

## **WHY UNIONS MATTER**

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With the election of a new leadership committed to putting the "movement" back into the "labor movement," now is an important time for reflection on the role of organized labor in our society. We need to bring into open discussion questions that many in the progressive community have been asking: Do unions really matter anymore? And if they do, what should be their mission? Specifically, shall we build a movement simply to represent our own members, or does this movement have a wider role in society as a whole? And does the fate of the labor movement and workers' rights in the workplace concern more than the ranks of organized labor?

### **The Workplace as an Important Site for Organizing**

For too long, there has been an irrational and self-defeating division of duties among progressives in the US in which unions organize workplaces, while other groups, the so-called social movements and identity groups, organize in the community. Even the term "labor movement" has come to mean simply trade unions, which are supposed to focus on narrowly defined bread-and-butter workplace issues -- wages and benefits. This topical and organizational division of turf misleadingly implies that there is an easy division between workplace issues and other social struggles. And that wages and benefits are somehow unifying and other social issues are divisive. These separate spheres of influence have resulted in the sad fact that US progressives often march in solidarity with labor movements and workers around the world, but rarely give a thought to the plight of the working majority here at home.

For activists striving for social and economic justice, the workplace is a crucial environment for organizing. Indeed, it is often already organized, and not only when it is unionized; even non-union employees tend to share common hours, lunches and breaks, and most still go every day to a common location. By definition, everyone at the workplace is earning money, so it's a resource-rich community in comparison to many other locations. Much of the production of goods and services occurs there. Decisions of great importance are made and acted upon. It is a place where global capital puts its foot down. And anywhere capital puts its foot down, there is an opportunity for people to act upon it and influence it. For all of these reasons, the workplace is an important location for organizing -- and not just for immediate bread-and-butter issues, important as they may be.

### **Democracy and the Right to Participate versus Benevolent Dictatorship**

The worksite is also a place where workers learn that they actually have few rights to participate in decisions about events of great consequences to their lives. As power is presently distributed, workplaces are factories of authoritarianism polluting our democracy. Citizens cannot spend eight or more hours a day obeying orders and accepting that they have no rights, legal or otherwise, to participate in important decisions that affect them, and then be expected to engage in robust, critical dialogue about the structure of our society. Eventually the strain of

being deferential servants from nine to five diminishes our after-hours liberty and sense of civic entitlement and responsibility.

Thus, the existing hierarchy of employment relations undermines democracy. This is not to suggest that all workers are unhappy, or that all workplaces are hellish. Rather, they are unique locations where we have come to accept that we are not entitled to the rights and privileges we normally enjoy as citizens. Consider how normal it seems that employers, even very progressive employers, when asked how they would feel if "their" employees were to form a union, respond that they would view such an act as a personal rebuke, a signal that they had failed and a rejection of their management. Consider for a moment, why are such paternalistic attitudes which would be quickly recognized as such in politics, widely accepted in employment relations?

But is the workplace really so autocratic? Why such an extreme characterization? Consider some illustrations of the unique environment, in which the normal rules of our legal system simply do not apply. Citizens are transformed into employees who learn to leave their rights at the door.

Take, for example, a fundamental assumption in our legal system -- the presumption of innocence. In the workplace, this presumption is turned on its head. The rule of the workplace is that management dictates and workers obey. If a worker is accused of a transgression by management, there is no presumption of innocence. Even in organized workplaces the rule remains: work first, grieve later. Organized workers protected by a collective agreement with a contractual grievance procedure can at least grieve an unjust practice (or more specifically, one that violates the rights won through collective bargaining). Unorganized workers, on the other hand, are left with appealing to their superiors' benevolence or entering the unemployment line. The implied voluntary labor contract -- undertaken by workers when they agree to employment -- gives management almost total control of the work relationship. "Free labor" entails no rights other than the freedom to quit without penalty. That's one step up from indentured servitude, but still a long distance from democracy.

There is not even protection in our system against arbitrary and capricious actions by management. There is no right to employment security and no prohibition against unjust dismissal in the private sector such as exists in most other advanced industrial countries. The law of the US workplace is governed by the doctrine of "employment at will." There is some protection to ensure that an employee may not be dismissed for clearly discriminatory reasons of race, gender, disability or age. But that same employee can be Black, female, older and all or none of the above, and as long as the employer dismisses her for "no reason," the dismissal is legal. Most Americans believe that there is a law that protects them from being fired for "no cause." But that's simply not the case.

### **Constitutional Guarantee of Free Speech for Bosses But Not For Workers**

The asymmetric application of the First Amendment provides one last illustration of the perverse nature of the workplace regime. Often celebrated as one of the most cherished rights of citizens, freedom of speech does not extend to the workplace, or at least not to workers. A careful reading of the Bill of Rights reveals that First Amendment freedom applies only to the encroachment by government on citizen's speech. It does not protect workers' speech, nor does it forbid the "private" denial of freedom of speech. Moreover, in a ruling that further tilted the balance of power (against workers) in the workplace, the Supreme Court held that corporations are "persons" and therefore must be afforded the protection of the Bill of Rights. So, legislation such as the National Labor Relations Act, or government agencies such as the National Labor Relations Board that seek to restrict a corporate "persons" freedom of speech, is unacceptable. Employers' First Amendment rights mean that they are entitled to hold "captured audience meetings" - compulsory sessions in which management lectures employees on the employers' views of unions. Neither employees nor their unions have the right of response.

Almost as if the worksite is not a part of the United States, workers "voluntarily" relinquish their rights when they enter into an employment relationship. So, workers can be disciplined by management (with no presumption of innocence) and they can be denied freedom of speech by their employer. The First Amendment only protects persons (including transnational corporations designated as persons) against the infringement of their rights by government -- but not the infringement of rights of real persons (workers) by the private concentration of power and wealth, corporations.

Such limitations on workers' rights are incompatible with the requirements of a democracy. In comparison to European countries, the legal rights of workers in the US are remarkably limited. For a country that prides itself on individual rights, how can we permit the wholesale denial of those rights for tens of million of American workers?

### **Industrial Democracy or an End to Workplace Conflict?**

Few people today remember that when the National Labor Relations Act, the cornerstone of US labor law, was adopted by Congress in 1935, its purpose was not simply to provide a procedural mechanism to end industrial strife in the workplace. Rather, this monumental piece of New Deal legislation had a far more ambitious mission: to promote industrial democracy. To achieve this extension of democracy into the workplace, the NLRA instituted "free collective bargaining" between workers and employers. Unions were to be encouraged, as it was understood that workers could not engage in meaningful collective bargaining without collective representation.

Needless to say, it has been a long time since we've heard any President or Administration, much less Congress, talk about promoting industrial democracy. In fact, the very term "industrial democracy" seems like a contradiction in terms. While we might not expect politicians to lead the charge for democracy in the workplace and the right of workers to fully participate in workplace decisions, what about organized labor? Has labor been on the defensive so long that they have

lost sight of this long-term goal?

While the occasional union document makes a passing references to "workplace democracy," beyond this brief salute to the cause, there has been little effort by labor in recent years to draw the connection between worker rights in the workplace and the overall struggle of working people for democracy in the United States. Rather than relegating workplace democracy to an abstract long-term goal, labor today needs to tap this source of wider appeal for unions by placing the extension of democracy into the workplace front and center in its vision of a new labor movement and its role in the changing workplace. Fighting for democracy in the workplace, and not simply the right to form unions, is vital to restore the social mission of labor and to return unions to their social movement heritage. While unions remain necessary instrument in our society to actualize workplace rights, it is important for unions to lead the charge on the whole anti-democratic workplace regime.

Viewing labor rights as part of a wider struggle for democracy is essential for the growth of the labor movement today. With organized labor down to only 15 percent of the total workforce, and a dismal 11 percent in the private sector, the vast majority of today's workers have no direct experience with unions. But as citizens, they have a concept of democracy and the rights of citizens. Unfortunately, however, American workers are schooled every day at work to believe that democracy stops at the factory or office door. But democracy is not an extracurricular activity that can be relegated to evenings and weekends. The labor movement is the natural vehicle to lead the struggle for basic democratic rights in the workplace.

### **Assumption of the Natural State of the Workplace -- Union Free**

Organized labor, of course, has long sought to restore some balance to US labor law, which is currently so stacked against workers that unionization is very difficult everywhere, and almost impossible in some sectors of the economy. Supreme Court decisions rolling back union and worker rights, as well as management-inspired amendments to labor law, have tied the hands of union organizers while freeing management to penalize workers who attempt to exercise their rights.

While the battle to restore "fairness" in labor law is important, even a victory in this campaign would simply bring us back to 1935. We should instead question the basic assumption of US labor law that the natural state of the workplace is union-free with workers having no rights. We need to re-establish among a new generation of workers that one of the key purposes of a union is to bring democratic rights of participation, enjoyed in the rest of society, into the workplace.

In a truly democratic society, all workers would have rights, and collective decision-making would be the norm. If workers wished to give up their rights in the workplace, they should be required to demonstrate that they are doing so of their own free will. Yet most of our laws operate in a completely opposite manner. US labor law is largely a series of barriers over

which workers must climb to gain elementary rights. And each year these barriers are getting higher and higher. Management can, of course, voluntarily recognize unions or permit workers to participate in decision-making, but this is nothing more than a form of benevolence, the granting of privileges which can be retracted at any time -- not to be confused with rights which cannot be arbitrarily taken away. Why is the assumption that workers have no rights to participate in workplace decisions? In a democracy would it not make more sense to assume such rights and to apply strict scrutiny to those workers who relinquish their rights rather than those who exercise them?

Seen in this light, even the much touted right to collectively bargain is a very limited right. Like a hunting license, it does not guarantee anything but an opportunity which may or may not yield results. It should not be confused with actually conferring rights on workers, though it does help workers create a power which can win them rights. With the winning of bargaining rights, workers, through their union, have the right to collectively bargain with the employer, who has a duty to bargain in good faith; however, the employer is under no obligation to come to a settlement.

The authoritarianism of the workplace in the United States diminishes our standing as a democracy. Indeed, in the latter part of this century, instead of the democratization of the American workplace, the hierarchical corporate workplace model is coming to dominate the rest of society.

### **Beyond "Bread and Butter" Unionism**

Unions, as the self organization of working people for social and economic justice, must play a crucial role in the fight to extend democracy into the workplace. But unions have many roles to play. One crucial function of unions has always been to achieve decent wages and working conditions for their members. With the US reporting the highest levels of inequality in the advanced industrial world, and the majority of US workers experiencing declining real wages for 20 years, we might be tempted to think that the problems of democracy in the workplace should be put on the back burner for more settled times and that the labor movement should focus only on this growing economic inequality. Yet, the two are linked. Democracy and workers' rights in the workplace are crucial issues for organizing. And without greater levels of organization, inequality is unlikely to decline.

If the aims of unions are, as stated by the AFL-CIO, to "achieve decent wages and conditions, democracy in the workplace, a full voice for working people in society, and the more equitable sharing of the wealth of the nation" then unions must be more than service organizations for their members. Yet, unions cannot meet these admirable goals if they are simply a type of business -- "Contracts 'R Us" -- or if they operate merely as a non-profit insurance company seeking to protect its client/members from unexpected trouble.

There has always been a tension within unions between servicing members and fulfilling

the wider social mission of labor to serve the needs of all working people, whether they are organized or not. It is becoming increasingly clear in today's political environment that unions need to do both. Unions, like any organization, will not survive if they do not serve the needs of their members. But unions will not survive and grow, if they only serve the needs of their members.

The experience of organized labor in the US demonstrates that simply delivering for their own members is not sufficient in the long run. Measured in the narrowest sense of delivering for members, US trade unions have been the most "successful" labor movement in the world. Unions won for their members a social wage (benefits such as pensions, health care, paid vacations) that working people in other advanced industrial countries were only able to win through political as well as industrial action. In addition, US trade unionists enjoy the highest wage premium of unionists in any country -- that is the difference in pay and benefits between organized workers and the unorganized workers in the same sector.

Thus, if serving the membership was the key to building unions, then the US should have the highest rate of unionization in the world, not one of the lowest. The low levels of unionization underline the fact that there is a downside to labor's achievement for its members: The higher the wage premium, the greater the employer resistance to unionization. The sad lesson for labor is that by failing to extend the gains made by unions to the rest of working people, these gains have come to be threatened. By comparison, in Canada, where unions have been more successful in socializing the gains first achieved through collective bargaining, from health care to vacation pay, rates of organization are double what they are in the US. Management resistance to unionization in Canada is less vigorous than in the US. If management busts a union in Canada, it can not take away Canadian workers' health care because this benefit has been socialized and is an entitlement of all Canadian residents. By winning benefits first through collective agreements and then extending them to all working people through political action, labor in Canada has not only assisted all working people, but has made its own victory that much more secure.

A second problem for unions in winning benefits only for their own members is that over time this approach has led to the isolation of unionists from other working people. Unionists are left with little sense of a broad class movement, that includes all workers, organized and unorganized. Unions come to see themselves and their members see them as businesses narrowly servicing members needs (MacDonald's unionism -- "we do it all for you.") These attitudes replace a sense of solidarity among members ("an injury to one is an injury to all") with a sense of entitlement ("what's in it for me?") Members see joining the union as purchasing a service, not participating in a movement for social change.

Thus, this business approach weakens unions and reinforces anti-union, individualistic ideology. And unions eventually lose their ability to mobilize members in their own defense. Ultimately, this approach depoliticizes working people, including union members who start to see unions as simply another "special interest" rather than organizations representing the interests

of the vast majority of people -- workers.

### **Unions and Politics: The Process of Construction the Possible**

For unions to succeed they need to have a wider social vision. Pure and simply trade unionism is not possible. Most unionists recognized that politics is important to the labor movement and that there is nothing that labor can win at the bargaining table that cannot be taken away by regulation, legislation or political decision-making. It's therefore urgent for organized labor and working people in general to organize on two fronts -- politically, in the community through political parties and social movements, and industrially in the workplace through unions. Unionists cannot leave politics alone, because politics will not leave unions alone.

To operate effectively in the contemporary political context; the labor movement must understand the challenge that the New Right presents for unions and the rights of working people. At 14 million members, the labor movement remains the largest multi-racial, multi-issue membership organization in the country. As such, it is a prime target of the New Right's assault on working people's rights, both in and out of the workplace.

Politics has always been fundamentally a contest of ideas. Political scientist Robert Dahl has defined politics as "the art of the possible," but for the working person today, it might be more useful to see politics as the process of constructing the possible. In essence, it is the process of deciding which issues warrant a societal response and which are best left to the individual.

The recent debate over health care reform exemplified this process in politics. The question was whether we should leave this critical service to individuals seeking private solutions through a maze of various insurance plans or whether society as a whole should organize a system of insurance coverage to assure universal comprehensive, affordable, quality coverage for all. The Canadian single payer system was held up as an example of how the provision of insurance could be socialized, while leaving the practice of medicine private, and assuring complete freedom of choice of doctors. Although we have already socialized health insurance for the elderly through Medicare, many Americans seemed to balk at the prospect of socialized medicine for all. Yet in US history we have often done precisely this -- socialized a service -- transforming it from an individual responsibility to a community-provided right of all.

The fire department and fire service throughout this country at the turn of the century were private; fire service was an individual responsibility. Those who could afford it, and those who had the most to lose in case of fire, financed private fire companies in their communities. The companies gave their patrons iron plaques which they could post on the outside of their buildings, to assure that in case of fire, that the local fire service would know they were insured and act promptly.

Of course, fire does not confine itself to purchasers of fire service. And while the uninsured could engaged in expedited negotiations with the fire service over fees when fire struck,

fire spreads easily from the uninsured to the insured, and so it gradually dawned on the insured that the only protection for anyone in the community was to insure everyone. So, the insured sought to socialize the service, that is, extend fire service to everyone -- through a universal, single payer, high quality, public system. Taxes, rather than private insurance fees, financed the universal system. And the universal system was cheaper, and more efficient. The quality was assured because rich and poor alike were covered by the system. Everyone could access the system as needed and everyone paid into the system through their taxes to the community. No doubt, the cynics of the day argued that the poor would take advantage of this social service, or that people would simply not be able to appreciate what they had unless they paid for it.

Through the political process, the problem of fires was moved from the realm of individual concern to collective responsibility. Today, the need for universal fire service seems obvious. Interestingly, the need for health care is still not regarded as a societal right. But that is the essence of the political challenge -- to construct what is possible.

### **The New Right -- and the Substitution of Markets for Social Decision-making**

Clearly understanding this point, the New Right has a program to construct a new political consensus. In the US and elsewhere, this program designates virtually all problems as the responsibility of the individual, whose fate is left to the mercy of the market. Former British Prime Minister Margaret Thatcher summarized this approach succinctly: "there is no such thing as society, only individuals and their families." If there is no such thing as society, then there is clearly no role for government, or indeed collective institution of any sort -- including unions. We are thus left only with individuals and their families, working in isolation, making decisions within the narrow context of the market, thinking only of themselves. This program seeks nothing less than the destruction of civil society, without which there can be no democracy.

The market must not be permitted to replace social decision-making. Markets have their uses, but they are not to be confused with democratic institutions. Markets, for example, might be useful in determining price of goods, but they should not be mechanisms for determining our values as a community. Markets are oblivious to morals and promote only the value of profit. To take an example from our own history, a slave market thrived on this continent for over 300 years. Nor did this market collapse on its own. It took political intervention and armed resistance -- in a communal assertion of values -- to abolish slavery. Markets are no substitute for the democratic process.

In a democracy, it's "one person, one vote." But in the marketplace, it's "one dollar, one vote," which, despite an appearance of neutrality, is an inherently unjust equation that privileges the rich at the expense of the poor. In such statements as "let the market decide," promoted as principle by the New Right, the market disguises human agency, while serving the demands of the wealthy whose dollars shape the rules of the market. According to "free market" ideology, government intervention is futile at best, and disruptive of the natural order at worst, and always unwelcome (though in practice the New Right uses government shamelessly for its own purposes,

e.g. corporate welfare).

The elevation of markets as the sole arbitrator of value deprives people of a sense of belonging to a community. Instead, people feel isolated, which in turn leads to demoralization. If each of us is on our own, none of us can change very much, so we should just accept things as they are. No single individual can answer the big questions in our society. An individual can't opt for single-payer health care, or rapid transit, or address the problems in our public schools. So by default these problems become "unsolvable."

This frightening world view forces people to seek individual solutions and pits people against one another, reducing social responsibility and cohesion. If there is no such thing as society, then government is a waste, and redistributive programs are robbery. Anything that goes from my pockets into the community is a scam. Worse yet, anything that goes from my pocket makes it just that much harder for me and my family to survive. This is a zero-sum view of society where your gain is my loss, and an injury to one is their problem. And this is the view that will ultimately prevail if the New Right succeeds in its attempt to eviscerate democratic institutions -- from government to communities to unions.

### **Unions and Civil Society**

By destroying all collective institutions and making government regulation and actions appear to be illegitimate and infringements of individual rights -- the New Right is destroying the last vestiges of social solidarity. They are, in essence, expanding the undemocratic regime in the workplace into all aspects of civil society, thus their determination to end entitlement programs and destroy unions.

The labor movement builds communities -- that's what unions do. By bringing together workers, who have few rights, who are isolated as individuals and often competing against each other, unions forge a community in the workplace. They help workers understand that they have rights, and they provide a collective vehicle for exercising those rights. Beyond the defense and promotion of individual union members' rights, unions also provide a collective voice for workers. They provide a powerful check to the almost total power of management in the workplace. And they fight for the right of workers to participate in decision-making in the workplace.

But labor movements and other communities of common interest don't just happen. They have to be consciously constructed, with a lot of hard work, discussion and engagement. Constructing democratic communities is an ongoing process, rather like democracy. And like democracy, it's a process that can be rolled back or reversed.

The cause of unions in the 21st century United States reaches far beyond their own survival. Because we have not yet succeeded in extending democracy to the workplace, democracy and civil society themselves are threatened. The labor movement cannot be seen in isolation from the political environment, and any revitalization of unions will require an effective

response to that environment. While the New Right tries to reduce everything to an individual responsibility, we must create democratic communities -- in the workplace and beyond.