

Work, Money and Power
UNIONS
IN THE 21ST CENTURY



Health Care
Workers Union



Introduction

Arturo Perez worked in a large grocery store in Berkeley, California, famous for its huge selection of fresh produce and healthy foods. In the progressive Berkeley community, such a reputation attracts customers.



Work, Money and Power: Unions in the 21st Century

But the workers weren't as pleased with the store as the customers were. Confronting low wages, poor working conditions, and favoritism in hiring and promotion, they decided that they needed a union to represent them. During the union organizing drive, store managers accused Perez of stealing some garbanzo beans, and fired him. Perez was an outspoken supporter of the union campaign. Union organizing is legal. What happened to Perez—being fired on a flimsy pretext, but really for being a union activist—is illegal. It is a common occurrence nonetheless. According to the U.S. Department of Labor, up to twenty thousand American workers are fired for union organizing every year.

Luckily, Perez did not face store management on his own. His co-workers defended him, and the union—the United Food and Commercial Workers Local 120—persuaded the National Labor Relations Board to hold hearings on whether the store management had committed unfair labor practices, including Perez's firing, during the organizing drive. Rather than face the bad publicity resulting from such hearings, the store negotiated agreements to recognize the union, pay back wages to Perez (as well as another fired worker), and post a notice inside the store promising not to engage in such practices again. The union bargained a contract that included health benefits for all workers, substantial wage increases, and regular pay for jury duty.

Perez's story had a happy ending. Not all workers are so lucky. Even when the laws are observed, work in today's economy can be rough. As many as 30 million people—nearly one quarter of the work force in the United States—are classified as the working poor: people who work hard,

but still can't make ends meet, and are just one or two paychecks from homelessness.

These are the workers at the bottom of the economy, and they are the people who could benefit the most from belonging to a union. But over the past few decades, the percentage of union members in the workforce has shrunk, from about 33% to just over 12% today. Plenty of new jobs

have been created during that time, and a lot of new wealth. But the new jobs have tended to be either high skill/high wage, or low skill/low wage. Jobs in the middle—the jobs that used to be available in manufacturing, with decent wages and benefits, enough to support a family—have been disappearing.

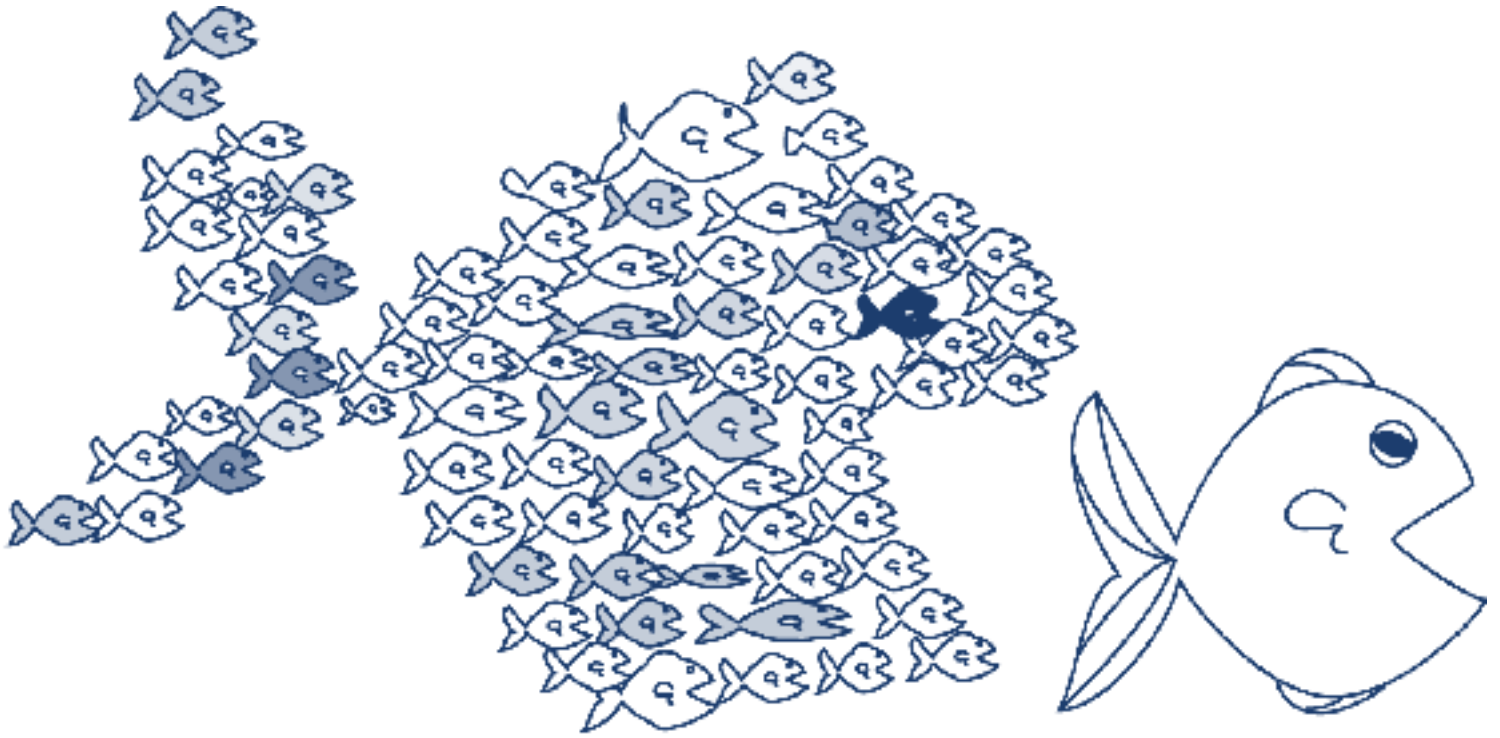
Coincidentally, these are the jobs that used to belong to union members. So there are parallel developments underway. The number of workers enrolled in unions is shrinking, and so is the number of jobs that support a middle class way of life.

Some people interpret the decline of organized labor as if unions belong to the past, and have no role to play in the

global economy of the 21st century. They point to the numbers and say that workers are choosing not to join unions anymore. The real picture is more complex, and contradicts this view. Most workers would prefer to belong to unions if they could. But many are being prevented from joining, rather than choosing that path.

Unions remain the best guarantee of economic protection and political advocacy for workers. But as unions shrink, fewer people know what unions are, and do. And fewer remember what unions have to do with the prosperity of working people.





What is a Union?

A union is a group of workers who have organized themselves for mutual aid and collective action. It is a tool developed by and for working people, to provide them with a collective voice in their place of employment and in the broader society. Like any tool, it can be used well, badly, or not at all. Used properly, a union provides workers with a means to improve their lives in many ways.





Unions bring working people increased pay and benefits, and legal, legislative and political remedies addressing the issues workers and their families care about: secure jobs and safe communities; necessary social services like public education, health care, and public safety; and a measure of support in old age through employee pension plans and government programs such as Social Security and Medicare.

The reason why workers need unions boils down to this: employers have far more power than workers do, especially if workers have to negotiate with them over wages and working conditions as individuals. On the side of employers we find greater financial resources, favorable laws, and the power that comes from the ability to hire and fire people who need to work for a living. However kind or well-intentioned they might be as individual human beings, employers are motivated by maximizing profits in their businesses. All too often, that motivation overrides fair treatment of employees.

By forming unions, workers gain the power that comes with being part of a group created for collective action. As a group, workers can negotiate with their employers with greater chance of success than they can as individuals.

This is why Cesar Chavez became a union organizer. After many years attempting to address the poverty and powerlessness of California farm workers through community organizing, Chavez decided that a union was the most effective vehicle for achieving a better life for farm workers. His singular achievement was to build the first farm workers union that lasted more than a few years—the United Farm Workers of America. As a result, tens of thousands of farm workers enjoy higher salaries; have health care insurance and old age pensions; and experience a greater measure of safety on the job.

Every year Californians honor the memory of Chavez on his birthday, March 31. But he would have been the first to acknowledge that a union succeeds only through the combined action of its members. He may have been the leader in the effort to form the United Farm Workers, but he succeeded because he was joined by dozens, then hundreds, and finally thousands of other people aligned with that purpose.



How Do Workers Organize?

A union is formed when workers agree that they need the strength of numbers and a collective voice on the job. In most cases this means that they seek the assistance of an organizer from an already existing union. The organizer helps the workers to form a committee, which provides an effective way of reaching out to



Work, Money and Power: Unions in the 21st Century

more workers until a majority has decided to establish a union in their workplace. This is the key to effective unionism: it is the result of the democratic process, the actions of workers themselves, and the backing of an organization with resources.

Once a majority of workers have indicated they want a union, the employer has the opportunity to recognize the organization as the official representative of the workers, and to sit down and negotiate a contract with them. This is known as collective bargaining. If the employer does not readily agree to recognize the union and bargain, then usually the workers move to an election. In the private sector this is overseen by the National Labor Relations Board (NLRB); in the public sector by various agencies (for example, in California, the Public Employment Relations Board, or PERB).

If a majority of those voting casts a ballot in favor of the union, and the employer does not file a challenge to the election results, then the union is certified as the exclusive collective bargaining agent for the workers. (An alternative to this method is called “card check,” in which the employer recognizes the union through a simple presentation of cards signed by a majority of workers indicating they want representation by the union.)

After a union has been elected by the workers and certified by the NLRB or a public sector labor agency, the law

requires that the employer begin the collective bargaining process with the union. Collective bargaining means worker representatives sitting down with management representatives to discuss and decide matters such as how much workers will be paid and how to resolve conflicts when they arise in a manner fair to everyone involved.

But a union is often much more than that. It is a measure of dignity for workers on the job. It is a kind of extended family, where workers take care of each other. It is a brotherhood or sisterhood; indeed, many unions, reaching back to their 19th or early 20th century origins, include the word “brotherhood” in their name, like the International Brotherhood of Teamsters. In other words, a union is a form of community.

The impact of unions—combined into the labor movement, or “organized labor”—on American society, has been great. As a result of the successes of the labor movement, much of the nation’s working class was able to rise to achieve the “American Dream” of homeownership and a relatively comfortable and secure standard of living. Strong collective bargaining brought union members wage and benefit gains. But also, thanks to unions, many progressive laws protecting and enhancing the lives of all workers were passed. In this way, the positive effects of unions and the labor movement were not limited to their members, but spread throughout society.



Labor History

Unions have been around since shortly after the American Revolution. As the numbers of wage-earners in the early republic grew, workers found they needed to form organizations to defend their common interests and advance their economic and political agendas. Emerging from



Work, Money and Power: Unions in the 21st Century

older craft structures like guilds, by the mid-nineteenth century working people were creating economic organizations (unions) and political organizations (workingmen's parties) to advocate for shorter work days, better pay, and such social changes as free public education for all.

With the Industrial Revolution, conditions for American workers were dramatically transformed. After the Civil War, the widespread development of industrial manufacturing fueled a steady movement off the land in rural America to the cities, and the conversion of small farmers, skilled craftsmen and urban artisans into workers in large-scale industries, where, after brief training, they tended machines. Even the language changed as this transformation occurred. Workers, reduced to a function in a workplace, became known as "hands."

This wasn't entirely a one-way process. A small number of master craftsmen were able to accumulate capital and move up to join the elite of industrial capitalists growing fabu-



AFL President Sam Gompers

lously wealthy from these changes. But many more artisans, farmers, and village dwellers mourned the loss of their traditional ways of work and life.

Part of their unhappiness had to do with the demands of the industrial marketplace to standardize work processes and products. People were becoming less important than their function in the economic machinery. This was reflected in other problems, like the dangers to life and limb of industrial work. Many workers viewed these problems politically: as industrial

capital accumulated in the hands of the few, it concentrated power there as well, and eroded the democratic promise of the American Revolution for working people.

In 1877 workers acted collectively on a national basis for

North Carolina cottonmill worker, c. 1909.



Breaker boys in the Pennsylvania Coal Company, 1909.





Women began to organize in large numbers into unions in the early twentieth century.

the first time. The great railroad strikes of that year demonstrated clearly to workers that the ability of “the monied interests”—corporations—to influence the course of events and to sway elected officials and the courts had to be matched by well-organized workers. Responding to the growing power of national corporations, local unions began to reach out to one another, forming national organizations as well.

Combined in the 1880s into the American Federation of Labor (AFL), these worker organizations sought “a fair day’s work for a fair day’s pay.” Their principal means to achieve their goals was collective bargaining, but political action played a major role, too. In the view of longtime AFL leader Samuel Gompers, it wasn’t appropriate for unions to align themselves with one or another political party. Instead, weighing each candidate and party on the basis of their actions on behalf of working people, labor should “reward its friends and punish its enemies.”

In this period rose the call for an “eight hour day,” so that workers and their families might have some time to spend together, and celebrate life with leisure. The union members had a slogan: “Eight hours for work, eight hours for sleep, eight hours for what we will.” At a time when ten and twelve hour work days were common, and six and even seven day work weeks, the push for an eight hour day was considered “radical” by employers and their anti-worker allies.

The fight for an eight hour day occurred alongside others: campaigns for unemployment insurance, workers’ compensation, health and safety laws, child labor laws, and more. With these battles, the new unions strove to bring fairness and dignity to the lives of workers and their families and communities.

Throughout this history, workers struggled against restrictive laws and the efforts of business owners and their organizations to discredit trade unionism. Employers usually used one of two strategies. Either

In this period rose the call for an “eight hour day,” so that workers and their families might have some time to spend together, and celebrate life with leisure. The union members had a slogan: “Eight hours for work, eight hours for sleep, eight hours for what we will.”

Work, Money and Power: Unions in the 21st Century

workers and their organizations were painted as somehow “un-American” or subversive for opposing business interests; or their attempt at collective action would be accused of seeking to “kill the goose that lays the golden egg,” damaging business and workers alike.

Due to this employer opposition, it wasn’t until 1935 that a federal law—the National Labor Relations Act—passed Congress, finally giving workers the right to form unions and engage in concerted activities on their own behalf. (The 1926 Railway Labor Act created a federal law providing for collective bargaining, but only for the railroad industry.) “Collective bargaining” between workers and their employers became the law of the land, and remains so today.

Passage of the NLRA is but one part of the labor history of the 1930s. For a decade or so, an extraordinarily militant working class faced the harsh conditions of the Great

Depression with a creative variety of tactics, including the use of marches, demonstrations, strikes, political action and above all, industrial union organizing. This was the approach of a number of unions that broke away from the AFL to form the Congress of Industrial Organizations, or CIO. Their new method of organizing insisted on inviting everyone in a large industrial workplace to join the same union at the same time, instead of one craft at a time in different unions, which had been the approach of the AFL. As a result, the new industrial unions became a civil rights movement, because they organized everyone—whites and people of color, men and women, native-born and immigrants—at the same time.

Gaining millions of new members, the labor movement became the backbone of progressive politics in the nation. Unions anchored the coalition that elected Franklin D. Roosevelt president an unprecedented four terms.

Workers had to overcome often violent employer opposition to form unions and achieve workplace rights in the 1930s.



Conscious of the enormous upsurge in unionization and worker activism in the 1930s, Roosevelt signed legislation creating the “New Deal,” which consisted of several laws. In addition to the NLRA, the most important laws for workers included the Social Security Act, which put in place a guaranteed minimum level of income for workers in their retirement; the Unemployment Insurance Act, which supported unemployed workers while they looked for work; and the Fair Labor Standards Act.

The FLSA set a minimum wage, declared the standard work day to be eight hours, and the standard work week to be forty hours. It regulated child labor, and mandated payment of time and a half (“overtime”) for work past the forty hour week. More than any other law, the FLSA is what’s behind the bumper sticker that reads, “The labor movement: the folks that brought you the weekend.”

The FLSA passed over strident employer opposition. In testimony before Congress, one corporate spokesman claimed, “With the higher wages this law will force on business, it will be impossible for industry to offset costs.” Another warned, “We can see nothing but disaster resulting from this bill.” Despite the overheated rhetoric, the United States economy failed to collapse after the FLSA’s passage. Just the opposite occurred, in fact. Through higher wages and a shorter working day, consumer spending by millions of working families accelerated, fueling the growth of business and employment.

With these laws and policies, the New Deal addressed some of the most pressing problems that had been faced by workers for more than a century.

Although often identified in the public mind with President Roosevelt, the New Deal was not the work of one man. Rather, it was the direct result of events such as the San Francisco General Strike, factory occupations by workers, sit-down strikes, and industry-wide organizing, all of which established workers’ power as a social force to be reckoned with.

For many decades after the New Deal set a baseline, individual advancement for working people relied on the escalator of peaceful collective struggle through the labor movement. Unions bargained for their members, and proposed and lobbied for laws that could benefit all working people, such as advances in the minimum wage.

By the 1950s, the working class was becoming “middle class.” Through collective bargaining, health and retirement benefits became a standard part of the compensation paid by employers to workers. The children of union members went to college in record numbers. More workers than ever before could afford to own a home. The strength of organized labor enabled working people to rise from the economic uncertainties that had plagued them since the Industrial Revolution. Most workers and their families attained a level of comfort in the 1950s only dreamt of for generations.

Unions also lobbied for passage of Fair Employment Practice laws, which imposed penalties for discrimination in hiring and promotion due to race. When the FEP failed to pass Congress, unions and civil rights organizations worked together to pass state FEP laws. California’s, for instance, passed in 1959, thanks to a coal-

By the 1950s, the working class was becoming “middle class.” Through collective bargaining, health and retirement benefits became a standard part of the compensation paid by employers to workers. The children of union members went to college in record numbers. More workers than ever before could afford to own a home.



Public employees demonstrate for a collective bargaining agreement in Los Angeles, 1966.

tion effort of unions, community organizations, and civil rights groups.

In this period, unions achieved their greatest membership. When the AFL and CIO merged in 1955, one third of the working class was organized in unions. The NLRA, however, had left some workers outside its protections. The rights of public employees—workers employed by the federal, state, county and city governments—along with farm workers, domestic workers, and a few other categories, were not addressed by the NLRA. These workers were forced to seek collective bargaining rights piecemeal, mostly through state legislation.

Beginning in the 1960s, public employees managed to achieve collective bargaining laws in about half the states. This became the fastest growing part of the labor movement. Nevertheless, more workers were still laboring in non-union workplaces than in unionized ones.

To meet the needs of all workers—without unions as well as within them—in this prosperous time, the labor movement

worked with allies in Congress to expand the old age protection of Social Security to include health care. This became the Medicare program. At the opposite end of life, unions fought for the establishment of Head Start, to insure that children in poor families would have access to decent educational opportunities. Union support for the 1964 Civil Rights Act was key to its enactment. Organized labor achieved a powerful voice for workers in the United States' two-party political system, culminating in 1970 with the passage of the Occupational Safety and Health Act, establishing a federal agency to oversee enforcement of workplace health and safety standards.

Over time, however, anti-worker forces resumed their offensive against unions. Slowly, but with increasing success, large corporations and their political allies rolled back union gains. By the 1980s, unions were on the defensive and in decline. Corporations were sending unionized jobs overseas in a globalizing economy to take advantage of cheap labor. Most new jobs in the United States were non-union, and the shrinking labor movement failed to organize

much of the growing sectors of the economy, like high-tech, services, and retail.

The ability of workers to hold onto decent jobs was (and continues to be) hammered by “offshoring,” automation—which boosts productivity while eliminating jobs—and anti-worker, antiunion policies promoted by the very government agencies created to protect jobs and community standards of living. Union values and labor standards, for more than twenty years, have been and remain under constant attack.

Nonetheless, unions continued to win important victories. In the 1990s and early 21st century, dozens of cities and counties across the country passed “living wage” laws, thanks to vigorous efforts of unions and community allies. The familiar anti-worker arguments were resurrected and promoted through the mass media in well-funded campaigns by employers. In New York, facing a minimum wage increase to

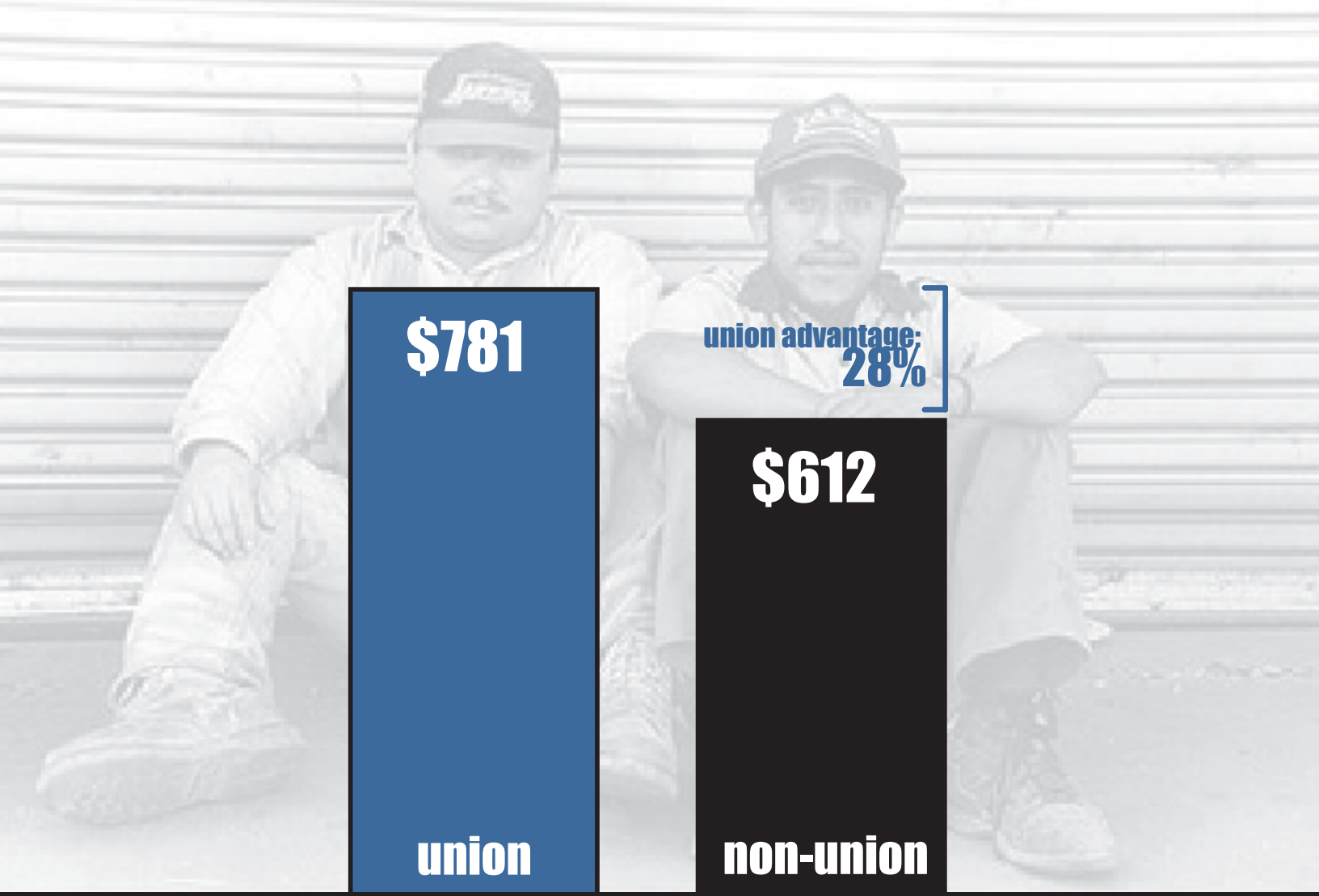
\$7.15 per hour in 2004, the state director of the National Federation of Independent Businesses warned that the increase “could damage small business and other employers.”

But the dire predictions failed to match reality after the laws passed, just as in 1938 the economy was not stopped in its tracks by gains in worker purchasing power due to the FLSA. In 1997 opponents of a proposed living wage law in Los Angeles predicted three thousand jobs would be lost if the law passed. Eight years later a study found that the law resulted in just 112 jobs lost, while increasing purchasing power for ten thousand workers.

Today, despite the clear advantages offered by unions to working people, organized labor represents but 12% of the workforce. This is the lowest percentage of workers enrolled in unions since before the Great Depression, and the lowest of any industrialized economy in the world.

Building and construction trade workers rally outside California State Capitol in 1996 to protect their wage rates.





SOURCE: U.S. DEPARTMENT OF LABOR

The Union Advantage

The record is clear. The power of collective bargaining supports higher wages and benefits, and prevents management from viewing their workforce as little different from raw materials. Unionized workplaces have better safety and health conditions, and workers

feel more confident that speaking their mind—a right guaranteed by the First Amendment to the United States Constitution outside the workplace—will not result in termination if the employer disagrees with what they have to say. To belong to a union brings important advantages to workers.

According to the most recent United States Department of Labor statistics, the median weekly earnings of a union member outstrip non-union workers by \$781 to \$612. The wage advantages for women, African American and Latino union members are even higher, demonstrating that a union contract can help to overcome institutional barriers due to discrimination.

While most workers and their employers pay a percentage of their wages into the Social Security fund, and can expect some income in their retirement, most retirees need other sources of income to adequately support them in old age. One of the most common forms of retirement income is an employer-provided pension. Unions negotiated these as “defined benefits” beginning in the 1940s, and the practice spread across the economy.

Defined benefit pensions, like Social Security, guarantee a fixed, predictable income, usually paid monthly from a collectively pooled fund. A form of “deferred compensation”—because workers agree to defer money that might otherwise go into wages into the retirement funds—retirement benefits also reveal a clear union advantage. Seventy percent of union members have defined benefit retirement pensions, while only sixteen percent of non-union workers have them. Much more typical today for non-union employees are “defined contribution”

plans like 401Ks, which consist of individual retirement accounts invested in the stock market or bonds. These are more vulnerable to the swings of the economy, exposing individuals to greater risks in retirement.

The dollar amount of difference measured between union and non-union retirement is equally significant. Considered as a part of hourly compensation, non-union workers receive a dollar an hour less in retirement benefits than union members. Over the course of a working life, that can total tens of thousands of dollars.

Similarly, health benefits show a union difference. Most health care insurance coverage in the United States comes to people through their employers. Today, due to rapidly rising medical costs and enormous bureaucratic waste in the health insurance industry, employers are increasingly reluctant to fully fund health care coverage for individual workers, let alone their families. Without the protection of a collective bargaining agreement, non-union workers are more vulnerable to employer decisions to scale back or even eliminate employee health care coverage. Only about two thirds of non-union workers today receive some employment-based health coverage, and the percentage is declining year by year.

By contrast, although unions are under great pressure at the bargaining table to make concessions to employers and accept smaller health care benefits than in the past, union members are resisting and, thanks to their unions, retreating more slowly than in non-union workplaces. Today, 89 percent of union workers still receive health care coverage—a 22 percent difference compared to non-union workers.

By bargaining collectively, instead of as individuals, workers can offset the naturally stronger bargaining position of an employer.

Work, Money and Power: Unions in the 21st Century

There are similar differences in the favor of unionized workers over non-union in the areas of disability insurance and life insurance coverage. When you add up all the forms of compensation for work paid by employers to employees, the average union worker is better off by more than 25%.

Unions offer a clear economic advantage to working people.

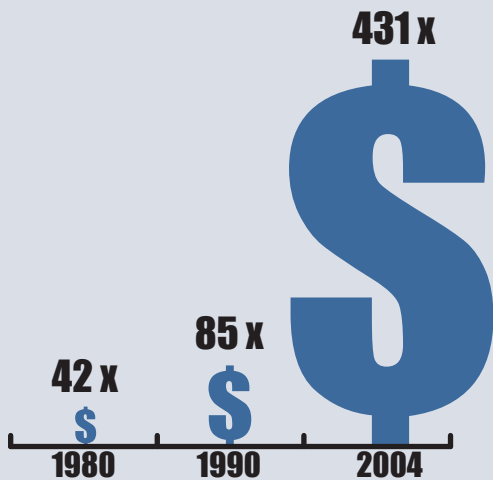
Sometimes non-economic factors sometimes mean just as much to working people as the dollars and cents. Workers wanted to be treated with dignity and with an appreciation for their efforts. Through collective bargaining and its protections, everyone must play by the same rules spelled out

in the collective bargaining agreement, or “union contract”; workers don’t have to accept arbitrary actions of managers that might occur due to personality conflicts or a bad mood. A union counterbalances the power of management by providing workers with a say in determining work rules, and a voice in a peaceful appeal process—or “grievance procedure”—when there are disputes or disagreements. Such a voice is rare in non-union workplaces.

By bargaining collectively, instead of as individuals, workers can offset the naturally stronger bargaining position of an employer.

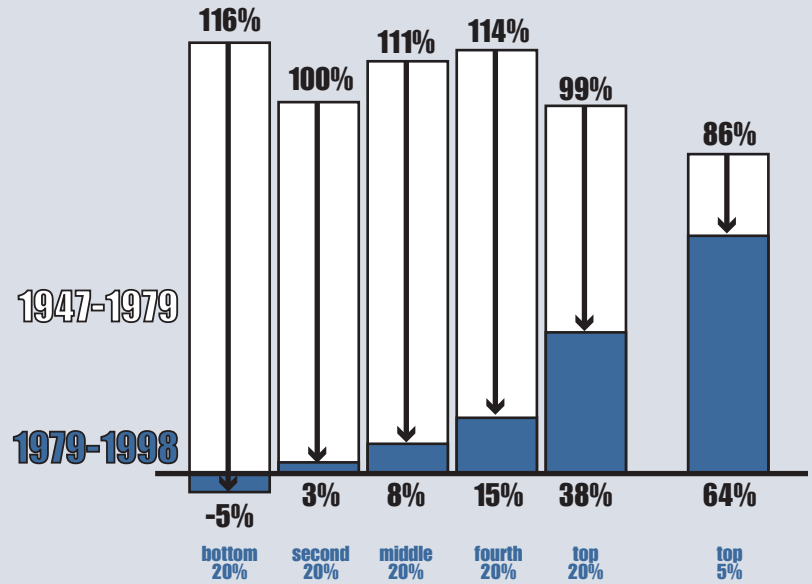


Long term trends in ratio of corporate CEO to average worker pay



Source: Business Week (1980-2000) and Institute for Policy Studies-United For a Fair Economy (2004)

Changes in Family Income, 1947-79 Compared to 1979-98



Source: United For a Fair Economy

The Meaning of Labor's Decline for Working People

With such a clear set of economic advantages, why don't more workers belong to unions? In today's political environment, unions are often not allowed to function the way they are meant to. The laws designed to enable workers to form unions of their own choosing were passed





many years ago. The workplace has changed, the economy has changed, and the society has changed. The laws have not kept up, and no longer provide the protections they were written to provide. A sustained, decades-long employer offensive has weakened unions, and as membership has declined, so has awareness of the benefits of unionism.

As a result, many of the problems that were eradicated when the labor movement was stronger have reemerged.

Economic Disparities

When the unions were stronger, employers were forced to understand that innovation and increasing market share were better ways to gain higher profits than doing so at the expense of workers' pay. In 1980, the differential between the average chief executive officer (CEO) salary of Fortune 500 companies and the average worker income in his company was 42 to 1. By 2004 the differential was 430 to 1. This is the highest ratio of its kind in the world, and

demonstrates an alarming trend: an unequal distribution of wealth worse than the United States has seen since the 1920s.

Besides the growing gap between the wealthiest class and working families, there are other signs of an economy tilting against people who work for a living. In the three decades following World War II, income growth in the United States could be charted as relatively equitable. The income of all groups (represented in the chart on the previous page as fifths of the population, or quintiles) rose at more or less the same rate. We are now living in a different chart, and have been for the past quarter century, with growing numbers of poor people at the bottom, substantial numbers (but comparatively fewer) leading upper middle class lives, and a diminishing number of working families in the middle. The very rich remain few, but their share of the wealth is increasing dramatically.

More and more jobs can be found in low-paying areas of the economy. Fewer jobs are permanent, or offer health

benefits, or retirement plans. The growth of part-time, temporary employment is difficult for many people who would prefer to work full-time, and need to in order to support their families. The largest employer in the United States is now Wal-Mart, where wages are so low that many workers are eligible for and receive government assistance. For instance, in 2005, 24% of Wal-Mart workers had no health coverage or were enrolled in a public health program.

Recent studies reveal that more state welfare dollars to help the poor go to full-time workers than to part-time workers, because there are now so many people working at jobs that pay them so badly that they are the working poor—people who work full-time but still cannot support their families. In California, the country's most populous state, the greatest job growth is in occupations that pay nine to eleven dollars per hour.

The Return of Forced Labor

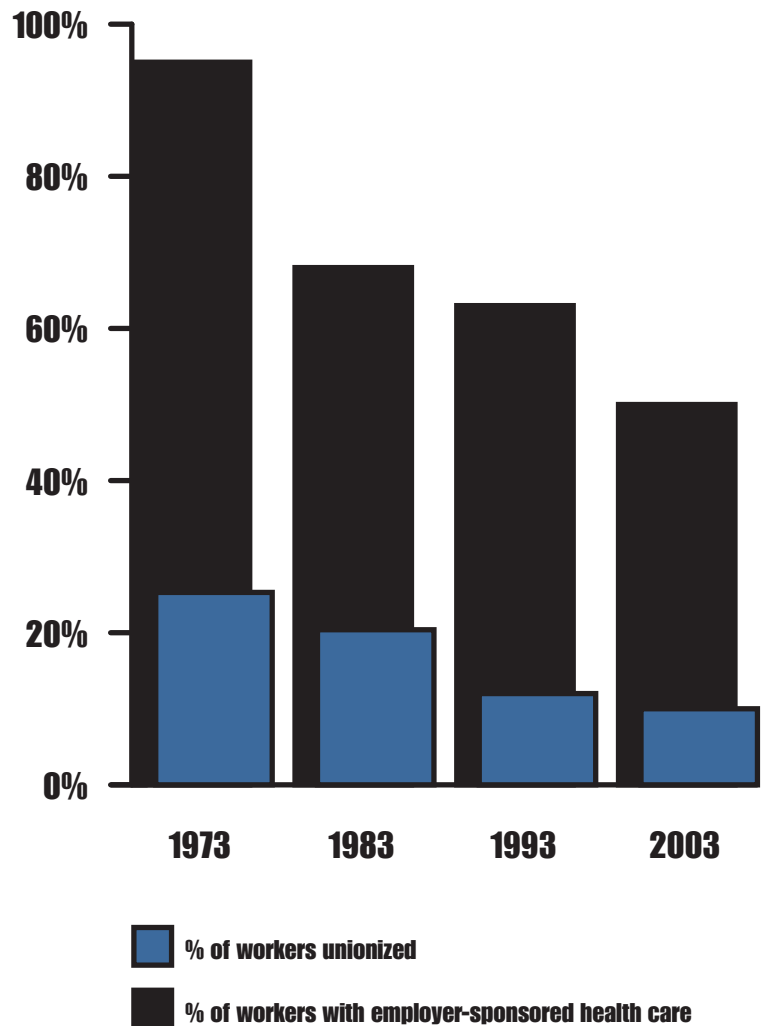
Most people in the United States think that slavery disappeared in the nineteenth century, with the end of the Civil War. As a matter of fact, today, here in the United States, it continues to exist, just as it does elsewhere in the world. This isn't the slavery of the Old South, of course. It looks different—when you can see it. Mostly it's hidden, behind the walls of old buildings, where law-breaking employers hold workers against their will for long hours and little pay; where minimum wage laws are but a rumor, and common sense health and safety rules—let alone laws—are ignored every moment of every day.

It is reliably estimated that more than ten thousand people in the United States are currently employed under conditions of forced labor, in restaurants, agriculture, garment factories and other industries with a high demand for cheap workers. This is but the most extreme form of exploitation in the shadowy corners of the economy, where millions of workers toil under unsafe, often illegal conditions for poverty wages.

Failing Health Care Coverage

As union density has declined, employment-based health coverage has slid down a similar slope. The chart below shows that, in 1973, with about a quarter of the workforce organized, health care coverage was nearly universal. One of the benefits of widespread collective bargaining was that even non-union employers were pressured to match union-negotiated wage and benefit levels, or risk losing workers to the companies with unions and collective bargaining.

Over the three decades since then, the decay of union density has been accompanied by a loss of health care coverage for enormous numbers of people. At present (2006) employer-based health care has been jettisoning a million people a year for five years. Worse, more than forty five million people, or about one in every six people in the



SOURCE: UC BERKELEY LABOR CENTER

United States, have no health care coverage at all.

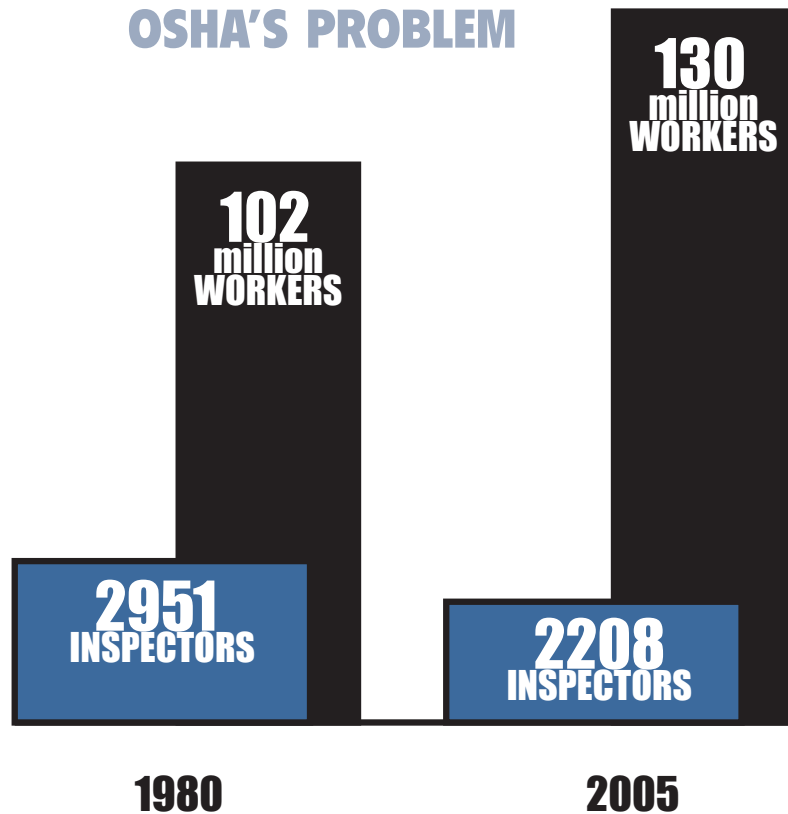
The United States is the only advanced capitalist nation in the world without universal coverage. Every other country has some form of national health delivery. Every other country's citizens consider health care a right, not a privilege. While unions were strong, it seemed as if the United States might remain an exception and still provide reasonable levels of health care to its working population through collective bargaining-based employer coverage. No more.

Deteriorating Health and Safety Standards

The laws governing field sanitation in California agriculture are fairly strong—on paper. But when union safety committees are not present, no one is there, in the fields, to make sure those laws are enforced. There are still the laws, of course. But the farm safety and health inspectors employed by the state are able to look at just a few hundred farms per year. There are about 75,000 farms in California. The state employs nowhere near enough officials to adequately inspect conditions for the overwhelming majority of workers. And on many of those farms, clean water for drinking and adequate numbers of toilets do not exist.

Such problems are by no means limited to agriculture. The Occupational Safety and Health Administration (OSHA) was created in 1970 because unions convinced Congress that the workers of the United States needed an agency devoted to overseeing their welfare in often dangerous workplaces. At its peak in 1980, OSHA employed nearly three thousand workplace inspectors. Today, in a workforce that has grown by nearly thirty million workers, the number of OSHA inspectors has been reduced to just over two thousand. It would take OSHA decades to inspect every workplace in the

OSHA'S PROBLEM



SOURCE: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

United States with 50 workers or more. The institution remains, but—like the National Labor Relations Board—without the ability to fully carry out its mission.

Safety committees are common in unionized workplaces. They work with OSHA, but also maintain safety programs and carry out inspections on their own. Safety committees are not unknown in non-union workplaces, but they are far less common. Between the slashing of OSHA staff and lower union density, the safety of American workplaces and health of American workers face daunting challenges.

Immigrant workers, in particular, are caught between the growth of the underground economy and the decline of health and safety standards. Millions of workers are in the United States illegally. The overwhelming majority take jobs native-born workers do not want. Unscrupulous employers exploit their fear of deportation by working them long hours without adequate health and safety conditions, often cheating them of their pay. If they complain, they are threatened with deportation.

Employer Coercion

According to labor scholar David Brody, it's time to scrap the NLRA and start over. He states bluntly, "The National Labor Relations Act, whose stated purpose and original effect was to encourage collective bargaining, has been hijacked by its natural enemies." Union organizers agree. Over half of all union organizing campaigns face threats by management or owners to close the company if the union election is successful. Most companies force workers to watch anti-union videotapes, and nearly all make them listen to union-busting consultants in "captive meetings" during a campaign. Workers are typically harassed, threatened, disciplined or fired if they openly support the union. While precise statistics are not possible to keep, somewhere between 10,000 and 20,000 workers are fired each year for activities related to union organizing.

Such threats and firings are illegal under the NLRA, which was originally enacted explicitly to "level the playing field" between workers and bosses. But over the decades, the Act has been amended so many times, and so many court decisions have modified the regulations, that little effective machinery remains to deter employers from engaging in such unfair and supposedly illegal activities. When the National Labor Relations Board finds a company has engaged in unfair labor practices—often after years of legal maneuvering—the only "remedy" might be that the company must post a notice admitting guilt, and promise not to do it again. Even if an employee is found to have been fired for legally protected activities such as union organizing, and the company is forced to hire her or him back with full back pay, years may have gone by, the other workers involved in the campaign might have moved on to new jobs, and the union will have to start all over again, with no guarantee that anything different would happen this time around.

This blatant culture of intimidation works quite effectively. The surprising thing is that workers keep trying, and their



Were it not for the fear of being fired, 57 million workers would readily join a union.

election win rate is over 50%. This is a testament not only to the courage of the workers who persist in the face of such obstacles, but to the continuing need for unions in the American workplace. Nonetheless, the number of elections has declined over the years, a clear sign of the effectiveness of the anti-union industry and illegal tactics arrayed against workers. According to a recent survey, were it not for the fear of being fired, 57 million workers would readily join a union.



The Need for Unions: Now, More Than Ever

Our national security is threatened as a result of the decline of unions. When collective bargaining was not just the law of the land on paper, but widely recognized as the best model for conflict resolution between labor and capital, it had a leveling effect on income distribution. Fewer

people were very poor or very rich, and most working families were not only able to get by, but could expect to advance beyond their parents' economic position.

With collective bargaining losing ground, a less equitable economy has emerged. Employers are proposing casual labor—without benefits, without job security, without a secure retirement—as a desirable norm for everyone (except, of course, for themselves). Corporations exert a growing and almost unchecked power, even while corruption and enormous scandals have rocked Wall Street. An “every man for himself” mentality is being encouraged by those in power. Non-union workers are urged to feel envious of union members, and to hate them for their higher wages, better benefits, and comparatively better-off position.

If the enemies of labor are successful in destroying union power entirely, the result will not only be greater insecurity for millions of people. Over time, without the stability between labor and capital that collective bargaining brings, we can expect to see the kind of social explosions that rocked the country in the 1930s, before the New Deal.

It doesn't have to be that way. Throughout history, workers have struggled to find an effective voice for their interests

in the workplace and as citizens, often against well-funded, reactionary forces determined to prevent working people from taking their rightful place in society. Workers' organizations have thrived, fallen on hard times, and risen again. Some fights, like the one for the eight-hour day, have had to be waged again and again.

The union advantage continues to give workers an incentive to fight back against employers unwilling to pay decent wages, even with all the obstacles to organizing that workers face today. In February 1999, in the largest union representation victory in many decades, the Service Employees International Union (SEIU) won bargaining rights for 74,000 Los Angeles County home-care workers. Nearly 17,000 Cingular workers have joined the Communications Workers of America (CWA) since 2004.

The higher standards of union workplaces, and access through collective bargaining to fair, open rules for conflict resolution, provide an important alternative for workers who wonder what they can do about unfair bosses. And union values, summed up in the slogan, “an injury to one is an injury to all,” continue to inspire workers to seek improvement in their lives by trusting in the power gained when they stand together.



RESOURCES

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)

The country's largest federation of unions, with fifty national organizations. It includes state-level union federations, and local central labor councils. www.afl-cio.org

Constituency groups of the AFL-CIO

- **A. Philip Randolph Institute** An organization of Black unionists dedicated to fighting for racial equality and economic justice. www.apri.org
- **Asian Pacific American Labor Alliance** An organization that works with Asian Pacific Americans to build the labor movement. www.apalanet.org
- **Coalition of Labor Union Women** The only national organization for labor union women. www.cluw.org
- **Jewish Labor Committee** An organization that pursues the shared agenda of the trade union movement and the Jewish community. www.jlcwr.org
- **Labor Council for Latin American Advancement** An organization representing the views of Latino trade unionists and all Latino workers seeking justice at the workplace. www.lclaa.org
- **Pride at Work** An organization that mobilizes mutual support between the labor movement and the gay and lesbian community for social and economic justice. prideatwork.org

Change to Win (CTW)

The country's second-largest federation of unions, with seven national organizations. www.changetowin.org

Department of Labor (DOL)

Federal government agency that oversees the gathering of statistics related to work and employment, and enforces laws relating to workplace conditions and union administration. DOLs may also be found in state governments. www.dol.gov

Labor Project for Working Families

A nonprofit advocacy and policy organization providing technical assistance, resources, and education to unions and union members on family issues in the workplace. www.laborproject.org

National Labor College

The national education and training center for union activists, located in Maryland. It offers courses and bachelors and masters degree programs. To find out if there is a community college or university labor education program in your area, contact the AFL-CIO state labor federation or local central labor council. www.georgemeany.org

National Labor Relations Board (NLRB)

The federal government agency that administers the National Labor Relations Act, oversees union organizing and elections in the private sector, and investigates unfair labor practices. Most states also have agencies to oversee public sector labor relations. www.nlrb.gov

Occupational Safety and Health Administration (OSHA)

Division of the Department of Labor that sets and enforces workplace safety and health standards. www.osha.gov

Unions

To find a union in your industry in your local area, look in the yellow pages of your phone directory under "labor organizations." You might also contact the "Central Labor Council" listed in the yellow pages.

Ordering Information

To order more copies of *Work, Money and Power*, please visit <http://laborcenter.berkeley.edu/publications/> or call 510-643-7089



UC BERKELEY
**LABOR
CENTER**

Published by: The UC Berkeley Center for Labor Research and Education

Commissioned by: The Speaker's Commission on Labor Education

Text: Fred Glass, California Federation of Teachers, AFT/AFL-CIO

Photos: David Bacon, Debra Chaplan, Communications Workers of America, Lincoln Cushing, Fred Glass, Lewis Hine, International Longshore and Warehouse Union, Dennis Kelly, Service Employees International Union Local 535, State Building and Construction Trades Council of California

Graphic design and layout: Design Action Collective (CWA Local 39521)

Printing: Operating Engineers Local 3

Research assistance: Margaret Solle Salazar

Logistical support: Laborers International Union of North America, Operating Engineers Local 3, Ken Casarez, Katie Quan, Candice Johnson, Kent Wong

