Key to U.S. Competitiveness or Erosion of Workers’ Rights: Preface

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EMPLOYEE PARTICIPATION PLANS:
THE KEY TO U.S. COMPETITIVENESS
OR EROSION OF WORKERS' RIGHTS?

Essays by
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PREFACE

In response to growing concerns about the United States' lagging industrial competitiveness and the recent decline in our standards of living, academicians, businesspeople, and government leaders are calling for a re-evaluation of industrial management practices. In the past several years, many companies have formed Employee Participation Plans ("EPPs") in an effort to increase efficiency and employee input. These cooperative groups consist of both employees and management and are intended to monitor or to improve various areas of company concern, such as quality control and production goals.

In April 1994, the Cornell Journal of Law and Public Policy hosted a symposium for the purpose of discussing the legality and value of EPPs. Symposium participants discussed whether certain forms of EPPs are legal under the National Labor Relations Act and debated whether EPPs ought to be legal. Much of the debate focused on whether EPPs are the key to our nation's competitiveness or whether they present a threat to workers' rights traditionally protected by collective bargaining.

The five essays that follow are authored by symposium participants. The first essay, by NLRB Member Dennis Devaney, provides background information that is essential for understanding the terms of the EPP debate. Devaney discusses pertinent provisions of the National Labor Relations Act, summarizes relevant case law, and voices his opinion regarding which forms of EPPs currently are legal. The remaining four essays comment more directly on the policy debate regarding which types of EPPs, if any, ought be permitted.

† Each essay reflects the opinion of its author or authors only and does not necessarily represent the views of the other authors.