@Issue: Will unions ever make a comeback?
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Union troubles

35.9 % The public-sector union membership rate, compared to 6.6 percent for private-sector workers.
35.4 % Unionization rate for in education, training, and library occupations, the highest among all professions.
23.2 % New York State's union membership rate, the highest among the states.
2.9 % North Carolina's union membership rate, the lowest.

Private-sector unions are not what they used to be — at least in terms of the number of Americans who belong to one.

In 2012, the percentage of workers belonging to unions was 11.3 percent, down from 11.8 percent in 2011. The number of union members also declined, from 14.8 million in 2011 to 14.4 million in 2012.

Labor experts weigh in on the state of union membership on B1 and B2.

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Unions are changing, but on the rebound

By Susan J. Schurman

Labor unions are already making a comeback. They just look different from what we’re familiar with. We are accustomed to thinking of unions as the large public- and private-sector organizations that grew in the 20th century as the means through which workers in core industries like auto, steel, construction and public employees, like teachers, could engage in collective bargaining with their employers.

In fact in the United States, more so than in much of the rest of the world, collective bargaining is synonymous with unions. The National Labor Relations Act (NLRA) and state public sector bargaining laws make collective bargaining the centerpiece of American labor relations. But what happens when there’s no employer to bargain with or when the features of your job exclude you from the right to join a union? Or when the workers making the same product you make are in Sri Lanka earning a fraction of your wage?

Millions of American workers have always been excluded from the right to unionize based on the fact that there is no “employer of record” as defined by the law. Domestic workers, day laborers, home health workers, for example, must either strike individual bargains with a customer or rely on a labor intermediaries like Merry Maids. And low-wage workers in retail and fast-food establishments face a daunting challenge in trying to unionize. It would make no sense at all to try to organize all McDonald’s workers under a single labor contract. That would simply raise the price of a Big Mac and drive a lot of customers to Burger King. Collective bargaining is supposed to “take wages out of competition,” not disadvantage one employer compared to the rest.

And therein lies the basic problem for unions. The world has changed dramatically since our national labor relations framework was created. Competition in many industries is now global, and labor codes vary widely around the world. Technology facilitates moving production of goods and services to countries with lower wages and weak or unenforced labor codes. Collective bargaining, as defined by the National Labor Relations Act, can no longer serve as the primary means for achieving a decent standard of living for many workers.

Fortunately, there are signs of change. Workers excluded from the right to unionize under the NLRA are forming new kinds of organizations. Restaurant workers in New York City formed the Restaurant Organizing Committee. In Texas the Workers Defense Project helps immigrant workers in construction collect back wages from contractors. Taxi drivers in New York City organized to exert collective influence on the city’s taxi board. Freelance workers have made the Freelancers Union one of the fastest-growing labor organizations in the country. Fast-food workers around the country have been
conducting one-day strikes to publicize their low wages and demand a collective raise. Over the coming decades we will see unions reinvent themselves to represent workers in the 21st-century economy.

Global economy is bad news for unions

By John J. Sarno

Today, only about 8 percent of the private-sector workforce are members of labor unions and membership has declined nearly every year for more than three decades.

There are many complex, interrelated reasons for this spiral into oblivion, almost all of them connected to the global economy and the deconstruction of large, vertically organized industry.

As American manufacturing has restructured, eliminated jobs with new technology and become more flexible, the assembly-line business model has become extinct. So has labor’s assembly-line, organizing model. Other than the public sector, only the big utilities remain substantially unionized.

Labor’s success at organizing the vast service sector has not been successful. For one thing, many workers in the service economy work part time and employment is generally contingent on the business cycle. Moreover, big retail establishments like Wal-Mart are adept at using the law to remaining union-free.

The federal labor law provides employers with powerful tools to counter union organizing. While an employee cannot be threatened or intimidated, the law allows employers to persuade employees from joining a union. The secret-ballot election ensures that the employer can campaign against the union, within certain bounds, and employees often vote against unionization, particularly when their employer already pays a fair wage and provides health care benefits.

Unprecedented immigration — legal and illegal — over the last two decades has not helped unions. Immigrants working on visas cannot be unionized, and undocumented workers fear deportation. Moreover, immigrants from Eastern Europe, Central America and elsewhere distrust unions because in their home countries union leaders were often stooges and the union itself was often an instrument of management or the state.

Ironically, social and economic legislation, such as the minimum wage and health and safety standards in the workplace, have undermined unions. Beginning in October, uninsured people can buy their health insurance, many with a subsidy, courtesy of the Affordable Care Act. With unemployment insurance and health care insurance, many people feel that the protection of a labor union is unnecessary.

All of these factors have converged to pummel labor unions and have created an existential threat. Faced with such obstacles, unions have decided to become increasingly political. However, this high-risk strategy has caused a powerful and sustained reaction.

In 2009, the so-called Employee Free Choice Act had 200 sponsors in the U.S. House of Representatives, short of what proponents said they wanted to send the bill to the floor but enough for labor unions to be optimistic that a new era for organizing was close at hand. The act would have made union organizing easier but it never made it out of the Senate. The National Labor Relations Board has been politicized ever since, and a litigation war has waged over the board’s authority to conduct its business.

As of today, organized labor is stalemated. Meanwhile, the forces working for labor’s demise have accelerated. Will labor unions ever make a comeback in the private sector? Not in the foreseeable future.

Resurgence of labor? It's not 'if' but 'when'

By Charles Wowkanech

The resurgence of the labor movement is not a question of "if" but rather a question of "when."

Through the collective bargaining process, union members have played a major role in lifting wage standards for all workers, essentially laying the foundation for our nation’s middle class. As union membership has fallen, however, the share of national income held by the middle class has simultaneously declined, leading to record levels of income inequality. Evidence suggests that for the middle class to recover we need to revitalize the labor movement.

Having a strong labor movement helped achieve many reforms that are often taken for granted, such as weekends off, the 40-hour work week, child labor laws, safety regulations, workers’ compensation, overtime pay, retirement and health benefits, and collective bargaining rights.
Today, the labor movement is equally relevant, combating policies to ship jobs overseas and working to promote investment in our communities and infrastructure to create American jobs. The labor movement defends against attacks on Social Security and fights to broaden access to health care benefits as more employers drop coverage by shifting full-time workers to part-time status. The fight for social and economic justice is ongoing, and the labor movement remains a crucial vehicle for progress.

In New Jersey, the labor movement is leading efforts to increase the state's minimum wage from $7.25 to $8.25 per hour, with an annual cost-of-living adjustment. This common-sense policy would help struggling families, who have seen their wages stagnate for years, keep up with rising costs and would boost economic activity through increased consumer spending. New Jersey voters have the power to approve this policy by voting “Yes” on the minimum wage ballot question on Election Day, Nov. 5.

Despite the positive impact of unions and their benefit to all workers, misinformation has spread virally, and the understanding of what unions are and what they stand for has greatly diminished. Unionism is a concept that simply says if workers join together to exercise their collective voice, they maximize their potential to be heard. During a time when working people continue to be drowned out by large corporations, special interests and out-of-touch politicians, nothing could be more important than having a seat at the table.

Determining what will spark growth in the labor movement is difficult to pinpoint. The fact remains that millions of workers are eager to join and form unions, but their ability to do so is inhibited by out-of-date labor laws, widespread union busting and political attacks.

One of the greatest threats to our economy, and in many ways our democracy, is a fading middle class. If we are to restore our middle class, history has proven unionism to be the most effective strategy. Anyone who believes that there is a future for our middle class must also believe in a future for the labor movement. The labor movement is a way to exercise our voice and our power to bargain collectively. The labor movement levels the playing field for workers, provides workers with respect on the job, and ensures America remains a land of opportunity for all.