CHAPTER 12
THE EVOLUTION OF LABOR UNIONS

CHAPTER DESCRIPTION

We began this chapter by describing the partnering of labor and management that is evolving in some sectors. Next, we describe the labor movement prior to 1930 and then identify the major labor legislation that was passed after 1930. We then explain unionization in the public sector. Next, we describe the broad objectives that characterize the labor movement as a whole and union growth strategies. Then we explain the reasons why employees join unions. The basic structure of the union is described, followed by a discussion of the steps involved in establishing the collective bargaining relationship. Union strategies in obtaining bargaining unit recognition are then presented. Means for removing a union are discussed in the section on union decertification, and finally, we describe the state of unions today.

KEY TERMS

Conspiracy: The combination of two or more persons who band together to prejudice the rights of others or of society (such as by refusing to work or demanding higher wages).

Injunction: A prohibiting legal procedure used by employers to prevent certain union activities, such as strikes and unionization attempts.

Yellow-dog contract: A written agreement between an employee and a company made at the time of employment that prohibits a worker from joining a union or engaging in union activities.

Right-to-work laws: Laws that prohibit management and unions from entering into agreements requiring union membership as a condition of employment.

Individual representation: A situation in which people prefer to bargain for themselves and ignore the interests of the collective members of the workforce.

Union salting: The process of training union organizers to apply for jobs at a company and, once hired, work to unionize employees.

Flooding the community: The process of the union inundating communities with organizers to target a particular business.

Corporate labor campaigns: Labor maneuvers that do not coincide with a strike or organizing campaign to pressure an employer for better wages, benefits, and the like.

Pay-equalization rules: Rules under which every worker is rewarded equally when pay or benefit gains are realized, based on seniority rather than worker productivity.

Local union: The basic element in the structure of the U.S. labor movement.

Craft union: A bargaining unit, such as the Carpenters and Joiners union, which is typically composed of members of a particular trade or skill in a specific locality.

Industrial union: A bargaining unit that generally consists of all the workers in a particular plant or group of plants.

National union: An organization composed of local unions, which it charters.

Collective bargaining: The performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising there under, and the execution of a written contract incorporating any agreement reached if requested by either party; such obligation does not compel either party to agree to a proposal or require the making of a concession.

Bargaining unit: A group of employees, not necessarily union members, recognized by an employer or certified by an administrative agency as appropriate for representation by a labor organization for purposes of collective bargaining.

Authorization card: A document indicating that an employee wants to be represented by a labor organization in collective bargaining.

Decertification: Election by a group of employees to withdraw a union’s right to act as their exclusive bargaining representative; the reverse of the process that employees must follow to be recognized as an official bargaining unit.

LECTURE OUTLINE

THE LABOR MOVEMENT BEFORE 1930
Development of the labor movement has been neither simple nor straightforward; prior to the 1930s, the trend definitely favored management.

CONSPIRACY—The combination of two or more persons who band together to prejudice the rights of others or of society.

INJUNCTION—A prohibiting legal procedure used by employers to prevent certain union activities, such as strikes and unionization attempts.

YELLOW-DOG CONTRACT—A written agreement between the employee and the company made at the time of employment, prohibiting a worker from joining a union or engaging in union activities.

NOBLE ORDER OF THE KNIGHTS OF LABOR—Founded in 1869 and membership grew to more than 700,000. Nucleus of the organization became the American Federation of Labor (AFL).

SHERMAN ANTI-TRUST ACT—Marked the entrance of the federal government into the statutory regulation of labor organizations.

THE LABOR MOVEMENT AFTER 1930
The pendulum began to swing away from management and toward labor.

ANTI-INJUNCTION ACT (NORRIS-LAGUARDIA ACT) OF 1932—The act affirms that U.S. public policy sanctions collective bargaining and approves the formation and effective operation of labor unions.

NATIONAL LABOR RELATIONS ACT (WAGNER ACT) OF 1935—The National Labor Relations Board (NLRB) was created. The NLRB was given two principal functions: (1) to establish procedures for holding bargaining-unit elections and to monitor the election procedures, and (2) to investigate complaints and prevent unlawful acts involving unfair labor practices.

LABOR MANAGEMENT RELATIONS ACT (TAFT-HARTLEY ACT) OF 1947—The act extended the concept of unfair labor practices to unions; permitted states to enact right-to-work laws.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT (LANDRUM-GRIFFIN ACT) OF 1959—Requires extensive reporting on numerous internal union activities and contains severe penalties for violations.

HOMELAND SECURITY ACT OF 2002—Established a new cabinet-level agency responsible for border security, emergency preparedness, biological warfare, intelligence analysis, and protection of the President.

THE PUBLIC SECTOR
In 1962, President Kennedy signed an executive order allowing federal employees to unionize.

EMPLOYEE ASSOCIATIONS
Many employee associations now enthusiastically pursue collective bargaining relationships.

UNION OBJECTIVES
Several broad objectives characterize the labor movement as a whole. In order to accomplish these objectives, most unions recognize that they must strive for continued growth and power.

GROWTH—To maximize effectiveness, a union must strive for continual growth.

POWER—A union’s power is influenced to a large extent by the size of its membership and the possibility of future growth.

UNIONS GROWTH STRATEGIES
PULLING THE UNION THROUGH—Puts pressure on the end user of a company’s product in order to have a successful organizing attempt.

POLITICAL INVOLVEMENT—Unions are giving money to candidates who pledge to help pass pro-labor legislation.

UNION SALTING—The process of training union organizers applying for jobs at a company and, once hired, working to unionize employees.

FLOODING COMMUNITIES WITH ORGANIZERS—The process of the union inundating communities with organizers to target a particular business.

POLITICAL AWARENESS CAMPAIGNS—Involve labor maneuvers that do not coincide with a strike or organizing campaign to pressure an employer for better wages, benefits, and the like.

BUILDING ORGANIZING FUNDS—The AFL-CIO asked its affiliates to increase organizing funds.

CYBERUNION—The AFL-CIO is now offering members Internet access in an effort to create a Web-based community and give itself more political clout.

BEFRIENDING LAID-OFF WORKERS—The AFL-CIO hopes the castoffs from Enron, World Com, and others will become advocates for organizing.

WHY EMPLOYEES JOIN UNIONS
Individuals join unions for many different reasons, and these reasons tend to change over time.

DISSATISFACTION WITH MANAGEMENT—Unions look for problems in organizations and then emphasize the advantages of union membership as a means of solving them.

- Compensation: If employees are dissatisfied with their wages, they may look to a union for assistance in improving their standard of living.
- Job security: If the firm does not provide its employees with a sense of job security, workers may turn to a union.
- Attitude of management: Employees do not like to be subjected to arbitrary and capricious actions by management.

A SOCIAL OUTLET—Union-sponsored recreational and social activities, day-care centers, and other services can increase the sense of solidarity.

OPPORTUNITY FOR LEADERSHIP—Employers often promote union leaders into managerial ranks as supervisors.

FORCED UNIONIZATION—In the 29 states without right-to-work laws, it is legal for an employer to agree with the union that a new employee must join the union after a certain period of time (generally 30 days) or be terminated.

PEER PRESSURE—Many individuals will join a union simply because they are urged to do so by other members of the workgroup.

UNION STRUCTURE
The labor movement has developed a multilevel organizational structure.

THE LOCAL UNION—The basic element in the structure of the American labor movement.

Craft union: Typically composed of members of a particular trade or skill in a specific locality.
**Industrial union**: Generally consists of all the workers in a particular plant or group of plants.

**THE NATIONAL (OR INTERNATIONAL) UNION**—Composed of local union charters that support it financially.

**AFL-CIO**—The American Federation of Labor and Congress of Industrial Organizations represents the interests of labor and its member national unions at the highest level.

**ESTABLISHING THE COLLECTIVE BARGAINING RELATIONSHIP: UNION CERTIFICATION**

A *bargaining unit* consists of a group of employees, not necessarily union members, recognized by an employer or certified by an administrative agency as appropriate for representation by a labor organization for purposes of collective bargaining.

**SIGNING AUTHORIZATION CARDS**—A document indicating that an employee wants to be represented by a labor organization in collective bargaining.

**PETITION FOR ELECTION**—After the authorization cards have been signed, a petition for an election may be made to the appropriate regional office of the NLRB.

**ELECTION CAMPAIGN**—When an election has been ordered, both the union and management usually promote their causes actively.

**ELECTION AND CERTIFICATION**—Where a valid election is held, the NLRB board will issue a certification of the results to the participants.

**UNION STRATEGIES IN OBTAINING BARGAINING UNIT RECOGNITION**—Unions generally try to make the first move because this places management in the position of having to react to union maneuvers.

**UNION DECERTIFICATION: REESTABLISHING THE INDIVIDUAL BARGAINING RELATIONSHIP**

*Decertification* is essentially the reverse of the process that employees must follow to be recognized as an official bargaining unit.

**DECERTIFICATION PROCEDURE**—The rules established by the NLRB spell out the conditions for filing a decertification petition.

**MANAGEMENT AND DECERTIFICATION**—If management really wants the union decertified, it must learn how to be active rather than passive.

**UNIONS TODAY**

Overall, the fall of *Big Labor* since the 1970s has been dramatic.