

1987

## Review of Protecting American Workers: An Assessment of Government Programs, by S. A. Levitan et al.

Theodore J. St. Antoine  
*University of Michigan Law School, [tstanton@umich.edu](mailto:tstanton@umich.edu)*

Follow this and additional works at: <http://repository.law.umich.edu/reviews>

 Part of the [Labor and Employment Law Commons](#), and the [Legislation Commons](#)

---

### Recommended Citation

St. Antoine, Theodore J. Review of Protecting American Workers: An Assessment of Government Programs, by S. A. Levitan et al. *Indus. & Lab. Rel. Rev.* 41 (1987): 152.

This Review is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Reviews by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

is sometimes an appropriate alternative to voluntarism even if it has the effect of altering the balance of bargaining power. Thompson, on the other hand, takes aim at a quite different type of government intervention—British Columbia's income restraint legislation, which was imposed on its public sector employees in 1982—to make the point that government regulation can be a two-edged sword for Canada's collective bargaining system. The same point is also made by Bain in his essay examining the regulation of the closed shop in Britain, in which the author observes that recent governments have used labor legislation as "a political football."

In an essay on the regulation of trade union admission rules, England finds himself on the horns of a dilemma. He argues for increased legal intervention, but at the same time cautions against "wholesale legal intervention." Here again the debate is not so much about the merits of legal intervention in Canada's industrial relations system as simply about the virtues of the particular legal measure in question. Given the emergence of legal regulation as a dominant element in the Canadian industrial relations system, it is not surprising that this debate is the unifying theme of this set of essays.

Donald D. Carter

Professor of Law  
Director, Industrial Relations Centre/  
School of Industrial Relations  
Queen's University  
Kingston, Ontario

*Protecting American Workers: An Assessment of Government Programs.* By Sar A. Levitan, Peter E. Carlson, and Isaac Shapiro. Washington, D.C.: BNA, 1986. vii, 280 pp. \$25.00.

For almost a quarter century following the great tide of New Deal social legislation, the federal government largely refrained from further efforts at direct regulation of the workplace. But certain intractable problems, like job safety, pension fund abuses, and race and sex discrimination in employment, kindled interest in additional federal controls. The result was a second wave of federal laws governing the employer-employee relationship—Title VII of the Civil Rights Act of 1964, the Occupational Safety and Health Act (OSHA) of 1970, and the Employee Retirement Income Security Act (ERISA) of 1974. Only the boldest

scholars would attempt to encompass within one slim paperback volume analyses of the whole range of this new legislation, along with updatings on the wage and hour laws, the National Labor Relations Act, unemployment insurance, job training, and Social Security. Yet Sar Levitan and his two collaborators have essayed the feat and, in my judgment, pulled it off.

There is no other first-rate primer on the vast subject matter covered here. But this book is far more than a mere primer. Besides presenting clear, concise, and accurate descriptions of the principal federal statutes protecting American workers, the authors sharply challenge the Reagan administration's policy of retrenchment and deregulation. Levitan and his colleagues conclude that, despite deficiencies in the data and the difficulty of isolating causal connections, "the cumulative evidence is nonetheless persuasive that federal interventions have had a positive impact upon the workplace" (p. vi). Moreover, the authors would urge the federal government to move on such fresh fronts as unjust-dismissal legislation, plant closings, and comparable worth.

Levitan and company may come across as unreconstructed New Deal liberals, but they are not ideologues. They have done their homework; they fairly set forth the opposing arguments; and they amply document their own positions. Their product is a boon to us specialists, ignorant of other specialties, and it should provide much useful background for thoughtful policy makers everywhere.

Theodore J. St. Antoine

James E. & Sarah A. Degan  
Professor of Law  
University of Michigan

*The National Mediation Board at 50: Its Impact on Railroad and Airline Labor Disputes.* By Charles Rehmus. Washington, D.C.: National Mediation Board, 1984. v, 79 pp.

It is too bad that the Railway Labor Act (RLA) has fallen out of academic fashion, for it differs in many interesting ways from the National Labor Relations Act. For the few still interested in the RLA, however, Charles Rehmus has again produced a first-rate study. In 1976 he edited, and wrote two chapters in, *The Railway Labor Act at Fifty* (Washington: GPO), and now he has updated that compre-