

of the individual worker under the plan; or obversely, whether the union can use the pension plan "to control the behavior of members."¹⁸⁰ Union pension and the beneficiary system have been used occasionally in the past to enforce conformity to national union interests on local groups and on individual union members. The unions for their part criticized the industrial pension programs of the past as instruments of employer coercion.

The negotiated pension systems all have grievance channels established either for the general run of union-management disputes over contract interpretation or special channels for handling individual pension complaints. Some pension plans provide for arbitration which incidentally has rarely been used. In any case the pension administration does not seem to have generated serious disagreements.¹⁸¹

Negotiated pensions have been accompanied by an increase in compulsory retirement provisions. More specifically there has been a tendency for more of the negotiated plans "to require employees to retire at earlier dates * * * probably influenced by the unemployment problem."¹⁸² "There is some hint," according to Slavick's investigation, "* * * that the presence of a union may be associated with the rigidity with which compulsory retirement is administered."¹⁸³ The *quid pro quo* for compulsory retirement has been a more adequate and in some instances an earlier retirement benefit.

Another variant on the free choice question is whether the sectional interests of the worker are not being prejudiced by the "union interest in the financial soundness of the plan, at least as that is affected by pension payout. It [i.e., the union] should concentrate solely upon seeing to it that the plans actually pay the pensions which workers have been led to expect."¹⁸⁴ This observation is applicable mostly to the multiemployer plan and in any case seems to misunderstand collective bargaining as a process. The American union has to bring both adversary and common purpose interests to collective bargaining on pensions or on anything else. The union and management will disagree over the allocation of the net proceeds or on management efficiency but the union cannot push its adversary interest to the point where the enterprise capacity to pay and to provide employment is undermined. There is no other way to carry on collective bargaining although from time to time the tolerance of the enterprise to absorb union conditions is misjudged and both the union and the enterprise go under.

Conflict of interest of another sort is involved in pension situations where a union official advances his personal fortunes at the expense of the members. The Federal and State detailed investigations of insurance and pension funds disclosed "no cases of outright dishonesty involving a private [pension] plan or fund" although this had been a serious problem in the pooled *insurance* funds.¹⁸⁵ Hoffa's investments for the Central States Teamsters Fund "became the basis for criminal

¹⁸⁰ McClung in Joint Economic Committee, *Old Age Income Assurance, etc.*, op. cit., p. 25.

¹⁸¹ Slichter, *The Impact of Collective Bargaining, etc.*, op. cit., p. 399.

¹⁸² Bankers Trust, *Study of Industrial Retirement Plans, 1965*, op. cit., p. 10.

¹⁸³ Fred Slavick, *Compulsory and Flexible Retirement in the Economy*, New York State School of Industrial and Labor Relations, Cornell University, 1966, p. 37. See also Melvin Bers, "Equity and Strategy in Union Retirement Policy," *Industrial Relations*, May 1965, pp. 39-45; Odell, "The Case for Early Retirement," op. cit.; BLS, *Private Pension Plans and Manpower Policy*, op. cit., pp. 29-30.

¹⁸⁴ McClung, in Joint Economic Committee, *Old Age Income Assurance, etc.*, op. cit., p. 23.

¹⁸⁵ Macintyre, "Regulation of Employee Benefit Programs," op. cit., p. 562.