

The Organizing Challenge For Unions and the AFL-CIO



American Federation of State, County and Municipal Employees, AFL-CIO

The need for success in organizing is not a controversial item in the labor movement's current debates: All of us place it at the top of our priorities. Tens of millions of workers would like to unionize, yet fewer than half a million succeed in doing so each year because the obstacles are too formidable. Moreover, to be a more effective voice for American workers, labor needs to grow.

Although we have launched a campaign to change federal law so that workers would have the free choice to unionize, such a law will not pass in the foreseeable future. Instead, we must focus our energy on realistic actions we can take now.

We bring to the discussion the perspectives we draw from AFSCME's history. We grew from 160,000 members in 1964 to nearly 1.4 million last year – the same four decades in which the labor movement as a whole was not growing at all. And we know how and why we grew, by: applying every available dollar to organizing; concentrating almost exclusively in our single jurisdiction; standing together in the face of injustice; uniting many public employee organizations into one; political action; eliciting the strength of the labor movement to expand the rights of public employees; and taking up new strategies when traditional ones were thwarted. We are predisposed to recommend these approaches, but we recognize that the appropriate starting point is today's realities, not AFSCME's history.

So we will begin by identifying the strategies that are currently yielding success – Labor's "best practices." This paper will address both the best practices and the strategies for the larger challenge that go beyond what we're doing now.

Best Practices

Neutrality strategies: The effort to get employers to let employees freely choose to unionize – or not – without intimidation is rooted in the very heart of the labor relations philosophy of our country going back to the 1930s. The right to unionize is in the preamble to the Wagner Act, the Universal Declaration of Human Rights and the ILO conventions. It has been expressed in American foreign policy, from the post-war Japanese Constitution written under the U.S. Occupation to our support for Solidarnosc in Poland. But it is not in today's National Labor Relations Act, and therefore we have to achieve neutrality one employer at a time.

The greatest number of our contemporary successes are born of neutrality strategies. Some are public-governmental policies and statutes; and some are private-persuasion of non-profit and for-profit employers who can see benefits from positive labor relations — based on their direct experience with organized labor.

Labor's outstanding growth in California from 1998-2003 was spurred by aggressive efforts in the public policy arena, leading many public and private employers to neutrality. Our successes in extending collective bargaining rights to public workers, state-by-state, are another example.

In the non-profit sector, the positive policies of Kaiser Permanente and Catholic Healthcare West have allowed tens of thousands of workers to choose to unionize (and benefited those employers in their competitive environments). The Kaiser example is the leading case in which a number of different unions have collaborated to achieve positive results, suggesting such efforts as a path to pursue. In light of the structure of our movement, with overlapping jurisdictions, it is to be

hoped that the benefits of such collaborations outweigh the difficulties in bringing them about. However, we need more experience to be sure.

There are successful neutrality agreements in many for-profit industries, from telecommunications to steel manufacturing to nursing homes.

It takes focus, and the patient commitment of union power, to bring every one of these about. The union-free forces are now focusing on undermining neutrality agreements, revising NLRB precedent that sanctioned them, revoking executive orders for collective bargaining for government employees, and using the Board to challenge state government efforts to promote labor peace. The fact that our enemies are investing so heavily in killing our neutrality strategies is evidence that such strategies are among our best practices.

Consequently, there are three roles for the AFL-CIO. First, it should sanction and support strategic campaigns. This has begun tentatively, under “strategic registration,” but a stronger mandate is needed. Support would go beyond Organizing Responsibility rights under Article XXI; units of the AFL-CIO should give their priority assistance to sanctioned campaigns.

It has been proposed that the Federation “incentivize” such efforts by granting a partial rebate of per capita taxes. While even a 50% rebate would only augment an affiliate’s organizing budget by only 2 or 3 %, assuming it met the standard of spending 30% of income on organizing, such incentivizing is more of a “moral” incentive than a financial one. We support this idea in principle and look forward to working through the details. Rebates should be granted to unions that are meeting the 30% standard, are devoting it to ambitious, strategic campaigns with a sound plan, and which are targeting the rebates to the union’s “core” jurisdiction.

The second task for the AFL-CIO is to lead the battle against the union-free forces to protect neutrality policies from attack. This should now be the principal focus of Voice at Work, and the outcome of each battle will be the test of *Voice at Work* effectiveness.

Thirdly, the Federation should take the lead in constructing multi-union strategic collaborations. They should be pursued cautiously, however. Sometimes it is better for the Federation to stand back and let the unions work through the issues themselves. And because the concept needs more testing, the Federation should only try a few at a time.

Increasing Resources: The Federation has succeeded in creating a standard for union effort; devoting 30% of income to organizing is accepted as a valid standard, met by a growing number of unions, while others are working toward it. To encourage wider adoption, we need to re-affirm it, and campaign for it, union after union. No incentive or rebate is appropriate for this goal; they should be tied to strategic campaigns.

The Federation has also added human resources to the mix, through the programs of the Organizing Institute (OI). The substantial increase since 1995 in the number of organizers in the field would have been unattainable without it. But more are needed. We need the OI to be our leader in recruitment, training, and retention programs. More resources need to be invested to make that possible.

The Federation's investment in maintaining a small staff of organizers on its payroll has had much less value, and should be re-evaluated.

Some unions have made some progress in building up a cadre of volunteer organizers (VOs). It has become clear that this is indispensable to success on the scale we're striving to reach. The OI should be tasked to spread such programs to affiliates that haven't developed them, and to help build a much larger force of VOs around the country.

The largest cost of and biggest obstacle to effective volunteer programs is the limited ability to get release time for personnel/or "member"—and the costs of travel and lodging involved in moving those who do secure it to campaign sites. This is exacerbated by each union keeping its volunteers to itself. Recruitment and training of VOs in the defined geographic area of ambitious campaigns, from the movement as a whole, is a challenge that the Federation should accept.

Regulating Inter-Union Competition: By granting the AFL-CIO greater constitutional authority under Articles XX and XXI, in the wake of the Ohio and Indiana state employee organizing drives, we have substantially diminished the waste of union resources inherent in, fighting each other. The benefits can be documented by the number of workers organized in campaigns protected under Article XXI.

AFSCME's history is full of lessons regarding the impact of jurisdictional conflict. Our greatest growth occurred in the 1970s and '80s, in the midst of intense conflicts, before Article XXI (first known as the Organizing Responsibility Procedure) was instituted. We grew by almost one million members; the public-sector labor movement as a whole grew by four million.

Sometimes union growth was delayed or blocked by competitive maneuvering. Collective bargaining would have become law in Illinois 15 years sooner but for the fears of some unions that the law would erode their position. The problem still pops up periodically. Municipal worker organizing in San Antonio has been held back for years by the lack of a jurisdictional understanding. In West Virginia, two months ago, the outgoing governor shelved a planned Executive Order because the unions failed to reach consensus on it.

Sometimes we burned up a lot of money. In Indiana, the competing unions spent tens of millions of dollars in 1990 against one another, winning representation for 25,000 workers between them, no more (and possibly fewer) than would have unionized in the absence of the organizing war.

But mostly the history shows that we all grew. AFSCME grew the most, but only one-fourth of the total public worker union growth was ours.

Some unions were totally transformed by the opportunity. The Building Service Employees International Union became mostly a public employee union, and changed its name. The National Education Association became a union. There are 19 other International Unions that predominate in some significant public employers' workforces.

Overall, there was huge growth, despite jurisdictional conflict. This growth was due to the force of the labor movement, as expressed both in the desire (and sometimes the militancy) of government workers to win their rights, and the focused application of union power to make

legal changes and neutralize public employers (that is, political officeholders). The presence of a favorable political environment in some jurisdictions facilitated the success.

AFSCME did much, perhaps most, of the lifting. Are we resentful that others benefited out of proportion to their contributions? Yes, in some cases with long-standing resentments that are corrosive to labor unity. Are we better off? Absolutely.

Would workers be better served by a system with less jurisdictional conflict? Yes, as demonstrated by the successful, Article XXI-supported organizing successes for over 100,000 Puerto Rico workers and 200,000 California homecare workers. Yes, if all labor organizations were part of the AFL-CIO system, as can be seen from the problems that have arisen in the California hospital industry from the independent California Nurses Association's activities. And yes, it's somewhat simpler for one union to coordinate the various interests of an employer's workforce than if they are split among several unions.

We therefore should make three kinds of changes:

- We should extend Article XXI to resolve cases it currently doesn't reach, giving appropriate protections to ambitious strategic campaigns through a change to the "strategic registration" system, as suggested above. The point is to encourage unions with ambitious, comprehensive campaign plans to seek registration, and to resolve jurisdictional issues up-front.
- We should extend its coverage by encouraging independent unions to join the AFL-CIO. Independents that aren't raiders ought to come in through appropriate mergers, with an affiliate with which they share a community of interest.
- Labor organizations outside the Federation can profit by raiding our unions rather than trying to grow the movement. In 2003, the Council adopted new policies condemning such practices, and mandating each member union to offer its solidarity to the union under attack. These policies, and the means to effectuate them, need to be presented to the July Convention for adoption. And by all means, we should discourage any current affiliates from leaving.
- Other policies should be adjusted to give greater weight to our interest in reinforcing the strength of particular unions that predominate in particular areas: industrially, occupationally, geographically, or with a particular employer. This can be done in Article XXI, and in merger and affiliation guidelines.

Proposals to redistribute existing members along industry (or other) lines would require granting far more power to the Federation than is compatible with the traditions of the movement. Nevertheless, if there are obstacles to realignment on a voluntary basis, those should be removed. And our policies encouraging affiliation of independent unions can be revised to give greater weight to mergers that reinforce workers' common interest.

As for merger policy as it affects AFL-CIO affiliates, we do not believe it has a great deal of bearing on organizing. The policy has other rationales, which have led to so many mergers already.

Limits of Enhancing Best Practices

Like the electorate, the labor force has "blue" and "red" zones (geographical, occupational, industrial). The best practices we've identified can lead to growth in the blue zones, where we

already have strength, with little or no spillover to the red sectors. In the case of the labor force, we would define red zone based on union density, not on a measure of opinion about unions.

The insufficiency of best practices, however widely we apply them, is that most workforce growth is in red sectors, and there are more red sectors than blue.

The hardest part of any strategy is where it diverges from the familiar, the “comfort zones,” the activities that we tend to undertake by default. To build in the red zones requires intentionality, diversion of resources, and sound targeting.

Organizing in the Red Zone

Just as voter turnout in red counties took us by surprise, our understanding of what moves workers in red workforce sectors is inadequate. The Federation should be tasked to drive a research agenda, the results of which could well establish that the following proposed lines of attack are all bad ideas. Nonetheless we offer them to launch the discussion.

Geography: Our own union’s history is all about the extension of organizing rights from one state to another, through political action. We grew meteorically in the 1960s and ‘70s in states and cities where labor was potent. To grow in red states has required two things: establishing a foothold on the strength of workers’ willingness to sustain a union with minimal organizational rights; and the tenacity to do so for decades.

In New Mexico, we organized Albuquerque blue-collar workers in 1970, but it took until 1994 to enact a state collective-bargaining law. Even then we were not secure: the statute lapsed in 2001 under a “sunset” provision. Still, we carried on, and renewed the law in 2003—a strong law that reflects a shift toward a more favorable environment for organized labor. We believe we’ve opened the door to union growth; we are growing in our jurisdiction and hope other unions will do so in theirs.

With the effective leadership of the state AFL-CIO, we passed a municipal-worker bargaining law last year in Oklahoma. We’re still having to fight every inch of the way because non-union private employees are sensitive to the threat of unionism spilling over.

The old model of geographical concentration was to encourage a number of unions to probe targets simultaneously; it has not worked (though it still gets promoted periodically). Notable failures include the Houston Organizing Project and several other recent AFL-CIO initiatives in the South. These are not a good way to spend Federation resources. We should support breakthrough strategies, which require a target of sufficient size to constitute a shift in an area’s labor scene in and of itself – and a union’s commitment to stay the course, even if it takes many, many years. The public sector seems to have the most potential, but winning in Mississippi casinos, or at Mercedes in Alabama, could also be a breakthrough with a broader significance in those locales.

The strategy for the red zones of the blue states is probably different because there is more to build on. Some of the fast-growing “exurbs” have a lot of resident union members, although they may travel elsewhere for their jobs. These areas are strategically crucial. To build the political influence that would lead to a union-friendly atmosphere, Labor must do some community organizing of a new kind, knitting together union families residing there with the

union shops at the supermarkets, schools, county government, phone companies, fire departments and other workplaces, and with community allies around community issues. Otherwise, we leave it to the mega-churches and the Republican Party to define the community's social outlook.

Occupation: There is no question that occupational affinity is a strong basis for organizing and concerted action; new associations spring up constantly, rarely as a result of Labor's efforts. Our first challenge? Their decisions whether or not to align with Organized Labor. This has been determined at different times by pilots and social workers, firefighters and actors, but it's a live controversy among nurses, teachers, police and correctional officers. The same challenge arises in the growing group of occupations in which self-employment is dominant; these occupations have the added burden of creating a legal mechanism through which they can negotiate collectively.

There is ample reason to believe that these challenges can be met by the labor movement. It has embraced a wide range of occupations throughout our history; some have become a strong part of an existing union, others have transformed their associations into labor organizations and affiliated to the AFL-CIO. Sorting out which occupations can be successfully recruited into existing unions, and which should be encouraged to join Organized Labor by means of their current organizations, is the kind of strategic issue that has never been addressed by the movement as a whole; it has been left to the initiative of existing unions, resulting in less-than-satisfactory, patchwork-progress on some fronts, only. No methodology even exists for making strategic decisions on this subject, but a large part of Labor's growth should result from occupations coming to the decision that they want "in."

For occupations that are organized as independent operators, unions have the opportunity to make that kind of decision by connecting with basic livelihood issues, providing a vehicle for concerted action, and being the instrument that wins the legal changes to give those workers the opportunity to bargain with the entities that determine their income and working conditions. There is a strong trend in our economy toward work being performed by the self-employed, and that ranges from doctors and therapists to child care providers and home care aides, from lawyers and architects and writers and software engineers to truck and taxicab drivers.

The successes in the home care field have made the impossible imaginable: an entire occupational group, 200,000 workers strong in California, was able to win union rights and all the gains that implies. True, the groundwork was laid over 30 years of effort, but what resulted – the creation of "employers of record" – has widened the horizon of possible solutions to the needs of independent service providers for a collective voice at work.

Industry: Most industries experiencing employment growth are barely, if at all, unionized. Additionally, we face the challenge of changes in industrial organization. Health care has shifted toward outpatient and home-based care, telecommunications toward wireless. Government is privatizing, established airlines are going through bankruptcy. All these trends oblige us to re-organize or otherwise follow the work.

That said, there is a continuing challenge in the absence of unionism in such large sectors as financial services and information technology. It is not even clear that any existing labor union has the ability and disposition to nurture unionism in these industries.

Conclusion

Organizing and political action are mutually reinforcing: Success in one makes success in the other more likely. When we grow by organizing, we amplify workers' collective voice. When we secure union-friendly public policies, more workers can form the unions as they wish. The movement can do both, and do them well. We must — that's our mission.