

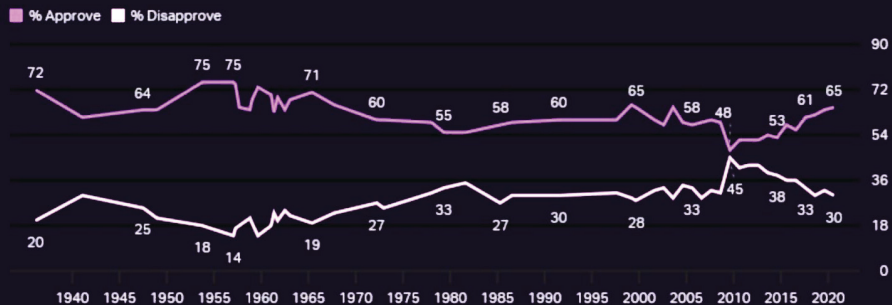


A pivotal time for the U.S.

LABOR MOVEMENT



Do you approve or disapprove of labor unions?



“I want you to know I’m a union guy,” President-elect Joe Biden said in a Nov. 16, 2020, meeting with business CEOs Mary Barra of General Motors, Satya Nadella of Microsoft and Brian Cornell of Target, as well as union presidents Richard Trumka of the AFL-CIO, Mary Kay Henry of the Service Employees International Union and Rory Gamble of the United Auto Workers. “Unions are going to have increased power” in his administration, Biden told them almost two weeks after the presidential election.

The new administration’s promises have been made against the backdrop of a raft of obstacles facing labor, from a decades-long membership decline (with public-employee unions a rare bright spot) to globalization, from employer aggressiveness to a shifting economy. Moreover, as the country gradually emerges from the COVID-19 pandemic, organized labor sees challenges and opportunities that could shape its future.

All of that, and more, make the present time a key juncture for the U.S. labor movement.

Dwindling membership

It’s impossible to talk about the state of organized labor without looking at its massive decrease in numbers. The percentage of workers belonging to a union in the United States peaked in 1954 at almost 35 percent, and the total number of union members peaked in 1979 at about 21 million.

By the 1970s, the increasing flow of imported goods—including automobiles, steel, electronics and clothing—had undercut domestic industries where union density had been strong. By the 1980s, many companies had closed or moved factories to Southern states (where unions were weak). By

1983, the percentage of workers in a union had fallen to 20.1 percent. The trend also reflected the impact of trade deals supported by political leaders of both parties; those pacts helped corporations but hurt American workers, as U.S. employers moved jobs to low-income countries where workers were often restricted from organizing. The American jobs that went overseas were disproportionately union ones.

Fast-forward to 2019 and labor’s share of the workforce had fallen to 10.3 percent, with a microscopic 1 in 16 private-sector workers belonging to a union. But there’s a bright spot—public-employee unions (such as NALC) have in many ways become the dominant part of the labor movement.

Until the 1960s, public-employee union membership remained under 1 million (the result of a relatively small government workforce combined with low union density), before rising rapidly in the 1960s and 1970s and beyond, sparked by President John F. Kennedy’s executive order allowing federal workers to form unions, by the growth of government, and by the organizing of state and municipal workers. By 2010, for the first time, public employees had surpassed private-sector workers as the majority of the labor movement. This surge results from twin factors—the rising unionization rate among government employees and the growth in the size of that sector.

By 2019, 33.6 percent of public employees were in a union, as opposed to only 6.2 of private employees; on a pure numbers basis: 7.2 million public-sector union members as compared to 7.1 million private-sector union workers. Jennifer Klein, Yale University professor of labor history, told *The Postal Record* last year that, “As private-sector unionism has declined, public-sector unions have become the bedrock of organized

labor and have grown in importance throughout the late 20th century and into the early 21st century.”

There have been some small positive signs in the past couple of years, as private-sector union membership rose slightly to 6.3 percent in 2021, up from 6.2 percent in 2019. Meanwhile, public-sector union rates increased to 34.8 percent from 33.6 percent, reflecting the fact that more non-union government workers lost their jobs than unionized employees. The absolute numbers, though, showed a slight decline in labor’s ranks.

Long term, despite the country’s substantial growth over the past four decades, union membership shrunk from 21 million to about 14 million.

Public support

Even as union membership has declined, support for unions has risen. In 2018, researchers at MIT found that approximately 48 percent of non-union workers would join a union if they could—representing some 58 million workers.

The wage gap between union and non-union workers is one reason for this desire to join a union. The Bureau of Labor Statistics reported that, on average, in 2019, union workers earned \$1,095 per week, while non-union workers earned \$892. What that means is that non-union workers made just 81 cents for every dollar that union workers made.

Gallup found that as of 2020, 65 percent of all Americans had a favorable opinion of unions versus 30 percent unfavorable. AFL-CIO President Trumka said that the COVID-19 pandemic might be helping to change minds.

“This pandemic has amplified [public support] even more,” he said. “It showed how helpless workers are without a union. They couldn’t even get [personal protective equipment] and unions were able to get it for them. For years and years and years, people

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that we call ‘essential workers’ were invisible. It was as if no one knew they existed. They did their jobs every day to keep the country and the economy going. And then COVID came and everybody was staying home except people they called ‘essential workers,’ people that were driving buses, and delivering food, and taking care of sick people, and making us better.

“Now people see those workers and the dignity that they represent,” he added.

It is worth noting that public favorability toward unions has periodically been high in recent decades, without translating into increased membership, as workers often find themselves dissuaded or even intimidated from forming unions by aggressive employers.

Rep. Mark Pocan (D-WI) agrees that while labor advocates “have strong public support,” the task before union supporters and activists is “to make sure that we actually deliver on some of the things that people want us to deliver on.”

Changing economy

One of the challenges for unions in growing the workforce is embracing new industries.

“Union density has historically been concentrated in manufacturing and the public sector,” Kate Bronfenbrenner, director of labor education research at the ILR School at Cornell University, said. “Those sectors have declined.

“Also, [job] growth has been in the sectors where unions have traditionally not existed. Growth has been in the high-tech sector, in the service sector and in jobs that are not covered by the National Labor Relations Act, like independent contractors and leased workers and domestic workers.”

Results for organized labor haven’t been forthcoming, as seen in the

Amazon warehouse unionizing vote in Alabama in April. Amazon is the second-largest private employer in the country (trailing only Walmart) with more than 800,000 employees.

The voting period saw a massive campaign and celebrity support for the union, along with a strong pushback from the employer via lengthy mandatory information sessions, text messages and large banners telling workers to “Do it without dues.” Ultimately, workers voted against joining the Retail, Wholesale and Department Store Union in a final tally of 1,798 to 738.

The retail union has filed a legal challenge to the election and charged Amazon with unfair labor practices. It has requested a hearing by the National Labor Relations Board “to determine if the results of the election should be set aside because conduct by the employer created an atmosphere of confusion, coercion and/or fear of reprisals and thus interfered with the employees’ freedom of choice.”

“We’re really seeing how the balance is always tipped in favor of employers,” Rebecca Givan, a labor studies professor at Rutgers University, said. “Organizing a union under current labor law is extremely challenging—the odds are always stacked against you.”

The ‘whole of government’ approach

And that brings us back to President Biden and the Democrat-controlled Congress. Biden has called for a “whole of government” approach to expanding the way the federal government can support workers. Biden and Vice President Kamala Harris “believe that the decline in union membership is contributing to serious societal and economic problems in our country,” including “economic inequality, stagnant real wages, and the shrinking of

America’s middle class,” they said in a press release.

On April 26, Biden signed the Executive Order on Worker Organizing and Empowerment, which establishes a task force to “identify executive branch policies, practices, and programs that could be used, consistent with applicable law, to promote [the Biden administration]’s policy of support for worker power, worker organizing, and collective bargaining.” The order states that the task force “also shall identify statutory, regulatory, or other changes that may be necessary to make policies, practices, and programs more effective means of supporting worker organizing and collective bargaining.”

The task force has 180 days to submit recommendations “to promote worker organizing and collective bargaining in the public and private sectors, and to increase union density.”

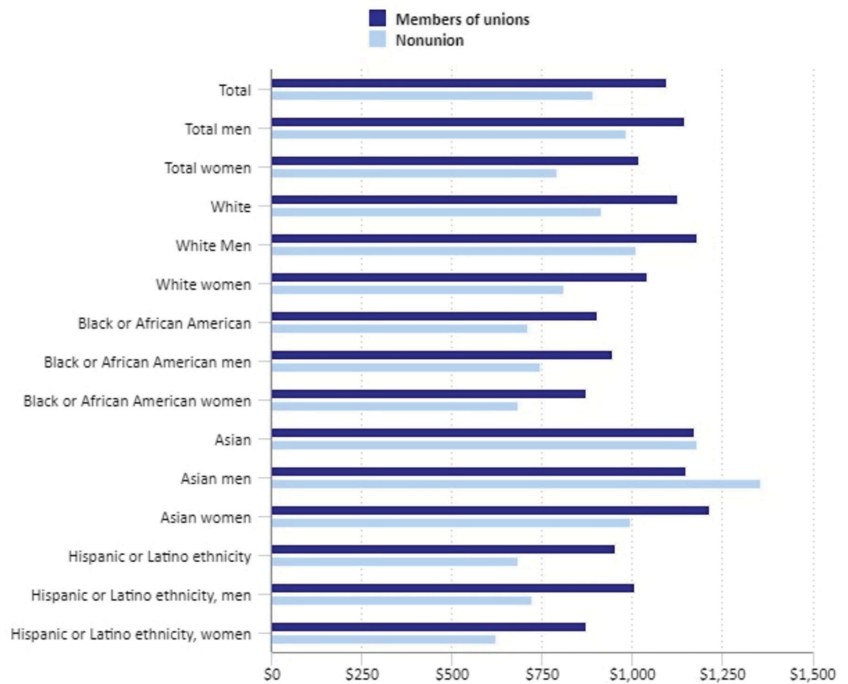
Vice President Harris will lead the 24-member task force, with Labor Secretary Marty Walsh serving as vice chairman.

White House labor advisor Seth Harris noted, “In the past, we’ve had very good-faith efforts by some presidents to do individual things, like executive order and regulatory actions [to help unions]. The question is, what about a whole-of-government approach? We never sit down and think about what it would be like if the whole government was organized around the principle that worker organizing was a good thing and not a bad thing.”

Biden’s proposed \$2.3 trillion infrastructure plan shows how the “whole of government” approach would work. The plan aims to create numerous union jobs in construction, clean energy and other fields, while requiring that companies receiving money under the legislation not oppose unionization efforts.

Some critics have pointed to Biden’s Jan. 20 order that revoked the permit

Median weekly earnings of full-time wage and salary workers, by union affiliation and other characteristics, 2019 annual averages



for the construction of the Keystone XL pipeline as a sign that good-paying union jobs aren't Biden's sole objective. However, how many jobs were lost and how many were to be permanent, full-time jobs remains up for debate, with figures ranging between about 1,000 and 11,000.

PRO Act

Biden also has thrown his support behind the Protecting the Right to Organize (PRO) Act, H.R. 842/S. 420. The PRO Act passed the House of Representatives on March 9 in a bipartisan vote. If approved by the Senate, it would significantly strengthen the ability of workers in the private sector to form unions and engage in collective bargaining for better working conditions and fair wages. If enacted into law, the PRO Act would be among the most comprehensive worker-empowerment measures in a century.

The PRO Act supports workers' right to strike for basic workplace improvements, including higher wages and better working conditions. It would establish a mediation and arbitration process to ensure that corporations and newly formed unions reach a first contract; authorize unions and employers to negotiate agreements that allow unions to collect fair-share fees that cover the costs of representation; and protect the integrity of union elections against coercive "captive audience" meetings. It would streamline the NLRB's procedures to secure worker rights and effectively prevent violations by establishing penalties on corporations that violate workers' rights by combating misclassification of workers as supervisors and independent contractors.

"While NALC is an open shop with more than 93 percent voluntary membership, we do not take our success in

organizing for granted," NALC President Fredric Rolando said in a letter of support to Congress. "To protect our rights, we all know that all workers must enjoy a real right to organize, not just a theoretical right to do so. We stand in solidarity with the millions of workers and their families whom this legislation will benefit."

To progress, the legislation now must be considered by the Senate. Its outlook in the Senate is bleak due to current Senate rules, which require 60 votes for legislation to pass. (See this month's President's Message.) With a Senate split 50-50 between Democrats and Republicans, rounding up 60 votes or, alternatively, changing the Senate rules to allow for a simple majority (51 votes) on legislation continue to challenge the labor movement's progress on pro-worker legislation.

Uncertain future

A major factor that makes 2021 an important moment for the labor movement is that there currently is a pro-union president with both houses of Congress controlled by his party. Given that congressional elections occur every two years, if there is to be effective federal

action to make it easier for workers to form unions, time is of the essence. At the same time, maintaining union jobs and making inroads into new industries remain keys for labor union activists.

But it's also a time to look at ways to make labor less of a partisan issue. That should be achievable, given what unions do for the economy and the country overall, as well as the rising public approval.

AFL-CIO President Trumka said in a recent speech promoting the PRO Act: "The right to freely and fairly organize is a patriotic belief, not a partisan one. Union members vote for both political parties and we live in red and blue states. Unionism transcends ideology, and it transcends any one issue.

"It strengthens civil rights," he continued. "It makes us safer on the job. It creates fairer workplaces. It builds a stronger economy.

"In an era of extreme polarization, nearly two-thirds of Americans approve of labor unions. Seriously, think about how hard it is to find something more than 50 percent—let alone 65 percent—that the country agrees on."

As Trumka put it, "It's clear: Labor unifies America." **PR**