number of work stoppages during the 1980s ranged from 647 in 1983 to 1,215 in 1984. The greatest decline occurred between 1979 and 1983. In 1979, there were 2,897 work stoppages compared with 647 in 1983, a decrease of almost 80 percent.

We did not attempt to determine the extent to which this trend in strike activity is related to the use of permanent strike replacements rather than other factors that influence work stoppages. These other factors

include general economic conditions and the overall volume of collective bargaining activity.

## Employers Announced They Would Hire Replacements in About One-Third of the Strikes

We estimate that employers announced they would hire permanent strike replacements in about 31 percent of the strikes in 1985 and 35 percent of the strikes in 1989 that were reported to FMCS. Although the rate at which permanent replacement announcements are made appears to have increased from 1985 to 1989, our sampling error estimate of plus or minus 7 percent (see table II.1) prevents us from saying that this is a statistically significant increase.

Table II.1: Estimates of the Frequency With Which Permanent Replacements Were Announced and Hired (1985, 1989)

	1985		1989	
	Percent of strikes	Sampling error ( $\pm$ ) <sup>a</sup>	Percent of strikes	Sampling error ( $\pm$ )
<b>Replacements announced</b>	31	7	35	7
When announcement was made: <sup>b</sup>				
Before strike began	8	4	2	2
After strike began	17	6	25	6
Whether replacements were hired: <sup>b</sup>				
Replacements hired	17	6	16	5
No replacements	9	4	16	5
<b>Replacements not announced</b>	62	8	55	7
<b>Other<sup>c</sup></b>	7	4	10	4
<b>Total</b>	<b>100</b>		<b>100</b>	

<sup>a</sup>Sampling error estimates are presented as percentage points and are calculated at the 95-percent confidence level.

<sup>b</sup>Some respondents who said that an announcement was made could not say when the announcement was made or whether replacements were actually hired.

<sup>c</sup>This category includes work stoppages where (1) neither respondent remembered whether an announcement was made, (2) respondents did not agree about whether an announcement was made, (3) we were unable to obtain information from either an employer or a union representative, and (4) the work stoppage should have been classified as a lockout instead of a strike.

Our data show no significant difference in the percentage of announcements in small and large strikes in 1985 or 1989. However, in large strikes, employers more often made announcements in 1989 than 1985. In 1989, employers in 31 percent of the large strikes (18 strikes) announced that they would use replacements, compared with 25 percent of the strikes (14 strikes) in 1985. Although the data show a similar increase for small strikes, our sampling error prevents us from concluding that this is a statistically significant increase. (See table II.2.)

Appendix II  
 Strikes and the Use of Permanent Strike  
 Replacements in the 1970s and 1980s

**Table II.2: Announcement of Permanent Replacements in Large and Small Strikes (1985, 1989)**

	1985			1989		
	Number of strikes	Percent of strikes	Sampling error ( $\pm$ ) <sup>a</sup>	Number of strikes	Percent of strikes	Sampling error ( $\pm$ )
Total	312	31	7	252	35	7
Small <sup>b</sup>	298	31	8	234	36	7
Large <sup>c</sup>	14	25	<sup>d</sup>	18	31	<sup>d</sup>

<sup>a</sup>Sampling error estimates are presented as percentage points and are calculated at the 95-percent confidence level.

<sup>b</sup>Strikes with 0 to 999 workers in bargaining unit.

<sup>c</sup>Strikes with 1,000 or more workers in bargaining unit.

<sup>d</sup>No sampling errors were computed because these results are based on the universe of strikes

Employers may announce the hiring of permanent strike replacements before or during a strike. Representatives of organized labor and some labor-management relations experts argue that employers are increasingly using the announcement to hire permanent replacements before a strike as a threat to induce employees not to strike. Our data, however, do not support their belief that more employers are making these announcements before strikes begin.

In both 1985 and 1989, employers in both large and small strikes more often made the announcement to hire permanent replacements after the strike began. In small strikes, the percentage of employers that made an announcement to hire permanent replacements before the strike began was less in 1989 than in 1985—a decrease from about 8 percent in 1985 to about 1 percent in 1989. (See table II.3.)

**Appendix II**  
**Strikes and the Use of Permanent Strike**  
**Replacements in the 1970s and 1980s**

**Table II.3: Timing of Announcement in Large and Small Strikes (1985, 1989)**

	1985			1989		
	Numbers of strikes	Percent of strikes	Sampling error ( $\pm$ ) <sup>a</sup>	Numbers of strikes	Percent of strikes	Sampling error ( $\pm$ )
<b>Replacements announced before:</b>						
Total	80	8	4	13	2	2
Small <sup>b</sup>	77	8	4	10	1	2
Large <sup>c</sup>	3	5	<sup>d</sup>	3	5	<sup>d</sup>
<b>Replacements announced during:</b>						
Total	175	17	6	179	25	6
Small <sup>b</sup>	168	17	6	171	26	7
Large <sup>c</sup>	7	13	<sup>d</sup>	8	14	<sup>d</sup>

<sup>a</sup>Sampling error estimates are presented as percentage points and are calculated at the 95-percent confidence level.

<sup>b</sup>Strikes with 0 to 999 workers in bargaining unit.

<sup>c</sup>Strikes with 1,000 or more workers in bargaining unit.

<sup>d</sup>No sampling errors were computed because these results are based on the universe of strikes.

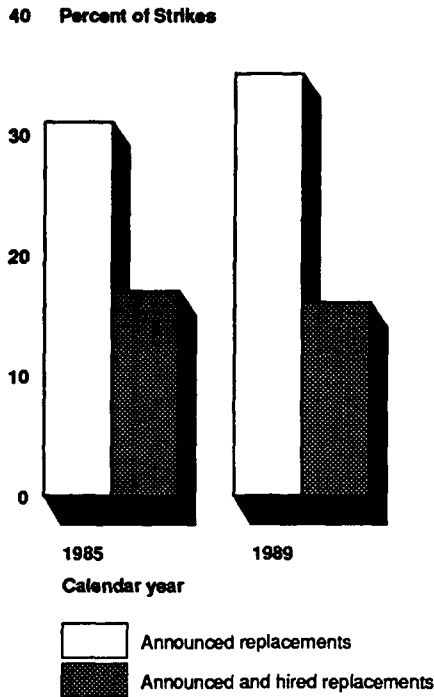
## Strikers Permanently Replaced in 17 Percent of Strikes in 1985 and 1989

Overall, we estimate that employers hired permanent strike replacements in about 17 percent of the strikes in each year. This means that, of the employers who announced they would hire permanent replacements, about 56 percent in 1985 and about 46 percent in 1989 actually did hire replacements. (See fig. II.2.)



Appendix II  
Strikes and the Use of Permanent Strike  
Replacements in the 1970s and 1980s

Figure II.2: Use of Permanent Strike  
Replacements (1985, 1989)



Employers in large and small strikes did not differ significantly in the percentage hiring replacements. For both large and small strikes, the percentage of employers hiring permanent replacements remained about the same in 1985 and 1989. (See table II.4.)

Table II.4: Hiring of Permanent Replacements in Large and Small Strikes (1985, 1989)

	1985			1989		
	Numbers of strikes	Percent of strikes	Sampling error ( $\pm$ ) <sup>a</sup>	Numbers of strikes	Percent of strikes	Sampling error ( $\pm$ )
Total	174	17	6	112	16	5
Small <sup>b</sup>	168	17	6	107	16	6
Large <sup>c</sup>	6	11	<sup>d</sup>	5	9	<sup>d</sup>

<sup>a</sup>Sampling error estimates are presented as percentage points and are calculated at the 95-percent confidence level.

<sup>b</sup>Strikes with 0 to 999 workers in bargaining unit

<sup>c</sup>Strikes with 1,000 or more workers in bargaining unit

<sup>d</sup>No sampling errors were computed because these results are based on the universe of strikes

**Appendix II**  
**Strikes and the Use of Permanent Strike**  
**Replacements in the 1970s and 1980s**

Table II.5 shows that almost 400,000 workers were on strike in 1985, and this number increased in 1989. We estimate that 4 percent of the striking workers in all strikes were permanently replaced in 1985 and 1989. Of the workers replaced, the majority were in large bargaining units in 1989, but in 1985 the majority were in small bargaining units. The percentage of striking workers in large bargaining units that were replaced increased from 1 percent in 1985 to 3 percent in 1989.

**Table II.5: National Estimates of the Number of Workers on Strike and Permanently Replaced (1985, 1989)**

	1985		1989	
	Estimate	Sampling error ( $\pm$ ) <sup>a</sup>	Estimate	Sampling error ( $\pm$ )
<b>Number of workers on strike</b>				
Total	393,000	30,000	458,000	14,000
Small <sup>c</sup>	136,000	30,000	86,000	14,000
Large <sup>d</sup>	257,000	<sup>b</sup>	372,000	<sup>b</sup>
<b>Number of workers permanently replaced</b>				
Total	14,000	6,000	14,000	3,000
Small	11,000	6,000	5,000	3,000
Large	3,000	<sup>b</sup>	10,000	<sup>b</sup>
<b>Percent of striking workers replaced</b>				
Total	4	2	3	1
Small	8	5	6	4
Large	1	<sup>b</sup>	3	<sup>b</sup>

<sup>a</sup>Sampling errors are calculated at the 95-percent confidence level.

<sup>b</sup>No sampling errors were computed because these results are based on the universe of strikes

<sup>c</sup>Strikes with 0 to 999 workers in bargaining unit.

<sup>d</sup>Strikes with 1,000 or more workers in bargaining unit

Our estimate that 4 percent of striking workers were replaced can be compared with our estimate that employers hired permanent replacements in about 17 percent of the strikes. Several possible explanations for why the percentage of workers replaced is smaller than the percentage of strikes in which replacements were used include the following:

- All striking workers were not permanently replaced in all strikes in which replacements were hired. We count a strike as one in which permanent replacements were used if any striking workers were permanently replaced, even though the percentage of striking workers replaced might range from 100 percent to less than 1 percent.

- The majority of the strikes in which replacements were hired were “small” strikes. Of the 286 strikes in which one or more replacement was hired, 275 (96 percent) had fewer than 1,000 workers in the bargaining unit. A strike with a small bargaining unit would count as 1 strike among the 17 percent of strikes with permanent replacements, but—even if all the striking workers were replaced—the strike would account for few of the total number of striking workers.

Our analysis also suggests a relationship between the hiring of permanent replacements and the length of a strike. In 1985 and 1989, if a strike lasted more than 1 month, the employer was more likely to hire permanent replacements. (See table II.6.)

Table II.6: Hiring of Permanent Replacements in Long and Short Strikes (1985, 1989)

Replacements hired	1985			1989		
	Number of strikes	Percent of strikes	Sampling error(±) <sup>a</sup>	Number of strikes	Percent of strikes	Sampling error(±)
Short <sup>b</sup>	47	7	5	35	8	5
Long <sup>c</sup>	127	35	12	67	26	10

<sup>a</sup>Sampling errors are calculated at the 95-percent confidence level.

<sup>b</sup>Strike lasted 1 month or less.

<sup>c</sup>Strike lasted more than 1 month.

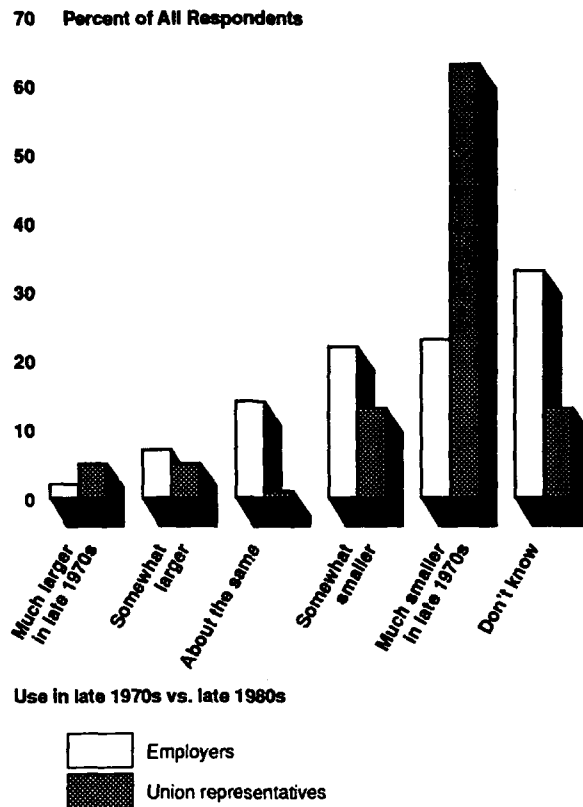
## Employers and Union Representatives Believe Replacements Were Hired Less Often in Late 1970s Than in Late 1980s

Many employers and union representatives involved in 1985 and 1989 strikes reported to FMCS believe that permanent strike replacements were hired in proportionately fewer strikes in the United States from 1975 to 1980 than in strikes from 1985 to 1990. More union representatives see a shift in the hiring of permanent replacements than do employers.

Overall, we estimate that about 45 percent of the employers believe permanent replacements were hired less often in the period 1975 to 1980, and about 77 percent of the union representatives believe they were hired less often. However, even though most employers and union representatives had over 10 years of experience in labor relations (78 percent of the employers and 87 percent of the union representatives), many had no opinions about this issue. We estimate that—if we had surveyed all employers and union representatives—33 percent of the employers and 13 percent of the union representatives would have told us they had no basis to provide an opinion. (See fig. II.3.)

Appendix II  
 Strikes and the Use of Permanent Strike  
 Replacements in the 1970s and 1980s

Figure II.3: Respondents' Opinions About  
 Trends in Hiring Permanent Strike  
 Replacements



We also asked the employers and union representatives how often they believed permanent replacements were hired in each of these periods. Union representatives believe the number of employers hiring replacements was higher than what our data show. For example, while we estimate that permanent replacements were hired in 17 percent of the strikes in 1985 and in 1989, we estimate that 50 percent of the union representatives believe replacements were hired in about one-half or more of all strikes in the late 1980s. On the other hand, 11 percent of the employers believe replacements were hired in at least one-half of all strikes.

# Data Points for Figures II.1 Through II.3

Table III.1: Data for Figure II.1

Fiscal year	Work stoppages
1970	2,632
1971	2,616
1972	2,250
1973	1,937
1974	2,801
1975	3,005
1976	2,609
1977	3,111
1978	2,720
1979	2,897
1980	2,764
1981	2,129
1982	1,168
1983	647
1984	1,215
1985	1,016
1986	1,119
1987	921
1988	779
1989	755

Table III.2: Data for Figure II.2

Figures in percents

Factor:	Strikes	
	1985	1989
Announced replacements	31	35
Announced and hired replacements	17	16

Table III.3: Data for Figure II.3

Figures in percents

Use in late 1970s vs. late 1980s	Employers	Union representatives
Much larger in late 1970s	2	5
Somewhat larger	7	5
About the same	14	1
Somewhat smaller	22	13
Much smaller in late 1970s	23	63
Don't know	33	13

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# Related GAO Products

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National Labor Relations Board: Action Needed to Improve Case-Processing Time at Headquarters (GAO/HRD-91-29, Jan. 7, 1991).

Occupational Safety and Health: Inspectors' Opinions on Improving OSHA Effectiveness (GAO/HRD-91-9FS, Nov. 14, 1990).

Action Needed to Improve Case Processing Time at National Labor Relations Board Headquarters (GAO/T-HRD-91-1, Oct. 3, 1990).

Occupational Safety and Health: Options for Improving Safety and Health in the Workplace (GAO/HRD-90-66BR, Aug. 24, 1990).

Trends in the Number of Strikes and Use of Permanent Strike Replacements in the 1980s (GAO/T-HRD-90-34, June 6, 1990) and (GAO/T-HRD-90-41, June 13, 1990).

Child Labor: Increases in Detected Child Labor Violations Throughout the United States (GAO/HRD-90-116, Apr. 30, 1990).

Child Labor Violations and Sweatshops in the U.S. (GAO/T-HRD-90-18, Mar. 16, 1990).

How Well Does OSHA Protect Workers From Reprisal: Inspector Opinions (GAO/T-HRD-90-8, Nov. 16, 1989).

"Sweatshops" in the U.S.: Opinions on Their Extent and Possible Enforcement Options (GAO/HRD-88-130BR, Aug. 30, 1989).