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The new leadership in the AFL-CIO is committed to putting the "movement" back into the "labor movement," and there is now an opportunity for reflection on the role and strategy of organized labor in our society. 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?

**Worksites, Organized and Unorganized**

For too long, there has been an irrational and self-defeating division of duties among progressives in the U.S. Unions organize workplaces, while other groups—the so-called social movements and identity groups—organize in the community. Even the term "labor movement" has been reduced 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. Furthermore, it suggests 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 U.S. progressives have often marched in solidarity with labor movements and workers around the world, but often fail to consider the working majority here at home.

For activists striving for social and economic justice, the workplace is a crucial environment for organizing. 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. 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 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 Participation, or Benevolent Dictatorship?**

The worksite is also a place where workers learn about the relations of power. They learn that they actually have few rights to participate in decisions about events of great consequence to their lives. As power is presently distributed, workplaces are factories of authoritarianism polluting our democracy. It is no surprise that citizens who spend eight or more hours a day obeying orders with no rights, legal or otherwise, to participate in crucial decisions that affect them, do not then 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. Of course, this is not to suggest that all workers are unhappy, or that all workplaces are hellish. Rather, the workplace is a unique location where we have come to accept that we are not entitled to the rights and privileges we normally enjoy as citizens. Consider how employers, even very progressive employers, feel when asked how they would react to an effort by "their" employees to form a union. The normal response is that such an act is a personal rebuke, a signal of failure and a rejection of their management. Why is such a paternalistic attitude, which would be quickly recognized as such in politics, so widely accepted in employment relations?

But is the workplace really so autocratic? Why such an extreme characterization? Some illustrations of the uniqueness of the work environment, in which the normal rules of our legal system simply do not apply, are worth noting. For it is in the workplace that 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, have the option of appealing to their superiors' benevolence or joining 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 general 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 U.S. 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, white, male or whatever, and as long as the dismissal is for "no reason," it's legal. Most Americans believe that there is a law that protects them from being fired for "no cause." But they're wrong.

### **Free Speech For Whom?**

A most glaring example of the power imbalance on the job concerns the freedom of speech. Often celebrated as the most cherished right of a free citizen, most Americans are astonished to learn that freedom of speech does not extend to the workplace, or at least not to workers. It is literally true that free speech exists for bosses, but not workers. The First Amendment of the Bill of Rights applies only to the encroachment by government on citizens' 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, any legislation (e.g. the National Labor Relations Act) or agency (e.g. the National Labor Relations Board) that seek to restrict a corporate "person's" freedom of speech, is unacceptable. Employers' First Amendment rights mean that they are entitled to hold "captive 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.

It's 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, known as corporations.

Such limitations on workers' rights are incompatible with the requirements of a genuine democracy. In comparison to European countries, the legal rights of workers in the U.S. 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 millions of American workers?

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

History counts. Few people today remember that when the National Labor Relations Act, the cornerstone of U.S. labor law, was adopted by Congress in 1935, its purpose was not simply to provide a procedural mechanism to end 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 participate in workplace decisions, what about organized labor? Has labor been on the defensive so long that we have lost sight of this long-term goal?

While the occasional union document makes a passing reference to "workplace democracy," 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 into the desire for the extension of democracy into the workplace. The new labor movement must place industrial democracy front and center if we are to create a wider appeal for unions. Fighting for democracy in the workplace, and not simply the right to form unions, is vital to the restoration of labor's social mission. While unions are the pre-eminent instrument in our society to actualize workplace rights, it is important for unions to lead the charge against the entire anti-democratic workplace regime.

It is not only right, but smart too. 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 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 conception of democracy and the rights of citizens. Unfortunately, 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. And citizens' rights should not be subject to suspension at the whim of one's employer. The labor movement is the natural vehicle to lead the struggle for basic democratic rights inside and outside the workplace.

### **The Natural State of the Workplace—Union Free?**

Organized labor, of course, has long sought to restore some balance to U.S. labor law. The current regime is 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. Instead, we should question the basic assumption of U.S. 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 wish 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. U.S. 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 do we assume that workers should not meaningfully 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 collective bargaining 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 that can win them rights. Workers who win bargaining rights through their unions 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**

With the United States reporting the highest levels of inequality in the advanced industrial world, and the majority of U.S. 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 will continue to rise.

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.

This is not a new tension. Servicing the membership has often been held as incompatible with fulfilling the wider social mission of labor to serve the needs of all working people, whether they are organized or not. But it is now becoming increasingly clear that unions need to do both. Unions, like any organization, will not survive if they do not serve the needs of their members. Nor will unions survive if they *only* serve the needs of their members.

The experience of organized labor in the U.S. demonstrates that simply delivering for their own members is not sufficient for success in the long run. Measured in this narrowest sense of "delivering" for members, U.S. 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 able to win only through political as well as industrial action. In addition, U.S. 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 U.S. 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 spreading the gains first achieved through collective bargaining, rates of organization are double what they are in the U.S. Management resistance to unionization in Canada is less vigorous than in the U.S. If management busts a union in Canada, it cannot 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 (McDonald'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 can the union do for me?"). Members see joining the union as purchasing a service, not participating in a movement for social change.

This business or servicing 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: Constructing the Possible**

For unions to succeed today they need to have a wider social vision. Pure and simple trade unionism is not possible. Most unionists recognize 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 1994 debate over health care reform—already a fading memory—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 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 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 U.S. 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 the 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. The companies gave their patrons iron plaques which they could post on the outside of their buildings to assure that in case of fire 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 engage 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.

### **Who Decides: Market Values or Social Values?**

Clearly understanding this point, the New Right has a program to construct a new political consensus. In the U.S. 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 no role for government, or indeed collective institutions 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 should not be confused with democratic institutions. Markets, for example, might be useful in determining the 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, 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 values 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 pocket to the community is a scam. Worse yet, anything that goes from my pocket makes it that much harder for me and my family to survive. This is a zero-sum view of society in which 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 regulations 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 to 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 twenty-first 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. That's the challenge that faces the new leadership of the AFL-CIO, as well as every local official, stop steward, and union member in the U.S. today.