



Erwin Chemerinsky: Why labor unions still matter

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Labor unions are suffering greatly, and the country is worse off for it. According to a Bureau of Labor Statistics study in 2013, only 11.3 percent of the workers in the United States were members of unions. That is the lowest level since 1916, when it was 11.2 percent. As recently as 1983, 20 percent of workers in the country were union members.

Today, only 6.6 percent of private-sector workers are in unions, compared to 35 percent in the 1950s. The Bureau of Labor Statistics reports that 35.9 percent of public employees are members of unions, but that number, too, is declining every year.

Many factors explain the decrease in union membership. The decline of manufacturing jobs in the United States has contributed greatly to this, as has the expansion by manufacturers, such as Boeing and Volkswagen, in non-union states. Jobs have grown primarily in sectors like retail and restaurants, where unions have little presence.

Some states in recent years – like Wisconsin, Indiana and Michigan – have adopted “right to work laws” that prohibit requiring employees at unionized workplaces to pay union dues or fees. In Wisconsin, the percentage of public employees in unions fell by 13 percent and in Indiana it plummeted by 18 percent in the year after the enactment of these laws.

Federal law has made it difficult to unionize workers and to force management to engage in collective bargaining. Federal statutes also have greatly limited the ability of workers to strike as a form of putting pressure on employers.

Public attitudes about unions have become more negative over time and that, too, has contributed to their declining membership. High profile scandals involving some union leaders have taken their toll. There seems to be much less public recognition of the importance of unions in protecting workers and in helping the American economy.

The labor movement is responsible not only for the Labor Day holiday and for a three-day weekend each year, but also for weekends without work for so many Americans.

Unions were instrumental in creating the 40-hour work week for many in this country. There would be no minimum wage without the advocacy of unions and there would be far less in the way of health and safety laws for workers.

It is not a coincidence that the decline of the middle class began with the decline in union membership. From one-third to one-fifth of the growth in wealth inequality can be explained by the decline of unions, according to a 2011 study by Bruce Western of Harvard University and Jake Rosenfeld of the University of Washington.

Unionized workers consistently have higher wages and better benefits than nonunionized workers. Unions help to ensure better working conditions, including for safety. They also are inherently democratic, as workers get to decide by majority vote whether to unionize and, if they do, who will represent them. They give employees a say in their workplace.

Society as a whole would benefit by strengthening unions and much can be done in that direction. President Barack Obama, in his first term, supported the Employee Free Choice Act, which was killed by a Republican filibuster in the Senate. The Republicans gained control of the House in 2010, killing the bill for now. But its provisions would be important and desirable changes in the law.

The act would have allowed a union to be certified as the official bargaining entity with an employer if union officials collect signatures of a majority of workers. The bill would have removed the present right of the employer to demand an additional, separate ballot when more than half of employees have already given their signature supporting the union. This would make it much easier for employees to choose to unionize.

Also, the proposed legislation would have required employers and unions to enter binding arbitration to produce a collective agreement at least 120 days after a union is recognized. This is a basic protection for collective bargaining and without it, as now, employers can greatly delay entering into negotiations even after the workers have voted to unionize.

Additionally the bill would have increased penalties on employers who discriminate against workers for union involvement. Employees need protection from retaliation for engaging in union activities.

All these reforms are long overdue. The Labor Day holiday is an important occasion for remembering why labor unions matter, certainly today as much as ever.

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