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0521815339 - The Future of the American Labor Movement
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ONE

A Future for the American Labor Movement?

That so long as man shall live and have his being, so long as there shall dwell in the human heart a desire for something better and nobler, so long as there is in the human mind the germ of the belief in human justice and human liberty, so long as there is in the whole makeup of man a desire to be a brother to his fellow-man, so long will there be a labor movement.

Samuel Gompers, President, American Federation of Labor, 1904

As we begin the twenty-first century, many of the institutions of Western society are undergoing dramatic change. The labor movement in the United States has been especially affected by powerful economic and social forces. The threshold question in thinking about this is whether there is a future for the labor movement in advanced postindustrial societies. Is the very idea of a labor movement a viable one for the twenty-first century? This is an important question, given the contributions of trade unions and their allies to the development and maintenance of democracy, both in America's workplace and in its political system.

Even in this time of great change, the labor movement remains, in essence, what it has always been – a set of organizations and individuals that function to serve the rights and interests of workers. So long as the phenomenon of employment exists it would seem that there would be a social need, and worker demand, for organized instruments of economic and social power for those who are employed by others. Collective action by workers in defense of their interests is a natural and necessary response to the tensions of employment (Gompers 1919; Barbash 1984). This being the case, the questions then become the degree of power that the labor movement will have and the forms that it will take. However, as we shall see, even the basic premise that it will continue to exist is currently being called into question.

WHERE ARE WE, HOW DID WE GET THERE,
 AND WHERE ARE WE GOING?

It is clear that the American labor movement is in trouble. In 2000, the percentage of the labor force unionized ("union density") in the United States was 13.5 percent. In private industry, it stood at 9 percent, roughly what it was prior to the great surge of unionization in the 1930s. Among government employees American unions are doing much better, with 37.5 percent of them being union members in 2000 (Bureau of Labor Statistics 2001). The reasons for this difference are not entirely clear, but it is likely that this is at least in part attributable to the lower level of management resistance to unions in the public sector.

In 2000, total union membership declined by 219,000, after going up by 300,000 in 1999 (Bureau of National Affairs 2000c, 2001a; Bureau of Labor Statistics 2001). Total union membership at the beginning of 2001 stood at 16.3 million (Bureau of Labor Statistics 2001). Organized labor's decline in density has been rather steady since 1953, when the proportion of the labor force unionized stood at 32.5 percent (Troy and Sheflin 1985). Despite often heroic efforts on the part of dedicated American trade unionists over the years, the decline in union density has not been arrested.

Although American unionists have recently paid a great deal of attention to organizing new members, the results of these efforts have been mixed. On the one hand, in 1999 they managed to organize 74,000 home health-care workers in California, and have had some other significant victories in the last few years. On the other hand, in 2000 they were involved in only 2,849 representation elections, compared to 3,114 in 1999 and 3,229 in 1998. Their win rate did increase slightly from 51.3 percent in 1999 to 52.1 percent in 2000 (Bureau of National Affairs 2001b). These secret ballot elections, conducted by the National Labor Relations Board (NLRB), in which workers choose whether or not they want a union, have historically been the chief avenue for gaining new members. However, in recent years, there has been a great deal of organizing outside of the NLRB processes. Accordingly, their successes in organizing are not entirely captured by looking at election results.

Union performance has improved in decertification elections, in which workers vote on whether to get rid of their union. There were fewer in 1999 than in 1998 (373 compared to 475), and fewer in the first six months of 2000 compared to the same period in 1999 (188 compared to 199) (Bureau of National Affairs 2000e). Also, the union win rate increased between 1998 and 1999 (about 36 percent compared to about 30 percent in 1998) (Bureau of National Affairs 2000c).

In the last three years there has been some increase in union organizing activity in union-resistant regions of the country. This has included the author's home state of South Carolina, which is the second lowest in union

density (about 3.5 percent). Yet, as elsewhere, this has not resulted in a significant increase in union density (Thomas 2000).

Are we to conclude from this experience that organized labor is doomed to disappear, or to permanently represent only a tiny proportion of the American workforce, as some writers suggest? Why did unions decline? Is this a temporary setback from which they will recover, or a permanent shift away from collective organizations of workers? Will the American labor movement assume new forms as we move into a new century? What are the strategies and tactics that might enhance its chances for future success?

Causes of Union Decline

There are numerous explanations for how American labor came to its present low state. According to some, there has been a failure on the part of unions to expend sufficient resources on organizing new members. Some scholarly studies have identified particular tactics that seem to be more effective than others (Bronfenbrenner and Juravich 1997). Presumably, then, their failure to organize in part may be attributable to not expending sufficient effort and using the wrong tactics.

Another possible cause of union decline is increased employer opposition, along with labor laws that facilitate it (Freeman 1988). Although, as William Gould, former chair of the NLRB has argued, “the law can be a convenient scapegoat” (1993: 47), the American legal system has clearly permitted employers to vigorously oppose unions, and they have done this with devastating effects upon the labor movement. Based upon some very compelling testimony from workers and union organizers, the Federal Commission on the Future of Labor-Management Relations, or Dunlop Commission, found that the law is woefully lacking in protections for workers who wish to organize (Commission on the Future of Labor-Management Relations 1994). An international organization, Human Rights Watch, recently declared that the American legal system is so deficient as to violate the basic human rights of workers to organize and bargain collectively (Bureau of National Affairs 2000d). Indeed, one could argue that looking at union and worker actions to explain the lowering of union density in the United States is an exercise in blaming the victim. An organized attack on labor, mounted by a powerful antiunion movement in the business community and tolerated by the law, is perhaps the most parsimonious explanation of this phenomenon.

An interesting analysis by Michael Goldfield (1987) argues that labor’s decline is rooted in weaknesses that arose during its years of power (mid-1930s to mid-1950s). These include the regionalization of unions that led to national political weakness, destruction of rank-and-file democracy, bureaucratization of unions, the elimination of radical oppositions in unions, and unions becoming subordinate to the Democratic Party in politics.

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Clearly, any explanation of union decline would have to include the economic environment. The transition of the American economy from being dominated by relatively highly unionized manufacturing employment to one dominated by lightly unionized service employment is important (Troy 1990, 1999). The increased diversity of the workforce has no doubt lessened the solidarity that is necessary for collective action. Also of obvious importance is the increased competitiveness of both domestic and global product markets, and the related transfer of production to overseas locations and to the nonunion southern and western regions of the United States (Edwards 1986). These factors will be discussed in more detail in Chapter 2. The crucial question, of course, is whether these conditions, which do not appear to be likely to change in the near future, will permanently consign organized labor to only marginal significance in the American economy and society, or leave room for the growth of a renewed and enlarged labor movement.

The Future

There is, of course, considerable disagreement about the future of the American labor movement. The arguments sound pretty much the same as they did in earlier eras. There are arguments by management groups that unions are obsolete and serve no function in a modern economy. Each generation of managers and their apologists predictably comes to the conclusion that there was some time in the distant past when unions might have been useful, but that they have been rendered useless by current conditions and enlightened managers. There are counterarguments from unionists that the employment relationship by definition requires adversarial representation of an independent worker interest in order to avoid exploitation of workers by capitalists and their representatives. These arguments, and others, make for an interesting and lively literature on the general subject of the future of unions.

The View that Unions are Dead

Perhaps the best-reasoned statement of the view that unions have virtually no favorable prospects appears in a recent book by a long-time student of trends in unionization, Leo Troy (1999). Troy argues that the collective system of worker representation has in fact already been replaced by an “individual system of employee representation” (p. 195). According to him, this is the result of a “structural transformation of the labor market” (p. 196). This occurred because of (1) the passage of the Taft-Hartley Act in 1947, which gave workers the right not to belong to a union; (2) the rise of service employment; and (3) growing domestic and global competition. These conditions not only reinforced the longstanding employer aversion to unions, but also affected worker preferences. According to Troy, the end result is that unions are in a “twilight zone” from which they are not likely to emerge. They will

stay at a union density of about 9 percent as we enter the twenty-first century and will not do better than this in the foreseeable future. He sees union efforts to change this as a “hopeless task” (p. 199).

Troy believes that the individual representation system will continue to be the dominant one because it is the one preferred by both managers and employees. He cites numerous surveys of employee sentiments that show a large majority of nonunion workers saying that they would not vote for a union. NLRB election results also support this conclusion. As he argues, a number of studies show that unions are associated with lower profitability, making management opposition to unions economically rational. There is also an explicit management philosophy that validates and makes sense of the nonunion preferences of managers. Modern human-resource management provides the mechanisms that make this work, and employee handbooks provide a system of governance.

Troy explains how the individual representation system works by focusing on the role of the supervisor in it. He argues that the individual representation system can and does include complaint procedures that provide “fair dealing and due process” (p. 118). He judges the same to be true for discipline procedures. He concludes that this system is superior in many respects to the collective representation system of unions.

There is a “third way” of nonunion forms of collective representation (Kaufman and Taras 1999) that is rejected by Troy. Kaufman (2000) argues that nonunion forms of employee representation were mistakenly outlawed by the Wagner Act in 1935. He and others have argued that collective mechanisms other than unions can effectively serve the interests of workers. In recent years there has been something of a movement toward organizations that resemble the old employer-dominated “company” unions of the 1920s and 1930s. These organizations currently suffer from the legal impediment of violating Section 8 (a) (2) of the National Labor Relations Act (NLRA). However, Republican members of Congress have made efforts to obtain passage of legislation such as the Team Act that would open the door for company unions. When the president is a Republican their chances of success are increased. If the Team Act were to pass, the option of sham unions would be available to employers. This form of union substitution would pose a threat to the future of unions if, as was the case historically, it were to be used as a union avoidance device.

A ground for pessimism that must be taken into account is the extreme degree to which American management is willing to resist unions. It is generally believed that there was a post-World War II understanding, a “labor accord,” between unions and major corporations that unions would be tolerated by management. When the conditions that induced employers to participate in collective bargaining ended, there came a decline in their willingness to bargain with unions (Edwards and Podgursky 1986). Unions had come to have a negative effect on profitability because they needed to

provide benefits and services that workers valued, but found it difficult to do this without putting unionized employers at a disadvantage relative to nonunion competitors (Hirsch 1991). This effect may have been exacerbated by the increased bargaining strength of unions in the highly capital-intensive, automated world of the modern factory, particularly those utilizing just-in-time inventory. In this setting the costs of strikes to employers are especially high (Poole 1981).

One is compelled to conclude that there is reason for unions to be concerned about the accuracy of the doomsayers' predictions for organized labor's future. Troy claims, paraphrasing a well-known political expression, that "It's the numbers, stupid" (Troy 1999: 199). The quantitative evidence shows that there is indeed a very steep mountain for unions to climb in order to regain the strength that they had at their height. As Troy argues, in order to regain their peak density of over 30 percent, they would need to hold on to their present membership and organize another twenty-five million new members. He asks whether anything similar to this result is likely to happen in the foreseeable future.

The View that the Unions will Rise Again

There has been no lack of writers willing to argue that unions will once again rise to a position of power and influence in American life. They base this conclusion on a wide variety of arguments.

Longstanding Arguments. To start with, it is clear that the situation of being in a weak position is not a new one for organized labor. Union declines have often prompted scholars to address the question of whether unions were dead. In the nineteenth century Richard T. Ely observed:

A reaction appears to have set in, and it is probable that for some time the power of organized labor will decrease; but a change will again come, and the unions and various associations will once more report an increasing membership. The progress of the labor movement may be compared to the incoming tide. Each wave advances a little further than the previous one; and he is the merest tyro in social science, and an ignoramus in the history of his country, who imagines that a permanent decline has overtaken organized labor (Ely 1886: 90).

Writing a century later, historian David Montgomery (1987) agrees with Ely. According to Montgomery, the story of American labor has never been one of either a "progressive ascent from oppression to securely established rights," or of being "irretrievably snuffed out by the consolidation of modern capitalism" (p. 7). Instead, its growth has been interrupted just when it seemed to be on the verge of permanent victory, and it has revived just when it seemed about to be overwhelmed by its enemies. According to him:

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The taproot of its resilience has been the workers' daily experience and the solidarities nurtured by that experience, which have at best encompassed a lush variety of beliefs, loyalties, and activities within a common commitment to democratic direction of the country's economic and political life (p. 8).

Ely explains the ebb and flow of union membership as resulting from workers deserting unions during hard times, but then, when circumstances are more favorable, pouring back into the unions (Ely 1886). Montgomery (1980) argues that the social relations of production, while often changing over the last 150 years, have remained within boundaries that delineate "industrial capitalism" (p. 486). During this epoch, both technical knowledge and the power to make decisions have been systematically and increasingly monopolized by managers. Also, the decisions by management regarding production have remained based on the corporation's need for profit, not what is best for the community. Workers have had no choice but to submit to this arrangement as a price for being paid their wages.

Yet, we may now be in a unique time. Some observers believe that we are experiencing a sea change in the world of work that has changed workers' daily experiences; one that is comparable in magnitude to the shifting of the Western economies from farm to factory in the early twentieth century (Leone 1993; Thurow 1996). These forces are described in some detail in Chapter 2. They include the rise of the service sector; a highly disturbed global economy; and broad advances in technology, communications, and transportation.

With respect to this "postmodern" situation, a British scholar, John Kelly (1998), has delivered a penetrating critique of writings by economists and others who argue that there has been a shift in both the world and national economies and societies that necessarily dooms the labor movement. Kelly maintains that, "Contrary to postmodernist claims that the classical labour movement is in terminal decline, long wave theory suggests that it is more likely to be on the threshold of resurgence" (1998: 1). His prediction is that "the long period of employer and state counter-mobilization will not last. As the next long economic upswing gathers momentum then so too should the organization and mobilization of workers across the capitalist world" (p. 130).

Current Arguments. Not surprisingly, labor and its friends believe the current setbacks to be temporary, as Richard Ely and David Montgomery have argued was the case in the past. Douglas Fraser, former president of the United Automobile Workers (UAW), says,

In every single democracy in the world you will find a vibrant, vital labor movement. The reason is that in a democratic society, where you have a system of checks and balances, a labor movement is absolutely indispensable. . . . There will always be unions as long as there are bosses (quoted in Shostak 1991: 1).

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Like Douglas Fraser, Shostak (1994) founds his hopes upon the necessity for society to have a counterweight to businesses' preference for following the market without regard to human costs. Tom Geoghegan, author of the challenging book, *Which Side Are You On? Trying to Be for Labor When It's Flat on Its Back* (1991), puts the case this way:

For twenty years we have tried to do without unions. And we can't. We can cry. We can curse. We can try out New Paradigms. And read books by New Democrats. But in the end it will do no good (Geoghegan 1994: 30).

Is there hope that the sea will indeed change so that it is once again favorable to unions? David Bonior, a Democratic congressman friendly to labor, says:

If you can show them [workers] that they can have the power to control their lives, that they can have a larger voice, and that, working together, people can make a difference, then that's it – end of story. You will unleash a power greater than any you could ever imagine. The labor movement can fulfill that role (Bonior 1997: 94).

John Sweeney, former president of the Service Employees International Union (SEIU) and now president of the AFL-CIO, exudes feelings of confidence and optimism about the labor movement's future. He is justifiably proud of his union's successes in organizing, and also recruiting successes across the American labor movement since he came to lead the federation. His theme of unions as "organizing organizations" has taken root, and is reflected in the actions of many unions. Nevertheless, he recognizes that, even in a year when labor is able to organize several hundreds of thousands of new workers, it can still fall behind the growth in the labor force (Swoboda 1997). Another prominent labor leader, Stephen Yokich, president of the UAW, argues that the current "shut up and settle for less" attitude of management will not be tolerated by workers, who will organize as a response to it (Yokich 1998).

Popular newspaper columnist David Broder has written optimistically about labor's future. He sees a ray of hope for unions in a significant victory among 74,000 home health-care workers in Los Angeles in 1999, and in the creative style of union leaders involved in this campaign – what he calls a "new unionism" that was involved in that victory. According to him, that success was based upon a new commitment to organization, outreach to immigrants, and alliances with a Republican governor and a Roman Catholic cardinal (Broder 2000).

Official documents of the American labor movement provide some important insights into the thinking of labor leaders about the future of the movement. One of the more interesting ones produced in recent years is *The New American Workplace: A Labor Perspective*, produced by the AFL-CIO Committee on the Evolution of Work and approved by the Executive Council

of the AFL-CIO in 1994. This forward-looking report claims a place for labor in the new participative workplace, saying,

The moment has come for unions to insist upon the right of workers to participate in shaping the work system under which they labor and to participate in the decisions that affect their working lives. Unions have an equally important role to play in assuring that workplace change plants strong roots. Unions provide a check on managers and owners who waver in their commitment to the new work order or who seek to revert to old ways (AFL-CIO 1994: 14).

In a report by the SEIU Committee on the Future, *Directions for a 21st Century Union* (SEIU undated), John Sweeney's home union declares that in order to succeed the union must "offer a compelling vision of change . . . project that vision forcefully and creatively . . . give workers a reason to join us in our struggles . . . [and] show workers that together, through their union, they can improve their own lives and help build a more just and equitable world" (p. 30).

These broad visions of the labor movement's functions are quite compelling. However, they may at least implicitly run afoul of the historical experience of unions in American society. That experience would seem to indicate that labor should tend to its knitting – deliver the bread and butter that workers want.

The basic logic of unions as collective-bargaining institutions remains a very powerful rationale for traditional American unionism. As Sidney and Beatrice Webb described it long ago, this logic has to do with substituting the stronger collective will of a number of workers for the weakness of the individual worker (Webb and Webb 1911). Both the work of the SEIU Committee on the Future and a relatively recent (1992) comprehensive survey of trade unionist and worker preferences show that they want from their union "a good contract; enforcement of the contract; and, the ability to keep their job long enough to collect on the contract" (Wilson Center for Public Research 1992: 2). Clearly, as indicated by David Montgomery's observations on the history of the American labor movement, the future of the labor movement must be rooted in the daily experiences and needs of workers. Reflecting these experiences and needs is what gives it enduring value.

Selig Perlman (1949) argued that unions should base their behavior on the psychology of workers (what he called "scarcity consciousness"), rather than the ideas of "intellectuals" about what workers *should* want. Perlman's "scarcity consciousness" may or may not reflect the psychology of modern workers. However, his fundamental insight – that unions must reflect the needs and be an organic creation by workers – is one of which labor needs to be constantly mindful.

Although the American legal system has largely failed to "encourage the practice and procedure of collective bargaining," one of the stated purposes of the NLRA, it is capable of responding somewhat to the needs of unions.

Since the appointment of members to the NLRB by President Clinton, there have been some improvements in the law from the perspective of unions. This has mainly occurred through changes in the effectiveness of the processes of the law during this period. More recently, however, there have been some breakthroughs in the substance of the law. Perhaps the most important of these is a recent NLRB decision (*M. C. Sturgis Inc.* 2000) holding that “supplied,” that is temporary, workers can vote in the same election unit as permanent employees without this requiring the consent of both the temp agency and its client. This could significantly increase the chances of unions organizing these workers.

In sum, we see some general agreement in the literature about the situation in which the American labor movement finds itself. As to how it got there, there is less agreement. As to its prospects, we find pessimism among some scholars, as well as among organized labor’s historic enemies. To the contrary, we find optimism among labor’s officials and union-friendly scholars.

There are really two main questions about the future of the American labor movement. The first is whether it will be strong or weak. The second is what forms it will take. It seems to this writer that these questions are inter-related. That is, whether it will be strong or weak depends upon whether there are forms that, if adopted, would lead to a strong labor movement. It also depends on the likelihood that the labor movement will adopt those forms and strategies that have the potential to lead it to a position of strength.

One approach to the question of what forms it will take is to identify, analyze, and evaluate current union strategies. It is believed that the fundamentally pragmatic nature of American unions (Taft 1964) will lead them to adopt the forms and strategies that prove to work out in practice. It is expected, then, that those forms and strategies that meet this test will continue to be utilized, and the future American labor movement will be shaped accordingly.

This presupposes that the American labor movement will experiment with various approaches in the first place. This is not very difficult to conclude. Even a casual observation of their behavior in the past decade or so indicates pretty clearly that American unions (as well as those in Western Europe) are quite innovative and will try out nearly anything that has a chance of being successful. This is aided considerably by the end of the Cold War and its attendant biases, which had caused traditional American unions to avoid anything that might have the slightest chance of forcing them to carry what has been called the “burden of socialism.”

In the chapters that follow, labor movement strategies and tactics in both the United States and Western Europe will be identified, analyzed, and evaluated with reference to their potential for strengthening the American labor movement. At the end of the day, it is believed that we will find some promising avenues to a successful future for American labor.

However, before we look at the strategies and forms of the American labor movement it is necessary to consider the current environment of U.S. indus-