

# **AFRICA CENTER FOR PROJECT MANAGEMENT**

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**MODEL: TEN (10)**

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## **1. Explain why harmonious employee relation is essential in an organization.**

Maintaining a strong employer and employee relationship can be the key to the ultimate success of an organisation, the results are advantageous. It is known that if a strong relationship is in place employees will be more productive, more efficient, create less conflict and will be more loyal.

Every individual at the workplace shares a certain relationship with his fellow workers. Human beings are not machines who can start working just at the push of a mere button. They need people to talk to, discuss ideas with each other and share their happiness and sorrows. An individual cannot work on his own, he needs people around. If the organization is all empty, you will not feel like sitting there and working. An isolated environment demotivates an individual and spreads negativity around. It is essential that people are comfortable with each other and work together as a single unit towards a common goal.

It is important that employees share a healthy relation with each other at the work place. Let us find out why employee relations are important in an organization:

It's basic human nature to build relationships, whether personal or professional. Human growth is base of human relationships that is seeking expression. However, developing relationship with another, oftentimes proves to be quite challenging as each person possess different personality – such is the case in a typical workplace. In an environment such as that, your personality is only as good (or as bad) as the people you work with. Good relationships beget good relationship, and the same may be said of its reverse. This makes managing human relations in the workplace very important, in order to maintain good and healthy personal and professional relationships among workers. It is not only beneficial to the individual worker, but to the whole organization as well.

- **There are several issues on which an individual cannot take decisions alone.**

He needs the guidance and advice of others as well. Sometimes we might miss out on important points, but our fellow workers may come out with a brilliant idea which would help us to achieve our targets at a much faster rate. Before implementing any plan, the pros and cons must be evaluated on an open forum where every employee has the right to express his opinions freely. On your own, you will never come to know where you are going wrong, you need people who can act as critic and correct you wherever you are wrong. If you do not enjoy a good relation with others no one will ever come to help you.

- **Work becomes easy if it is shared among all.**

A healthy relation with your fellow workers would ease the work load on you and in turn increases your productivity. One cannot do everything on his own. Responsibilities must be divided among team members to accomplish the assigned tasks within the stipulated time frame. If you have a good rapport with your colleagues, he will always be eager to assist you in your assignments making your work easier.

- **The organization becomes a happy place to work if the employees work together as a family.**

An individual tends to lose focus and concentration if his mind is always clouded with unnecessary tensions and stress. It has been observed that if people talk and discuss things with each other, tensions automatically evaporate and one feels better. Learn to trust others, you will feel relaxed. One doesn't feel like going to office if he is not in talking terms with the person sitting next to him. An individual spends around 8-9 hours in a day at his workplace and practically it is not possible that one works non stop without a break. You should have people with whom you can share your lunch, discuss movies or go out for a stroll once in a while. If you fight with everyone, no one will speak to you and you will be left all alone. It is important to respect others to expect the same from them.

- **An individual feels motivated in the company of others whom he can trust and fall back on whenever needed.**

One feels secure and confident and thus delivers his best. It is okay if you share your secrets with your colleagues but you should know where to draw the line. A sense of trust is important.

- **Healthy employee relations also discourage conflicts and fights among individuals.**

People tend to adjust more and stop finding faults in each other. Individuals don't waste their time in meaningless conflicts and disputes, rather concentrate on their work and strive hard to perform better. They start treating each other as friends and try their level best to compromise and make everyone happy.

- **A healthy employee relation reduces the problem of absenteeism at the work place.**

Individuals are more serious towards their work and feel like coming to office daily. They do not take frequent leaves and start enjoying their work. Employees stop complaining against each other and give their best

- **It is wise to share a warm relation with your fellow workers, because you never know when you need them.**

You may need them any time. They would come to your help only when you are nice to them. You might need leaves for some personal reasons; you must have a trusted colleague who can handle the work on your behalf. Moreover healthy employee relations also spread positivity around.

## **The Benefits of Strong Employment relations-**

Having strong employer and employee relations reaps a lot of benefits for your business. The three most advantageous are listed below;

### ***Productivity***



Strong employment relations create a pleasant atmosphere within the work environment; it increases the [employee motivation](#) and can also be increased through improved employee morale. Companies that have invested into employee relations programs have experienced increases in the productivity, and therefore the increased productivity leads to increases in profits for the business.

### ***Employee Loyalty***

Creating the productive and pleasant work environment has a drastic effect on an employee's loyalty to the business, it encourages a loyal workforce. Having such a workforce improves employee retention, in doing so the cost of recruitment, hiring and training is cut drastically. For most businesses the high cost of employee turnover outweighs the cost of the employee relations program that they have in place. Another benefit is that when the employee turnover is low it ensures that the employer has a trained and skilled set of employees.

### ***Conflict Reduction***

When a work environment is efficient and friendly the extent of conflict within the workplace is reduced. Less conflict results in the employees being able to concentrate on the tasks at hand and they are therefore more productive. All the research and statistics lead to one conclusion, 'A happy workforce is a [productive workforce](#)'. Creating a sound and efficient work environment with good management and a strong employer- employee

relation can be the vital key to any businesses success or failure. Good luck.

### ***Achieving Strong Employment Relations***



So how exactly is a strong relationship developed? The first implicating factor is good management. You may ask, why? Through research and surveys it was found that an employee who respects their employer is more likely to over-achieve in their designated duties, this creates a goal setting environment where the productivity levels are high. So how exactly does one perfect good management? Below is an outline of 5 factors that are beneficial in the practice of good management.

### **Motivating your employees**

Ask yourself these questions;

1. Why are the employees there? (Don't assume it's money- most people aren't one-dimensional)
2. What keeps them loyal to your organization?

Now you can understand the current motivation of your employees and continue to motivate them further through encouragement and incentives. Encouragement can be achieved simply through applauding your workers every once in a while, both publicly and privately. It is known throughout all levels of management that happy employees make productive employees.

### **Set Goals**

Achieving strong [employee relations](#) is also providing your employees with the image of ambition and success. A saying that should be considered is 'Under-promise, Over-deliver'. This phrase is a great managerial mantra. Consider this; do you want to be the person who has

wildly optimistic goals that they never meet, or do you want to be the person who sets measured goals and ends up exceeding them by leaps and bounds? Although this is focused on image it also is focused on reputation, these are important when seeking respect from your employees.

## **Delegate**

Delegation of work/tasks throughout any business is important. Through delegation you are taking an opportunity to teach and empower your employees. This also allows you and the employees to acknowledge and understand their strengths and weaknesses. These are a few points to consider when delegating tasks;

1. Assign tasks that challenge your employees
2. Assume responsibility for your employees mistakes
3. Do not take credit for your employees achievements
4. Accept your own personal mistakes

## **Communicate Effectively**

When creating a work environment with [an effective communication network](#) there is one key factor that is vital. It is to 'Keep your door open'. Regularly remind and reinforce that your door is always open to any inquiries or concerns, and that you as a manager or business owner are willing and ready to listen. Maintaining an open channel of communication will make you aware of problems quickly, which is beneficial for quick resolution.

## **Embracing Equality**

Most employers aren't into equality as they would like to believe they are. In some cases favoritism can be subconscious. But by embracing equality for all employees will create a fair and equal workplace environment for all. If every employee feels equal and important they are more likely to work harder and be more productive.

All the research and statistics lead to one conclusion, 'A happy workforce is a productive workforce'. Creating a sound and efficient work environment with good management and a strong employer- employee relation can be the vital key to any businesses success or failure.

## **Taking the lead**

Nothing inspires employees more than having managers set a good example in human relations. Good working behavior towards another employee, be it a subordinate or line manager resonates the message of better productivity when it comes to work.

[Human resource management](#) likewise must establish a work culture that encourages healthy working relations, anchored in the spirit of creativeness and less of destructive competition.

## **No man is an island – even in the workplace**

Regardless if an individual worker is better at working alone, somewhere along the way his work productivity would still benefit from somebody else's help. In an organization, every individual effort is part and parcel of a collective work effort. Everyone contributes to the organization's success, and work results are better when done together. It is important therefore to not only to be open to seek help from others, but also provide help when needed.

## **Healthy and happy work environment is one of the best employee motivators**

Nothing beats a workplace that feels more like home than a place full of strife and destructive competition. Employees get better and better at work when there is less relationship stress to deal with, be it from a cranky boss or a very demanding coworker. Likewise a workplace with great camaraderie encourages one to do more at work without the need to take count of work contribution.

## **Trust is easily given**

Working relations go deeper in time when there is trust that binds coworkers together. Trust allows each one in the organization to open up and accept each other's weaknesses, at the same time acknowledge strengths without prejudice.



## **No cat or dog fights; no drama**

When coworkers are not in good terms with one another, it encourages gossip and arguments. Though totally discouraged, drama in the office cannot be always avoided; yet the same can be non-existent in a workplace with good human relations.

## **Less complain, more work done**

A work culture that encourages continuing efficient productivity cannot be made possible when there isn't a good working relationship among employees. Managers are at the forefront of demonstrating that work pressures are opportunities in disguise, a means to stretch, to acquire more knowledge that in the future would prove beneficial to his/her career. If this thought is mutually shared there will less and less complain and more work done.

Many full-time employees spend more of their waking hours with co-workers than they do with their spouses and families. As such, it is important to allow employees the opportunity to build quality relationships with their co-workers. This can be accomplished through the organization of informal get-togethers away from work, as well as by encouraging employee interaction. There are many benefits that can be reaped by small business owners who allow and foster good relationships in the workplace.

## **Improved Teamwork and Collaboration**

When people know one another well, they are much more likely to work well together. Watch teams who have a new member; typically, that new member will remain somewhat isolated until everyone else gets to know her. If you have several employees who are barely on speaking terms and you throw them together into a project, it will take some time for them to break the ice and begin to work well together. Conversely, team members who already know, like and respect each other may be more willing to collaborate for the betterment of the project.

## **Improved Employee Morale**

Given how much time employees spend in one another's presence, the development of good relationships in the workplace can increase employee morale. Coworkers become friendly and look forward to spending time with one another while they do their jobs. This may also make work more fun for these employees with the end result not only being a more positive workplace but also improved overall morale. Conversely, a stiff and unfriendly work environment will have the opposite effect.

## **Higher Employee Retention Rates**

When employees feel connected to a company, whether it is because they share the same vision as the company leaders or they feel as though their fellow co-workers have become like family, they will be much less likely to want to seek employment at another company. Friendships take time to build, especially quality friendships, and the prospect of having to start all over may help convince some employees to stay right where they are.

## **Increased Employee Productivity**

All of these elements add up to one common result: happy employees who are naturally more productive. Overall, while you may have some issues with employees becoming too friendly and wasting time together, a happy and well-adjusted workforce is a productive one. By feeling more connected to their place of employment, workers naturally want to try harder to help keep the company going and to help it grow.

Tied to the success of a company is the loyalty of its customers. While this customer-first mentality is necessary for the continuation of a company, employers sometimes forget to honor another intrinsic element of success and growth — the employee and employer relationship.

Employers are not drill sergeants who belt out orders for employees to follow. Why waste all that employee talent by burning them out? Work to build a strong and positive relationship with your employees, and they will grow as professionals and give back tenfold.

## **Rethink Hierarchy: Help Employees Navigate the Organization**

Employees have a place in the hierarchy of the company, but that doesn't mean anyone should feel less than another or be demoralized. Every leader must understand the functions of their organization and its politics. Your organization's culture sets the precedent for the professional personalities it hires. It should be clear to each employee why they were hired and why they are the best fit for a particular role.

Unfortunately, many employees simply exist in the vacuum of a cubicle and may not grow out of it. They feel boxed in and clueless about how to navigate the hierarchy and how to climb the ladder of success. An employee may need hand-holding or to be left alone, but that's not the employee's fault.

An employer has to find a way to meet them in the middle. [Each employee has a hierarchy of needs that should be addressed](#), such as good benefits to meet basic needs, a positive work environment, a sense of place to develop a feeling of belonging and a way to become professionally self-actualized.

## **Invest in Employee Networks and Loyalty**

Just because you've moved up the ladder as a leader doesn't mean you stop building relationships with those around you, including those under your supervision. You are a model of success for your employees, and you never know where your paths will lead or cross in the future.

Do your employees feel they can trust you? Do you empower and equip them with tools necessary to boost their influence and opportunities for success? Employee interoffice relationships and networks sculpt their reputation over the course of their careers.

Invest in employee networks to build loyalty and employee morale. Leaders should encourage networking inside and outside of the office. By strengthening influential networks, your employees will feel confident about their professional objectives and goals. They must learn that even professional relationships are not mutual all the time, and this negative exchange should be avoided. Loyalty is earned and learned when [employees align with others who reciprocate support](#) in networking, and that's first gained from the employer.

Leaders should look at their own professional paths as an example for personal consideration. Name three others that have been in your network for years, and ask

yourself if these are reciprocal relationships. Retrace the steps of your career, and remember leaders who held you back and why. Don't be that leader. When employees climb the ladder, they will be in your network. Maintain reciprocal relationships with your employees, and teach them to do the same with others in their network.

## **Broaden the Scope of Employee Experience**

Don't let employees become bored with their jobs. Of course, there are mundane tasks to every role that feel like chores, but employees should be allowed to challenge their knowledge. Let employees develop their skills by teaching them how to do the job of a leader. Broadening the scope of an employee's experience [prepares them for what comes next in their career](#), and they won't fall short of expectations or feel their ambitions are neglected by an employer they trusted.

Many employers feel an employee should only understand what's in their job description and nothing beyond fulfilling those duties. Wasn't that why the employee was hired in the first place? An excellent leader sees the employee for their ambition and ability to grow, and then teaches them about the ecosystem of the workplace to advance.

Encourage employees to step up to the plate, beyond being a bench warmer, and take a swing at a big project or pitch an idea at a meeting. When an employee has the confidence to speak out and act independently, they gain the confidence to take risks, make involved decisions and lead.

Strong employee/employer relationships are vital to the success of the organization. The people and their relationships behind the scenes are the gears that move the mechanism of your company.

When your employees do their jobs well, achieve a new goal or do something successfully, reward them with networking opportunities and better benefits. Make the employee and employer relationship a strong and reciprocal one to be remembered for an entire career.

## **Conclusion**

In conclusion, it is understood that maintaining a proper and sound employer-employee relationship will enable organisations to derive a number of benefits and such a sound relationship finally enables the organisation to prosper in many ways.

Thus, society too will benefit as a result of such positive moves by organisations as they are a part of society as well.

Therefore, organisations should focus more on improving and enhancing their relationship with staff members for the ultimate benefit of the organisation and in order to realise organisational goals and targets.

It is essential that employees are comfortable with each other for better focus and concentration, lesser conflicts and increased productivity.

## 2. Discuss the basic principles guiding Trade Unions.

A **trade union** (or a **labor union** in the U.S.) is an association of workers forming a legal unit or legal personhood, usually called a "bargaining unit", which acts as bargaining agent and legal representative for a unit of employees in all matters of law or right arising from or in the administration of a collective agreement. Labour unions typically fund the formal organisation, head office, and legal team functions of the labour union through regular fees or union dues. The delegate staff of the labour union representation in the workforce are made up of workplace volunteers who are appointed by members in democratic elections.

Today, unions are usually formed for the purpose of securing improvement in pay, benefits, working conditions or social and political status through collective bargaining and working conditions by the increased bargaining power wielded by the banding of the workers. The trade union, through an elected leadership and bargaining committee, bargains with the employer on behalf of union members (rank and file members) and negotiates labour contracts (collective bargaining) with employers. The most common purpose of these associations or unions is "maintaining or improving the conditions of their employment" This may include the negotiation of wages, work rules, complaint procedures, rules governing status of employees including promotions, just cause conditions for termination, and employment benefits.

Unions may organize a particular section of skilled workers (craft unionism), a cross-section of workers from various trades (general unionism), or attempt to organize all workers within a particular industry (industrial unionism). The agreements negotiated by a union are binding on the rank and file members and the employer and in some cases on other non-member workers. Trade unions traditionally have a constitution which details the governance of their bargaining unit and also have governance at various levels of government depending on the industry that binds them legally to their negotiations and functioning.

Originating in Great Britain, trade unions became popular in many countries during the Industrial Revolution. Trade unions may be composed of individual workers, professionals, past workers, students, apprentices or the unemployed. Trade union density, or the percentage of workers belonging to a trade union, is highest in the Nordic countries

## **Principles of democratic Trade Unionism**

1. Left Unity is a broad, democratic party of the left, as such these are only suggested as a rough outline of how we think that socialists and left wing people in the trade unions can help to make their unions more democratic and to be more effective at leading the fight back against austerity, neoliberalism and social inequality.

## **Scrapping the anti trade union laws**

2. As long as the anti union laws are used against us, we will not be able to win any significant industrial disputes in Britain. The laws are designed to frustrate and prevent serious trade union action through bureaucracy, legal challenges and depoliticisation of our struggles.
3. If we want effective trade unionism in Britain we have to overthrow the laws that govern how the trade unions can fight. We support any and all efforts by workers to break the anti-union laws. To really smash the legal chains around us will take a combination of efforts, using both official and unofficial means, utilising the law courts as well as the picket line.
4. Workers actually break the anti union laws all the time – but without a proper campaign to generalise this and make it a point of principle then the vast majority of our disputes will be lost because we are always fighting with both hands behind our backs.

## **Social movement Trade Unionism**

5. Trade Union struggles today are stronger when they involve more than just the workers in any particular work place. With the cuts falling on public services, it is essential as a strategy to forge a close alliance with service users and the wider public in support of industrial action.
6. Some people on the right of the union movement like to talk about social movement trade unionism because they would prefer to use popular coalitions as a replacement for working class action, such as strikes. We see it as a powerful way of supporting and strengthening workers actions by building an alliance with the local community and people beyond the workplace. This was the approach of the Chicago Teachers Union in 2012 which was a very successful defensive strike.
7. Trade Unions should not just see themselves as organisations to defend their own members – they have a vital role to play in mobilising wider resistance to austerity and neoliberalism, for instance on other social issues or economic attacks like benefit cuts.

## **Importance of democratic networks across the unions**

8. We believe it is important that union members should be able to discuss among each other, not just in their unions but across unions. Unions that only have communication through the centre or even actively prevent union members talking to each other between branches are antithetical to the essential principle of democracy and self emancipation.



## **Local control of disputes, workers in struggle organise the struggle**

9. Far too many times now, local disputes have not won often because they have been interfered with by regional or national officials. We support a basic principle of trade unionism that the workers in the struggle must be the ones to organise the struggle themselves. Decisions to call off strikes must always rest with the strikers themselves.

## **10. Decisions about strikes should be made in meetings of the strikers themselves.**

The ILWU began with a set of cardinal principles upon which it continues to operate. These were memorialized by the union's Tenth Biennial Convention held in San Francisco in 1953.

A Union is built on its members. The strength, understanding and unity of the membership can determine the union's course and its advancements. The members who work, who make up the union and pay its dues can best determine their own destiny. If the facts are honestly presented to the members in the ranks, they will best judge what should be done and how it should be done. In brief, it is the membership of the union which is the best judge of its own welfare; not the officers, not the employers, not the politicians and the fair weather friends of labor. Above all, this approach is based on the conviction that given the truth and an opportunity to determine their own course of action, the rank and file in 99 cases out of 100 will take the right path in their own interests and in the interests of all the people.

Labor unity is at all times the key for a successful economic advancement. Anything that detracts from labor unity hurts all labor. Any group of workers

which decides to put itself above other workers through craft unionism or through cozy deals at the expense of others will in the long run gain but little and inevitably will lose both its substance and its friends. No matter how difficult the going, a union must fight in every possible way to advance the principle of labor unity.

Workers are indivisible. There can be no discrimination because of race, color, creed, national origin, religious or political belief, sex, gender preference, or sexual orientation. Any division among the workers can help no one but the employers. Discrimination of worker against worker is suicide. Discrimination is a weapon of the boss. Its entire history is proof that it has served no other purpose than to pit worker against worker to their own destruction.

“To help any worker in distress” must be a daily guide in the life of every trade union and its individual members. Labor solidarity means just that. Unions have to accept the fact that the solidarity of labor stands above all else, including even the so-called sanctity of the contract. We cannot adopt for ourselves the policies of union leaders who insist that because they have a contract, their members are compelled to perform work even behind a picket line. Every picket line must be respected as though it were our own.

Any union, if it is to fulfill its appointed task, must put aside all internal differences and issues to combine for the common cause of advancing the welfare of the membership. No union can successfully fulfill its purpose in life if it allows itself to be distracted by any issue which causes division in its ranks and undermines the unity which all labor must have in the face of the employer.

The days are long gone when a union can consider dealing with single employers. The powerful financial interests of the country are bound together in every conceivable type of united organization to promote their own welfare and to resist the demands of labor. Labor can no more win with the ancient weapons of

taking on a single employer in industry any more than it can hope to win through the worn-out dream of withholding its skill until an employer sues for peace. The employers of this country are part of a well-organized, carefully coordinated, effective fighting machine. They can be met only on equal terms, which requires industry-wide bargaining and the most extensive economic strength of organized labor.

Just as water flows to its lowest level, so do wages if the bulk of the workers are left unorganized. The day of craft unionism – the aristocracy of labor – was over when mass production methods were introduced. To organize the unorganized must be a cardinal principle of any union worth its salt; and to accomplish this is not merely in the interest of the unorganized, it is for the benefit of the organized as well.

The basic aspiration and desires of the workers throughout the world are the same. Workers are workers the world over. International solidarity, particularly to maritime workers, is essential to their protection and a guarantee of reserve economic power in times of strife.

A new type of unionism is called for which does not confine its ambitions and demands only to wages. Conditions of work, security of employment and adequate provisions for the workers and their families in times of need are of equal, if not greater importance, than the hourly wage.

Jurisdictional warfare and jurisdictional raiding must be outlawed by labor itself. Nothing can do as much damage to the ranks of labor and to the principle of labor unity and solidarity as jurisdictional bickering and raiding among unions. Both public support and strike victories are jeopardized by jurisdictional warfare. This code for rank and file unionism is implemented by the membership's participation in organization, negotiations, strike machinery, contract enforcement and every other aspect of union life. Thus, its discipline springs out

of participation, conviction and the right of the membership to decide its own course of action. The above principles and steps to implement them, and an informed and alert membership make the union what it is.

### **3. Explain what would happen if the government outlaw Trade Unions.**

Suppose, for example, that the employees of a large department store wish to form a union to negotiate for higher pay, improved working conditions, and better job security. If management is strongly opposed to this, there are two basic methods it can use to resist. It can increase pay and improve other conditions sufficiently to make workers feel that it is not worth the trouble to unionize just for further marginal improvements. Or, it can use a variety of nasty tactics, discussed below, to fight off efforts to establish a union (Or *both* methods could be used.) The second method is, by far, more commonly used. This often involves calling on the services of companies that specialize in impeding the formation of unions and in strike breaking.

Many aggressive tactics have been used for these purposes. One set is based on the idea of replacing those supporting the union with more docile people. The importing of workers from abroad for this purpose was, as mentioned above, common in the past, and is still being used today, as people from low-pay countries are encouraged to come here, both legally and illegally. Companies were formed to supply workers to break strikes.

Agents of companies such as the Pinkerton Detective Agency were used to infiltrate unions in order to disrupt their operations by such means as provoking violence, stirring up racial strife among members, and raiding union treasuries. They were able to do a great deal of damage by simply identifying employees who were strong union supporters, so that they could be fired. In some cases agents succeeded in attaining leadership positions enabling them to virtually destroy the unions, or to convert them into tame "company unions".

#### **The current situation**

Since the end of the New Deal era, government, at all levels, reverted to its prior anti-labor role. The 1947 Taft-Hartley Act, which significantly weakened the pro-labor provisions of the Wagner Act, marked the beginning of the downfall of labor unions. One of its features was to give state governments the right to pass laws outlawing union-management agreements requiring all employees of a unionized company to pay all or part of specified union dues. Cooperation between different unions was restricted.

The National Labor Relations Board (NLRB) is the agency charged with enforcing national labor laws. It is supposed to protect the legal rights of workers to organize

unions. But, particularly since passage of the Taft-Hartley Act, it has proven to be a paper tiger with respect to protecting the right to organize a union.

A basic point is that, when a worker is fired for expressing support for a union, which is a violation of the law, the NLRB is limited to ordering back pay (less any earnings during the layoff period), and this only after a prolonged delay. No punitive action can be taken against the perpetrators. Employers freely violate this and other aspects of labor laws, accepting the minimal consequences as a cost of doing business. Proving that a worker was fired for union activity is difficult, as the courts tend to accept arguments that there were other reasons.

The period between the accumulation of enough signatures (30% of the work force involved) to mandate a certification election and the date of the election is usually several months, and can be prolonged for years by various legal tactics involving such matters as arguing over which workers are in the proposed bargaining unit. This time is commonly used by employers to apply all sorts of pressure on the employees, including the identification and firing of strong union supporters. A company can require its workers to attend meetings on their premises at which it presents arguments against the union. But the union has no access to workers on company property.

Employer threats, e.g., to cut health benefits, or to lay off half the work force, or to close a plant if the union wins a union representation election are illegal. But there is no penalty for a violation. All the NLRB can do is to order the company to post a notice (after the election is over) promising not to do it again. Even when a union wins a certification election, employers can drag their heels for many months before entering into serious negotiations.

The situation is very different North of our border. In Canada, labor laws are far less hostile to unions, which may explain why there was no plunge there in union membership over the past few decades.

US unions are generally in weak positions. Companies respond to demands for decent wages by downsizing their work forces and outsourcing work to non-union firms, or hiring contract workers, who are not protected by unions. Credible threats are made to relocate out-of-state, or even out-of-country. Even long established public sector unions are under attack. E.g., the NY City government recently insisted on contract changes degrading job security and lowering the (already low) pay rate of school bus drivers, thereby provoking a strike, which the union lost .

The relative success of public sector unions in bettering the lives of their members might reasonably have been expected to inspire private sector workers to join or form unions. Unfortunately, the more prevalent effect is that they resent the effect of public sector unions on their tax rates. Contributing to anti-union bias are the inconveniences to the public that often result from strikes. The great difficulties outlined above in forming private sector unions may be another factor in shaping this attitude.

Another reason given for opposition to unions is that increasing worker pay and benefits increases the costs of goods and services. Of course, this is an argument that could be, and was, used to oppose the abolition of slavery. It is also related to the argument that improving conditions for American workers puts US industry at a disadvantage with respect to competitors in low-wage countries.

A more legitimate criticism of unions is that they have a mixed record with respect to racism. E.g., building trade unions have traditionally excluded blacks. This, of course, is not an argument against unions in general, but rather an argument for action to deal with this serious failing where it exists. There is no reason why this problem can't be solved, as, both now, and in the past, many, perhaps most, unions have behaved properly in this regard. Unions have often been in the forefront of battles against racism.

In the face of a very difficult situation, it does not appear that unions have risen to the occasion. There is little evidence of inspired leadership. The idea of solidarity seems to be a thing of the past. There seems to be little in the way of joint action by different unions to push for common goals or to help one another. Most unions seem to be wedded to the Democratic Party, despite that party having done virtually nothing for them since the New Deal days.

### **Future prospects for American workers**

It should be obvious that individuals, with the exception perhaps of some very specially qualified, talented people, cannot in any real sense "negotiate" terms of employment with organizations. The union "movement" today is little more than the twitching of a dying organism. Thus, there has been a steady downward slide affecting the great majority of all Americans living on wages and salaries. Job security, income, health care and other benefits, have all been going south for decades. All indications are that this trend will continue, as there are no signs of significant numbers of people getting together to do anything that has the potential

to stop it. (This, despite the fact that most private sector workers say they would like to be able to join unions. Occasional organized protests not associated with real political action won't do the job.

So, we are approaching a situation in which the US population will consist of a tiny, super-rich elite, dominating a layer of people precariously clinging to middle class status, and a mass of people living in, or on the edge of, poverty.

A necessary condition for reversing this slide is a movement to develop a strong political party that represents the general population, as opposed to the current major parties that are owned by the elite. A government in the hands of such a decent party would, among other benefits, make possible a revival of real labor unions, and the growth of worker cooperatives. It is also essential that rank and file union members actively participate in the governance of their unions, so as to ensure that the leadership is honest, competent, and acting in the best interest of the members and the public.

In employment law there is no right to take industrial action but there are protections for certain workers who do this by, for example, going on strike. Part 2 of the Industrial Relations Act 1990 provides workers, who are taking part in peaceful industrial action, the following immunities from:

1. Criminal or civil proceedings for conspiracy to do a particular act if the action taken by a person acting alone would not be punishable as a crime. Even if you are not a member of a trade union, you benefit from this immunity.
2. Prosecution when taking part in peaceful picketing. Only members and officials of an authorised trade union get the benefit of this immunity
3. Prosecution for inducements to break or threats to break contracts of employment. Again, only members and officials of an authorised trade union get the benefit of this immunity.

## **Unfair dismissal**

Under section 5 of the Unfair Dismissals Act 1977 the dismissal of an employee for taking part in a strike or other industrial action is unfair if:

- One or more of the other employees taking part in the action were not dismissed



Or

- One or more of the other employees who were dismissed, were later reinstated or re-engaged and the employee was not.

This was amended by section 4 of the Unfair Dismissals (Amendment) Act 1993 which extends this definition of unfair dismissal to include less favourable treatment after reinstatement or re-engagement after a strike or a lockout.

Lockout is where an employer excludes the employees from work or suspends work or terminates their employment. In unfair dismissals legislation, a lockout is considered a dismissal. Again, under Section 5 of the Unfair Dismissals Act 1977, it is considered an unfair dismissal if an employee is not reinstated or re-engaged after a lockout and one or more of the other employees are.

Dismissal for trade union activity or membership is automatically unfair under Section 6 of the Unfair Dismissals Act 1977. An employee dismissed in such circumstances does not require any particular length of service in the job in order to enforce his/her rights. The definition of trade union activity is activity carried out with the employer's consent or outside working hours. Strikes or other industrial action are not covered by this definition.

## **Victimisation**

The Workplace Relations Commission's Code of Practice on Victimisation refers to victimisation arising from an employee's membership or non-membership, activity or non-activity for a trade union or a manager discharging their managerial functions or any other employees. It applies to situations where there are no negotiating arrangements and where collective bargaining has not taken place.

The term victimisation is used to describe unfair treatment of an employee (including a manager). It does not include dismissal – see 'Unfair dismissal' above. If you feel you have been victimised you can make a complaint to the Workplace Relations Commission under the Industrial Relations (Miscellaneous Provisions) Act 2004 using the online complaint form available on [workplacerelations.ie](http://workplacerelations.ie).

## Other employment issues

**Pay:** Under the Payment of Wages Act 1991, deductions from your pay by your employer are allowed when they arise due to your being on strike.

**Minimum pay:** In the calculation of hourly rate of pay, 'working hours' does not include time when you were on strike.

**Redundancy:** Time spent on strike does not break the continuity of service required to qualify for redundancy. However any time spent on strike during the last 3 years of your employment is non-reckonable when calculating the statutory redundancy payment.

**Public holiday:** You are not entitled to public holiday benefits if you have been absent from work immediately before the public holiday and your absence is due to a strike.

## Social welfare

If you are on strike, you are not considered unemployed and are not entitled to Jobseeker's Benefit or Allowance. However you may qualify for credits for the duration of the strike. Your family may get Supplementary Welfare Allowance.

You won't normally be eligible for an Exceptional Needs Payment if you are involved in a trade dispute or on strike. However, a dependent adult or dependent child of a person on strike can apply.

If you are out of work as a result of a strike (for example, you have been laid off), you are in a different position. You may qualify for Jobseeker's Benefit if you are not participating in or directly interested in the trade dispute which caused the stoppage at work.

#### **4. Discuss the functions of Trade Unions.**

By providing data on union coverage, activities, and impacts, this report helps explain how unions fit into the economy today; how they affect workers, communities, occupations and industries, and the country at large; and why collective bargaining is essential for a fair and prosperous economy and a vibrant democracy. It also describes how decades of anti-union campaigns and policies have made it much harder for working people to use their collective voice to sustain their standard of living.

Trade unions have a number of functions, some of which have been more prominent than others at different periods in history. But over the course of time trade unions have developed five principal functions. These are respectively: a service function; a representation function; a regulatory function; a government function; and a public administration function. This paper examines these different functions and argues that the balance is shifting, with more emphasis being placed on service, governmental and public administration functions. We are witnessing the emergence of a new 'supply side trade unionism' with a corresponding dilution of their representative and regulatory functions. These developments—engineered by governments of both parties in recent years—are assessed in the context of the Warwick agreement in 2004 where the trade unions and the Labour Party concluded a deal on the shape of a possible third term Labour government.

#### **Functions Of Trade Unions**

The primary function of trade unions include to negotiate improved wages and allowances and working conditions of workers through collective bargaining process or pressure tactics like strikes, to regulate relationship between employees and the employer and to represent workers in matters of protecting their interest.

Trade unions perform a number of functions in order to achieve the objectives. These functions can be broadly classified into three categories:

- (i) Militant functions,
- (ii) Fraternal functions

## **Militant Functions**

One set of activities performed by trade unions leads to the betterment of the position of their members in relation to their employment. The aim of such activities is to ensure adequate wages, secure better conditions of work and employment, get better treatment from employers, etc. When the unions fail to accomplish these aims by the method of collective bargaining and negotiations, they adopt an approach and put up a fight with the management in the form of go-slow tactics, strike, boycott, gherao, etc. Hence, these functions of the trade unions are known as militant or fighting functions. Thus, the militant functions of trade unions can be summed up as:

- To achieve higher wages and better working conditions
- To raise the status of workers as a part of industry
- To protect labors against victimization and injustice

## **Fraternal Functions**

Another set of activities performed by trade unions aims at rendering help to its members in times of need, and improving their efficiency. Trade unions try to foster a spirit of cooperation and promote friendly industrial relations and diffuse education and culture among their members. They take up welfare measures for improving the morale of workers and generate self confidence among them. They also arrange for legal assistance to its members, if necessary. Besides, these, they undertake many welfare measures for their members, e.g., school for the education of children, library, reading-rooms, indoor and out-door games, and other recreational facilities. Some trade unions even undertake publication of some magazine or journal. These activities, which may be called fraternal functions, depend on the availability of funds, which the unions raise by subscription from members and donations from outsiders, and also on their competent and enlightened leadership. Thus, the fraternal functions of trade unions can be summed up as:

- To take up welfare measures for improving the morale of workers

- To generate self confidence among workers
- To encourage sincerity and discipline among workers
- To provide opportunities for promotion and growth
- To protect women workers against discrimination

Some of the most important functions of the trade union are as follows: i. Increasing Co-operation and Well-being among Workers ii. Securing Facilities for Workers iii. Establishing Contacts between the Workers and the Employers iv. Trade Unions working for the Progress of the Employees v. Safeguarding the Interests of the Workers vi. Provision of Labor Welfare.

#### **i. Increasing Co-operation and Well-being among Workers:**

The modern industry is complex and demands specialization in jobs. This results in extreme division of labor, which leads to the growth of individualism and development of impersonal and formal relationships. There is no common unifying bond among the workers.

It is in this context that the trade unions come into the picture and they promote friendliness and unity among the workers. Besides this, the trade unions also discuss the problems, which are common to all the workers. It is a platform where workers come together and know each other. The trade unions also provide some kind of entertainment and relaxation to the workers.

#### **ii. Securing Facilities for Workers:**

Most of the industrialists are not very keen on providing the facilities and proper working conditions to the workers. They are more interested in getting their work done to the maximum extent. In such conditions, trade unions fight on behalf of the workers and see that the facilities have been provided by the management.

#### **iii. Establishing Contacts between the Workers and the Employers:**

In present days, there are many industries, which have grown into giants. A single unit in a particular industry may employ hundreds of employees. Many times a worker or employee may not have a chance to see their managers. In this situation, the workers are not able to express their grievances before their employers, and even the management does not know the difficulties faced by the workers.

The trade unions play an important role in bringing to the notice of the employers the difficulties and grievances of the employees. They try to arrange face-to-face meetings and thus try to establish contacts between the employees and the employers.

#### **iv. Trade Unions working for the Progress of the Employees:**

The trade unions try to improve the economic conditions of the workers by representing their cases to the employers and try to get adequate bonus to the workers.

#### **v. Safeguarding the Interests of the Workers:**

Most of the industries try to exploit the workers to the maximum. They do not provide any benefits such as increasing their wages, granting sick leaves, giving compensation in case of accidents, etc. The workers are not made permanent even after many years of service and in some cases they are removed from service summarily. The trade unions provide security to the employees in such situations.

#### **vi. Provision of Labor Welfare:**

The economic conditions of the industrial workers in India are very poor. The standard of living is very low. A majority of industrial workers in India are illiterate or semi-literate. It is the responsibility of the trade unions to get them proper housing facilities and promote the socio-economic welfare of the laborers. The trade unions also try to arrange educational facilities for the children of the workers.

The main functions of the trade union are to protect and defend the interests of workers by serving as a mediator between the workers and the company. Trade

unions exist to help workers band together to have a stronger collective voice of influence.

The breakdown of those functions is as follows:

1. Advocating for fairness and equality for workers' compensations.
2. Securing better working conditions for workers.
3. Trade unions will organize strikes and demonstrations on behalf of the employees of the company

Besides that, Trade unions perform a number of functions in order to achieve the objectives. These functions can be broadly classified into three categories:

### **Militant Functions**

One set of activities performed by trade unions leads to the betterment of the position of their members in relation to their employment. The aim of such activities is to ensure adequate wages, secure better conditions of work and employment, get better treatment from employers, etc. When the unions fail to accomplish these aims by the method of collective bargaining and negotiations, they adopt an approach and put up a fight with the management in the form of go-slow tactics, strike, boycott, gherao, etc. Hence, these functions of the trade unions are known as militant or fighting functions. Thus, the militant functions of trade unions can be summed up as:

- To achieve higher wages and better working conditions
- To raise the status of workers as a part of industry
- To protect labors against victimization and injustice

On **18, July, 2012**, India's leading car manufacturer Maruti Suzuki Udyog Ltd in Manesar factory workers in an agitation at factory human resource manager burned to death by workers, made severe damage to companies property and hurt severely several other workers. Thereby MSUL (Maruti Suzuki Udyog Ltd) sacked all of its

workers who ever involved in that incident and filed a police complaint against those employees. on 8,November,2012, few workers strike who are dismissed but claims that they were not involved resorted to hunger strike demanding to reinstate them. The labour union of the company "Maruti Udyog Kamgar Union" have lent support to the agitators at Manesar then join them to make representation to the state labour department on this issue.

### **Unpaid Air India pilots to fly 'cash & carry'**

Mar, 2012,NEW DELHI: Unpaid for months and fed up with hollow promises of getting their dues, pilots of Air India-domestic have decided to put the airline on "cash-and-carry " from April 1.

After a meeting of their union, it has been left to individual pilots to tell the management that they will fly from next month only if their dues - five months' performance-linked incentive (PLI) and three months' salary - are paid fully or at least substantially.

While many agitated members wanted some immediate action, the union, Indian Commercial Pilots' Association (ICPA), decided against giving a strike call as such protests have only led to promises from the government in the past, which were never kept.

## **2. Fraternal Functions**

Another set of activities performed by trade unions aims at rendering help to its members in times of need, and improving their efficiency. Trade unions try to foster a spirit of cooperation and promote friendly industrial relations and diffuse education and culture among their members. They take up welfare measures for improving the morale of workers and generate self confidence among them. They also arrange for legal assistance to its members, if necessary. Besides, these, they undertake many welfare measures for their members, e.g., school for the education of children, library, reading-rooms, in-door and out-door games, and other



recreational facilities. Some trade unions even undertake publication of some magazine or journal.

These activities, which may be called fraternal functions, depend on the availability of funds, which the unions raise by subscription from members and donations from outsiders, and also on their competent and enlightened leadership. Thus, the fraternal functions of trade unions can be summed up as:

- To take up welfare measures for improving the morale of workers
- To generate self confidence among workers
- To encourage sincerity and discipline among workers
- To provide opportunities for promotion and growth
- To protect women workers against discrimination

### **3. Social Functions**

Besides the main economic functions consisting basically of organising unions and improving their terms and conditions of employment to enable workers to meet their physical needs, some unions have now started undertaking and organising welfare activities and also providing variety of services to their members and sometimes to the community of which they are a part, which may be grouped under following heads:

**1) Welfare activities** provided to improve the quality of work life including organisation of mutual fund, cooperative credit societies for providing housing, cooperative stores, cultural programmes, banking and medical facilities and training for women in various crafts to help them to supplement their family income.

**2) Education:** Education of members in all aspects of their working life including improving their civic life, awareness in the environment around them,

enhancement of their knowledge particularly in regard to issues that concern them, their statutory and other rights and responsibilities, workers' participation in management.

**3) scheme, and procedure for redressing their grievances.** Some central union organisations are also assisting the Government in implementing the Workers' Education Scheme.

**4) Publication of periodicals,** news letters or magazines for establishing communication with their members, making the latter aware of union policy and stand on certain principal issues and personnel matters concerning members, such as births, deaths, marriages, promotion and achievements.

**5) Research:** Of late, this is gaining importance and is intended mainly to provide updated information to union negotiators at the bargaining table. Such research is to be more practical than academic, concerning problems relating to day-today affairs of the union and its activities and union and management relations. Some of the research activities are : (i) collection and analysis of wage data including fringe benefits, and other benefits and services through surveys of comparative practices, data on working conditions and welfare activities; (ii) preparation of background notes for court cases and also position papers for union officials; (iii) collection and analysis of macro data relating to the economy, industry sectors etc. All the above mentioned activities and services are considered normal activities of unions in the Trade Unions Act which stipulates the objectives on which general funds of the union can be spent.

**4. Political functions:** These functions include affiliating the union with a political party, helping the political party in enrolling members, collecting donations, seeking the help of political parties during the periods of strikes and lockouts

Some of the functions of Trade Union can be seen as below

## **‘Collective bargaining’ is how working people gain a voice at work and the power to shape their working lives**

Almost everyone has at one point felt unheard or powerless as an employee. Joining a union simply means that you and your colleagues have a say because you negotiate important elements of employment conditions together. That could mean securing wage increases, better access to health care, workplace safety enhancements, and more reasonable and predictable hours. Through collective bargaining negotiations, the union also works with management to develop a process for settling disputes that employees and their managers are unable to settle individually.

Once a collective bargaining agreement (CBA) is agreed to, union representatives work with employees and with management to make sure the rights and obligations spelled out in the agreement are honored. And they represent workers in high-stakes situations, such as when a safety violation has resulted in injury. By these means, collective bargaining gives workers a say in the terms of their employment, the security of knowing that there are specific processes for handling work-related grievances, and a path to solving problems.

To cover expenses for negotiating contracts, defending workers’ rights, resolving disputes, and providing support to members of the bargaining unit, unions collect dues.

The National Labor Relations Act (NLRA) of 1935 and amendments govern private-sector unions and collective bargaining. While states generally have no jurisdiction over private-sector unions, the NLRA as amended does allow states to enact certain laws that govern fees paid by workers in unionized private workplaces (discussed later in this report).

Nearly half (48.1 percent) of workers covered by a union contract are public-sector workers. Collective bargaining among federal workers is covered by the Federal Labor Relations Act of 1978 (FLRA). State laws (enacted from the late 1950s forward) govern state and local government employee unions. Each state has its own set of laws that govern collective bargaining for state and local public employees. Some states allow the full set of collective bargaining rights, others (approximately one-fifth) prohibit collective bargaining, and still others limit some

activities, such as the right to strike or the right to collect dues automatically during payroll processing. About one in 10 states have no state law addressing collective bargaining rights in the public sector.

### **Union workers are diverse, just like America**

The typical union member is often thought to be a worker on a manufacturing line in the Midwest. Manufacturing does have a strong union tradition, but people join unions in many industries and occupations. Union members include dental hygienists in Wisconsin, graduate students in Massachusetts, firefighters in Illinois, television writers and scientists in California, security guards in Washington, D.C., digital journalists in New York, and major league baseball players in Georgia and other states.

It is also true that, in the past, union workers were predominantly white men. But as of 2016, roughly 10.6 million of the 16.3 million workers covered by a union contract are women and/or people of color.

- About two-thirds (65.4 percent) of workers age 18 to 64 and covered by a union contract are women and/or people of color.
  - Almost half (46.3 percent) are women.
  - More than a third (35.8 percent) are black, Hispanic, Asian, or other nonwhite workers.
- Black workers are the most likely to be represented by unions: 14.5 percent of black workers age 18 to 64 are covered by a collective bargaining agreement, compared with 12.5 percent of white workers and 10.1 percent of Hispanic workers.

### **Unions represent workers of all levels of education**

- More than half (54.5 percent) of workers age 18 to 64 and covered by a union contract have an associate degree or more education.
- Two out of five (42.4 percent) have a bachelor's degree or more education.

## **Union workers hail from a variety of sectors, but the biggest share work in education or health services**

- Nearly two in five workers (39.8 percent) age 18 to 64 and covered by a union contract work in education or health services.
- One in seven workers (13.9 percent) covered by a union contract work in public administration.
- One in eight workers (12.2 percent) covered by a union contract work in transportation and utilities.
- One in 11 workers (9.1 percent) covered by a union contract work in manufacturing.

## **Unions are most widespread in public administration and transportation industries**

Because industries vary in size, industries with the highest numbers of union workers aren't always the industries with the highest union coverage *rate*. The five industries with the highest shares of 18- to 64-year-old workers covered by a union contract (the “union coverage rate”) are:

- Public administration (33.2 percent)
- Transportation and utilities (27.3 percent)
- Education and health services (20.0 percent)
- Construction (15.7 percent)
- Information (10.6 percent), which includes publishing, motion pictures, broadcasting, telecommunications, data processing, and other communications services

## **Unions are thriving in diverse workplaces—including ‘new economy’ workplaces**

Working people join unions to have some say over their jobs and their workplaces. Given the self-determination unions afford, it is no surprise that they are thriving in some of the companies, industries, and occupations undergoing the most change.

- ***Television writers in Hollywood.*** Streaming services, cable offerings, and multiple viewing platforms are fueling what is referred to as “the New Golden Age of Television.” In 2016 the six major media companies that dominate film and television (CBS, Comcast, Disney, Fox, Time Warner, and Viacom) reported almost \$51 billion in operating profits. Those profits have doubled in the last decade and continue to grow. Much of the industry’s success is attributable to the roughly 13,000 men and women who write television shows and films and who belong to the Writers Guild of America. Despite this contribution to the industry’s record profitability, TV writers’ incomes were in decline. WGA and the Alliance of Motion Picture and Television Producers (which represents the studios, networks, and independent producers) recently agreed on a collective bargaining contract that gave writers increases in compensation and digital residuals and preserved broad health care benefits.
- ***Graduate students and adjunct faculty working at universities across the country.*** More than 64,000 graduate student employees are unionized at 28 institutions of higher education in the public sector, including universities in California, Florida, Illinois, Iowa, Massachusetts, Michigan, Oregon, Pennsylvania, Wisconsin, and Washington. While graduate teaching assistants in some public universities have practiced collective bargaining for nearly 50 years, the law has recently opened up the possibility in private universities: teaching and research assistants for universities such as Yale, Brandeis University, Columbia, and Tufts University are now organizing for better compensation and working conditions.
- ***Professional and technical employees in the Washington, D.C., region and throughout the United States and Canada.*** The International Federation of Professional and Technical Engineers (IFPTE) includes more than 80,000 women and men in professional, technical, administrative, and associated occupations in the United States and Canada. Members work for a wide range of federal, public, and private agencies and companies. They include

administrative law judges working for the Social Security Administration, scientists working for NASA, engineers and technicians working for General Electric and Boeing, and engineers, architects, and project managers working for Santa Clara County, California. The Economic Policy Institute is one of many unionized Washington-based nonprofits (including the Center for American Progress and DC Jobs With Justice) represented by IFPTE Local

- ***United Parcel Service (UPS) drivers, hub workers, pilots, and mechanics.*** UPS is the country's largest private-sector, unionized employer. Of 440,000 workers worldwide, nearly 250,000 (mostly drivers and hub workers) are represented by the Teamsters. UPS pilots are represented by the Independent Pilots Association, and UPS mechanics are represented by the International Association of Machinists. According to research firm Brand Keys, UPS is number one in parcel delivery loyalty, ahead of nonunionized FedEx.
- ***Maine lobster fishers.*** The Maine Lobstering Union formed in 2013 after a glut in the spring of 2012 that drove the "boat price" for lobster down about 33 percent to a 20-year low. It was the first fishing union in Maine in more than 75 years. While people who fish for a living in Canada and off the Washington and Alaska coasts have been organized for years, the 500-member Maine Lobstering Union seeks to close the growing gap between what consumers pay to eat lobster and what lobster fishers get. So the union is buying a wholesale lobster business. Union lobster fishers who sell to the union co-op will get market price for their lobster but also a share of cooperative profits.
- ***Cafeteria and other contract workers in Silicon Valley.*** In July 2017, more than 500 cafeteria workers who serve food at Facebook's Menlo Park, California, campus joined Local 19 of UNITE HERE, a labor union of more than 265,000 hotel, food service, laundry, warehouse, and casino workers in the United States and Canada. The Facebook cafeteria workers cannot afford housing in the extremely high-cost Bay Area and are seeking higher wages and more affordable health benefits from their employer, Flagship Facility Services. According to the *San Jose Mercury News*, "thousands of contract

workers such as janitors, security guards, and shuttle bus drivers at other major Silicon Valley tech firms, including Apple, Intel, and Google,” have already unionized. The effort to unionize these workers is being led by Working Partnerships USA and the South Bay AFL-CIO Labor Council but counts other faith, community, and labor groups (including Communications Workers of America, Teamsters, and the Service Employees International Union) as partners.

- **Digital journalists.** The changing media landscape has been a recent catalyst for newsrooms to organize. Since 2014, editorial employees at many media outlets—including *In These Times*, *Vice*, Gizmodo Media Group (formerly Gawker Media), *Salon*, *The American Prospect*, *Fusion*, *The Root*, and *ThinkProgress*—have formed unions. The *Huffington Post*, for example, ratified a contract in January 2017 that has provisions addressing editorial independence, the need to enhance newsroom diversity, comp time, discipline and dismissal policies, and severance in the event of layoffs.

### **Unions strengthen democracy by giving workers a voice in policy debates**

Managers, business owners, and CEOs organize to advocate for their economic interests. That’s what chambers of commerce, business associations, and national trade associations do. Unions provide working people who are not executives or company owners with an opportunity to get their voices heard in policy debates that shape their lives.

Americans have a constitutionally protected right to associate and ask for change. Americans join together to change speed limits, school policy, laws governing gun ownership and drug possession and use, and more. And when Americans have wanted to make the economy fairer and more responsive to the needs of workers, they have traditionally joined together in unions to do so.

Unions fought for—and work to strengthen—many of the humane standards and norms that protect and uplift Americans today. These essential laws and programs include Social Security, child labor laws, antidiscrimination laws, health and safety laws, Unemployment Insurance, compensation for workers who get hurt on the job, the 40-hour workweek, and the federal minimum wage. Unions were a major



force behind all the Great Society laws on discrimination, housing, and voting rights.

As union coverage has declined and the voice of workers has correspondingly diminished, many of the key workplace standards past generations counted on have been eroded. For instance, there has been an erosion of overtime pay protection, slashing of workers' compensation programs, and a decline in the real value of the minimum wage, which is lower now than it was in 1968.

### **Unions reduce inequality and are essential for low- and middle-wage workers' ability to obtain a fair share of economic growth**

The spread of collective bargaining that followed the passage of the National Labor Relations Act in 1935 led to decades of faster and fairer economic growth that persisted until the late 1970s. But since the 1970s, declining unionization has fueled rising inequality and stalled economic progress for the broad American middle class. **Figures A and B** show that when unions are weak, the highest incomes go up even more, but when unions are strong, middle incomes go up.

Research by EPI and other institutions shows this correlation is no accident. First, unions have strong positive effects not only on the wages of union workers but also on the wages of comparable nonunion workers, as unions set standards for entire industries and occupations (these union and nonunion wage boosts are explored in detail in the next section of this report). Second, unions make wages among occupations more equal because they give a larger wage boost to low- and middle-wage occupations than to high-wage occupations. Third, unions make wages of workers with similar characteristics more equal because of the standards unions set. Fourth, unions have historically been more likely to organize middle-wage than high-wage workers, which lowers inequality by closing gaps between, say, blue-collar and white-collar workers. Finally, the union wage boost is largest for low-wage workers and larger at the middle than at the highest wage levels, larger for black and Hispanic workers than for white workers, and larger for those with lower levels of education—wage increases for these groups help narrow wage inequalities.

We know how big a force for equality unions are by looking at how much their decline has contributed to inequality between middle- and high-wage workers:

union decline can explain one-third of the rise in wage inequality among men and one-fifth of the rise in wage inequality among women from 1973 to 2007. Among men, the erosion of collective bargaining has been the largest single factor driving a wedge between middle- and high-wage workers.

FIGURE A

**Union membership and share of income going to the top 10 percent, 1917–2015**

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<i><b>1917</b></i>	11.0%	40.3%
<i><b>1918</b></i>	12.1%	39.9%
<i><b>1919</b></i>	14.3%	39.5%
<i><b>1920</b></i>	17.5%	38.1%
<i><b>1921</b></i>	17.6%	42.9%
<i><b>1922</b></i>	14.0%	42.9%
<i><b>1923</b></i>	11.7%	40.6%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1924</b>	11.3%	43.3%
<b>1925</b>	11.0%	44.2%
<b>1926</b>	10.7%	44.1%
<b>1927</b>	10.6%	44.7%
<b>1928</b>	10.4%	46.1%
<b>1929</b>	10.1%	43.8%
<b>1930</b>	10.7%	43.1%
<b>1931</b>	11.2%	44.4%
<b>1932</b>	11.3%	46.3%
<b>1933</b>	9.5%	45.0%
<b>1934</b>	9.8%	45.2%
<b>1935</b>	10.8%	43.4%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1936</b>	11.1%	44.8%
<b>1937</b>	18.6%	43.3%
<b>1938</b>	23.9%	43.0%
<b>1939</b>	24.8%	44.6%
<b>1940</b>	23.5%	44.4%
<b>1941</b>	25.4%	41.0%
<b>1942</b>	24.2%	35.5%
<b>1943</b>	30.1%	32.7%
<b>1944</b>	32.5%	31.5%
<b>1945</b>	33.4%	32.6%
<b>1946</b>	31.9%	34.6%
<b>1947</b>	31.1%	33.0%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1948</b>	30.5%	33.7%
<b>1949</b>	29.6%	33.8%
<b>1950</b>	30.0%	33.9%
<b>1951</b>	32.4%	32.8%
<b>1952</b>	31.5%	32.1%
<b>1953</b>	33.2%	31.4%
<b>1954</b>	32.7%	32.1%
<b>1955</b>	32.9%	31.8%
<b>1956</b>	33.2%	31.8%
<b>1957</b>	32.0%	31.7%
<b>1958</b>	31.1%	32.1%
<b>1959</b>	31.6%	32.0%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1960</b>	30.7%	31.7%
<b>1961</b>	28.7%	31.9%
<b>1962</b>	29.1%	32.0%
<b>1963</b>	28.5%	32.0%
<b>1964</b>	28.5%	31.6%
<b>1965</b>	28.6%	31.5%
<b>1966</b>	28.7%	32.0%
<b>1967</b>	28.6%	32.0%
<b>1968</b>	28.7%	32.0%
<b>1969</b>	28.3%	31.8%
<b>1970</b>	27.9%	31.5%
<b>1971</b>	27.4%	31.8%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1972</b>	27.5%	31.6%
<b>1973</b>	27.1%	31.9%
<b>1974</b>	26.5%	32.4%
<b>1975</b>	25.7%	32.6%
<b>1976</b>	25.7%	32.4%
<b>1977</b>	25.2%	32.4%
<b>1978</b>	24.7%	32.4%
<b>1979</b>	25.4%	32.3%
<b>1980</b>	23.6%	32.9%
<b>1981</b>	22.3%	32.7%
<b>1982</b>	21.6%	33.2%
<b>1983</b>	21.4%	33.7%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1984</b>	20.5%	33.9%
<b>1985</b>	19.0%	34.3%
<b>1986</b>	18.5%	34.6%
<b>1987</b>	17.9%	36.5%
<b>1988</b>	17.6%	38.6%
<b>1989</b>	17.2%	38.5%
<b>1990</b>	16.7%	38.8%
<b>1991</b>	16.2%	38.4%
<b>1992</b>	16.2%	39.8%
<b>1993</b>	16.2%	39.5%
<b>1994</b>	16.1%	39.6%
<b>1995</b>	15.3%	40.5%



<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>1996</b>	14.9%	41.2%
<b>1997</b>	14.7%	41.7%
<b>1998</b>	14.2%	42.1%
<b>1999</b>	13.9%	42.7%
<b>2000</b>	13.5%	43.1%
<b>2001</b>	13.5%	42.2%
<b>2002</b>	13.3%	42.4%
<b>2003</b>	12.9%	42.8%
<b>2004</b>	12.5%	43.6%
<b>2005</b>	12.5%	44.9%
<b>2006</b>	12.0%	45.5%
<b>2007</b>	12.1%	45.7%

<b>Year</b>	<b>Union membership</b>	<b>Share of income going to the top 10 percent</b>
<b>2008</b>	12.4%	46.0%
<b>2009</b>	12.3%	45.5%
<b>2010</b>	11.9%	46.4%
<b>2011</b>	11.8%	46.6%
<b>2012</b>	11.2%	47.8%
<b>2013</b>	11.2%	46.7%
<b>2014</b>	11.1%	47.3%
<b>2015</b>	11.1%	47.8%

Share of income going to the top 10 percent  
Union membership

**Sources:** Data on union density follows the composite series found in Historical Statistics of the United States; updated to 2015 from unionstats.com. Income inequality (share of income to top 10 percent) data are from Thomas Piketty and Emmanuel Saez, “Income Inequality in the United States, 1913–1998,” *Quarterly*

*Journal of Economics* vol. 118, no. 1 (2003) and updated data from the Top Income Database, updated June 2016.

FIGURE B

**Union membership rate and share of income going to the middle 60 percent of families, 1917–2013**

	Union membership rate	Share of overall income received by middle 60 percent
<b>1917</b>	11.0%	
<b>1918</b>	12.1%	
<b>1919</b>	14.3%	
<b>1920</b>	17.5%	
<b>1921</b>	17.6%	
<b>1922</b>	14.0%	
<b>1923</b>	11.7%	
<b>1924</b>	11.3%	
<b>1925</b>	11.0%	

	Union membership rate	Share of overall income received by middle 60 percent
<b>1926</b>	10.7%	
<b>1927</b>	10.6%	
<b>1928</b>	10.4%	
<b>1929</b>	10.1%	
<b>1930</b>	10.7%	
<b>1931</b>	11.2%	
<b>1932</b>	11.3%	
<b>1933</b>	9.5%	
<b>1934</b>	9.8%	
<b>1935</b>	10.8%	
<b>1936</b>	11.1%	
<b>1937</b>	18.6%	
<b>1938</b>	23.9%	

	Union membership rate	Share of overall income received by middle 60 percent
<b>1939</b>	24.8%	
<b>1940</b>	23.5%	
<b>1941</b>	25.4%	
<b>1942</b>	24.2%	
<b>1943</b>	30.1%	
<b>1944</b>	32.5%	
<b>1945</b>	33.4%	
<b>1946</b>	31.9%	
<b>1947</b>	31.1%	52.0%
<b>1948</b>	30.5%	52.6%
<b>1949</b>	29.6%	52.7%
<b>1950</b>	30.0%	52.8%
<b>1951</b>	32.4%	53.4%

	<b>Union membership rate</b>	<b>Share of overall income received by middle 60 percent</b>
<b>1952</b>	31.5%	53.1%
<b>1953</b>	33.2%	54.4%
<b>1954</b>	32.7%	53.7%
<b>1955</b>	32.9%	53.8%
<b>1956</b>	33.2%	54.1%
<b>1957</b>	32.0%	54.6%
<b>1958</b>	31.1%	54.4%
<b>1959</b>	31.6%	54.0%
<b>1960</b>	30.7%	54.0%
<b>1961</b>	28.7%	53.2%
<b>1962</b>	29.1%	53.7%
<b>1963</b>	28.5%	53.8%
<b>1964</b>	28.5%	53.7%

	<b>Union membership rate</b>	<b>Share of overall income received by middle 60 percent</b>
<b>1965</b>	28.6%	53.9%
<b>1966</b>	28.7%	54.0%
<b>1967</b>	28.6%	53.2%
<b>1968</b>	28.7%	53.8%
<b>1969</b>	28.3%	53.8%
<b>1970</b>	27.9%	53.6%
<b>1971</b>	27.4%	53.4%
<b>1972</b>	27.5%	53.3%
<b>1973</b>	27.1%	53.4%
<b>1974</b>	26.5%	53.7%
<b>1975</b>	25.7%	53.8%
<b>1976</b>	25.7%	53.8%
<b>1977</b>	25.2%	53.6%

	<b>Union membership rate</b>	<b>Share of overall income received by middle 60 percent</b>
<b>1978</b>	24.7%	53.5%
<b>1979</b>	25.4%	53.2%
<b>1980</b>	23.6%	53.6%
<b>1981</b>	22.3%	53.5%
<b>1982</b>	21.6%	52.9%
<b>1983</b>	21.4%	52.9%
<b>1984</b>	20.5%	52.7%
<b>1985</b>	19.0%	52.2%
<b>1986</b>	18.5%	51.9%
<b>1987</b>	17.9%	51.5%
<b>1988</b>	17.6%	51.4%
<b>1989</b>	17.2%	50.8%
<b>1990</b>	16.7%	51.2%



	<b>Union membership rate</b>	<b>Share of overall income received by middle 60 percent</b>
<b>1991</b>	16.2%	51.4%
<b>1992</b>	16.2%	51.0%
<b>1993</b>	16.2%	48.9%
<b>1994</b>	16.1%	49.0%
<b>1995</b>	15.3%	49.1%
<b>1996</b>	14.9%	48.9%
<b>1997</b>	14.7%	48.6%
<b>1998</b>	14.2%	48.6%
<b>1999</b>	13.9%	48.5%
<b>2000</b>	13.5%	47.9%
<b>2001</b>	13.5%	48.0%
<b>2002</b>	13.3%	48.2%
<b>2003</b>	12.9%	48.3%

	Union membership rate	Share of overall income received by middle 60 percent
<b>2004</b>	12.5%	48.0%
<b>2005</b>	12.5%	47.8%
<b>2006</b>	12.0%	47.5%
<b>2007</b>	12.1%	48.6%
<b>2008</b>	12.4%	48.2%
<b>2009</b>	12.3%	47.9%
<b>2010</b>	11.9%	48.3%
<b>2011</b>	11.8%	47.4%
<b>2012</b>	11.2%	47.3%
<b>2013</b>	11.2%	47.4%

Union membership rateMiddle 60% share of incomeShare of overall income  
received by middle 60 percentUnion  
membership rate2000192519501975010203040%4044485256%

**Sources:** Data on union density follow the composite series found in Historical Statistics of the United States; updated to 2013 from unionstats.com. Data on the

middle 60 percent's share of income are from U.S. Census Bureau Historical Income Tables (Table F-2).

### **Unions raise wages for both union and nonunion workers**

For typical workers, hourly pay growth has been sluggish for decades, rising 0.3 percent per year or 9.9 percent in all from 1979 to 2015. If pay had risen with productivity during that period, as it did in the decades before 1979, pay would have gone up 63.8 percent. But pay for typical workers is not rising at this clip because ever-larger shares of economic growth are going to the highest wage earners. Income growth for the highest 1 percent of wage earners rose by nearly *190 percent* between 1979 and 2015, meaning that the highest-earning 1 percent have claimed a radically disproportionate share of income growth.

Working people in unions use their power in numbers to secure a fairer share of the income they create. Employers who have to bargain with workers collectively cannot pursue a strategy of “divide and conquer” among their workers. Workers who are empowered by forming a union raise wages for union and nonunion workers alike. As an economic sector becomes more unionized, nonunion employers pay more to retain qualified workers and norms of higher pay and better conditions become standard. For example, if a union hospital is across town from a nonunion hospital and the two hospitals are competing for workers, then the nonunion workers will benefit from the presence of the union hospital.

- **Union workers earn more.** On average, a worker covered by a union contract earns 13.2 percent more in wages than a peer with similar education, occupation, and experience in a nonunionized workplace in the same sector. This pay boost was even greater in earlier decades when more American workers were unionized.
- **Unions also raise pay for workers by helping to enforce labor standards, like guarding against wage theft.** Union workers are more knowledgeable about their rights, and union representatives communicate when needed with government enforcement agencies, which enhances enforcement of wage violations. For example, workers covered by a union are half as likely to be the victims of minimum wage violations (i.e., to be paid an effective hourly rate that is below the minimum wage). This form of wage theft is costing

workers over \$15 billion a year, causing many families to fall below the poverty line.

- **When union density is high, *nonunion* workers benefit from higher wages.** When the share of workers who are union members is relatively high, as it was in 1979, wages of nonunion workers are higher. For example, had union density remained at its 1979 level, weekly wages of nonunion men in the private sector would be 5 percent higher (that's an additional \$2,704 in earnings for year-round workers), while wages for nonunion men in the private sector without a college education would be 8 percent, or \$3,016 per year, higher. (These estimates look at what wages would have been in 2013 had union density remained at its 1979 levels).
- **Where unions remain strong, unions have an ability to raise wages sector-wide.** An example is the hospitality industry in Orlando, Florida. Negotiations between six local affiliates of the Services Trade Council Union (STCU) and Disney World in 2014 led to wage increases for union members to at least \$10 an hour starting in 2016. These local affiliates represent housekeepers, lifeguards, cast members, and other service workers. Disney then extended the raises to all its 70,000 Orlando employees, including nonunion employees. According to the *Orlando Sentinel*, the wage increases prompted much of Orlando's hospitality and retail sector, including Westgate Resorts, to raise wages.
- **Where unions are strong, wages are higher for typical workers—union and nonunion members alike.** Compensation of typical (median) workers grows far faster—four times faster—in states with the smallest declines in unionization than it does in states with the largest declines in unionization.
- **Unions bring living wages to low-wage jobs.** Unions have transformed once-low-wage jobs in hospitality, nursing, and janitorial services into positions with living wages and opportunities for advancement. For example, after unionizing, dishwashers in Las Vegas hotels made \$4 per hour more than the national average for that job, and they were offered excellent benefits. And hospitality workers in unionized Las Vegas enjoy a much higher living standard than those in Reno, where unions are weaker. In

Houston, a 2006 first-ever union contract for 5,300 janitors resulted in a 47 percent pay increase and an increase in guaranteed weekly hours of work.

By joining together, working people can transform not just their workplaces but sectors and communities. Here are two examples of how today's workers are using their "power in numbers" to raise wages in the workplace and for all working people:

- **Raising the minimum wage for food service and other low-wage workers.** Millions of Americans who work full time are not paid enough to make ends meet; many rely on public assistance, including food stamps, housing subsidies, or cash assistance to pay their bills. Food preparers, for example, earn a median hourly wage of \$9.09; home health aides earn \$10.87. A big reason that low-wage workers are struggling is the erosion of the value of the federal minimum wage, which, at \$7.25 per hour, is worth 25 percent less in inflation-adjusted terms than it was 50 years ago. The Service Employees International Union was an early and critical backer and remains a strong supporter of the Fight for \$15, a campaign to raise wages for low-wage workers by enacting minimum wages increases in communities and states around the nation. Begun in New York and Chicago in 2012, the campaign has led to laws establishing \$15 minimum wages in New York, California, the District of Columbia, and 21 cities and counties. The Fight for \$15 movement has also added momentum to successful campaigns for smaller minimum wage increases in 18 other states since 2014. (Through the campaign, some workers are also seeking paid sick time so that all workers, regardless of their job or wage level, can take paid time off when they are sick or need to care for a family member.) While many business owners have endorsed minimum wage increases, business owners who oppose raising the minimum wage have a voice too, through such groups as the National Restaurant Association, which lobbies in Washington, D.C., and in state capitals against minimum wage increases and paid sick days.
- **Eliminating subminimum wages for farmworkers.** In June 2017, Familias Unidas por La Justicia (FUJ) and Sakuma Brothers Berry Farm, one of the Pacific Northwest's largest berry growers, signed a collective bargaining

agreement that ensures good wages for the more than 500 immigrant farmworkers who harvest berries at the farm. The contract ensures that the berry pickers—many of whom had been earning less than the state minimum wage of \$9.47 an hour under the former piece-rate system (based on how many pounds of berries they picked)—now earn at least a minimum wage of \$12; the revised piece-rate system it establishes seeks to deliver an average wage of \$15 an hour. The contract is the culmination of four years of organizing, first as a workers organization and then as a recognized independent union in September 2016. Through strikes, informational pickets, and other efforts, FUJ gained national support for its successful efforts to change a host of practices at the farm, including 12-hour-plus workdays. FUJ also countered Sakuma Brothers' attempt in 2014 to replace its workforce with workers entering the United States under the H-2A temporary visa program.

### **Unions help raise wages for women and lessen racial wage gaps**

Unions help raise the wages of women and black and Hispanic workers—whose wages have historically lagged behind those of white men—by establishing pay “transparency” (workers know what other workers are making), correcting salary discrepancies, establishing clearer terms for internal processes such as raises and promotions, and helping workers who have been discriminated against achieve equity.

Unions also narrow the racial wage gaps. Black workers, for example, are more likely than white workers to be in a union and are more likely to be low- and middle-wage workers, who get a bigger pay boost for being in a union than do higher-wage workers. This effect is an important tool in closing the black–white wage gap, which has actually grown somewhat since 1979, largely due to growth in the gap since 2000—while wages since 2000 have stagnated for both black and white workers, the decline in wage growth has been larger for black workers. Today, black workers are, on average, paid 85 cents for every dollar paid to white workers of the same gender and with similar education, experience, and location of residence.

- **Unions help raise women's pay.** Hourly wages for women represented by unions are 9.2 percent higher on average than for nonunionized women with comparable characteristics.
- **Unions raise wages in the female-dominated service occupations.** Union-represented workers in service occupations (which include food service and janitorial services) make 87.0 percent more in total compensation and 56.1 percent more in wages than their nonunion counterparts.
- **Unions help close wage gaps for black and Hispanic workers.** Black and Hispanic workers get a larger boost from unionization than their white counterparts. Black workers, both male and female, are more likely than white workers to be covered by collective bargaining and the wage boost they get from being covered by collective bargaining is above average. The result is that collective bargaining lifts wages of black workers closer to those of their white counterparts. Hispanic workers have slightly lower union coverage than white workers but have much higher union wage advantages: thus wage gaps between Hispanic workers and their white counterparts are also smaller because of collective bargaining.
- **Unionized black workers earn even more in some sectors.** Unionized black construction workers in New York City earn 36.1 percent more than nonunion black construction workers in New York City.

These data showing that unions raise wages for all workers—and especially for women and black and Hispanic workers—do not erase the problematic historical episodes of sexism and racism practiced by unions. Unions are an American institution, and like nearly every other American institution their past includes clear instances of gender and racial discrimination. But there has been significant progress in increasing the shares of women represented by unions and in union leadership. There has also been significant progress in the racial integration of unions and in ensuring that nonwhite workers have equitable access to apprenticeships, as illustrated by the progress in New York City construction unions. AFL-CIO President Richard Trumka recently claimed, with justification, that “the labor movement is the most integrated institution in America.” Labor

leaders are calling for broad and sustained attention to addressing racism and sexism where they continue to violate labor's democratic ideals.

### **Unions improve the health and safety practices of workplaces**

More than 4,800 workers are killed on the job every year. An estimated 50,000 to 60,000 more die of occupational diseases each year, and the estimated number of work-related injuries and illnesses exceeds 7 million. Unions have always championed worker safety by investing in programs to educate workers about on-the-job hazards and working with employers to reduce worker injuries and the time lost due to injury. In unionized workplaces, workers generally have a right to involve a union representative in injury and fatality investigations, which gives workers a voice in their own safety. And researchers have suggested that unions create safer workplaces; because union workers are protected by their union from repercussions for reporting safety issues, they are more likely to report not only injuries but near misses. This increased reporting can lead to a reduction in work hazards. The union contribution to safety is particularly important because government health and safety regulations are being weakened.

- **Union construction sites are safer for workers.** In 2014, OSHA inspected New York state construction sites and found twice as many health and safety violations at nonunion construction sites as at union construction sites. Another study, of Missouri construction sites, found higher levels of OSHA violations among nonunion St. Louis residential construction job sites than at unionized St. Louis residential job sites.
- **Mine workers in union mines are less likely to be severely injured or die on the job.** Unionization is associated with a substantial and statistically significant drop in traumatic injuries and in fatalities in underground bituminous coal mines from 1993 to 2010.
- **Unions ensure that employers are held accountable. Tragedies arise when employers cannot be held accountable.** Miners in the Upper Big Branch Mine in West Virginia tried and failed to join a union three times, according to *In These Times*. Each time, at least 65 percent of the miners signed cards saying they wanted to be members of a union. And each time, these workers were repeatedly intimidated by management at Massey



Energy, which owns the mine: Massey CEO Don Blankenship delayed the election process for months while he threatened to close the mine if the workers voted for a union—and the workers ended up voting against joining a union to save their jobs. On April 5, 2010, an explosion collapsed the mine's roof, killing 29 miners and injuring two. In the aftermath, reports surfaced that the nonunion mine had a record of safety violations and that coal miners who worked in the mine knew about the dangerous working conditions. Blankenship was found guilty on a charge of conspiracy to willfully violate mine health and safety standards and was sentenced to a year in prison.

Here are some specific ways unions have improved safety in the workplace by representing workers' concerns in public and testifying before Congress and state legislatures:

- **Nurses win violence prevention standards.** In the past decade or so, the rate of reported violence against health care workers (who make up 9 percent of the nation's workforce) has more than doubled. The increase stems from cuts in state funds for mental health services and hospital budget cutbacks thinning the ranks of nurses and security guards. National Nurses United (NNU), which represents more than 160,000 nurses across the country, has fought for and won workplace violence prevention standards in California, Minnesota, and Massachusetts. NNU is now petitioning the federal Occupational Safety and Health Administration (OSHA) for a formal workplace violence prevention standard that would apply nationwide.
- **Laborers, autoworkers, and others secure protections for workers from deadly silica dust.** Roughly 2.3 million workers are exposed to silica dust, which causes silicosis (an incurable and often deadly lung disease), lung cancer, other respiratory diseases, and kidney disease. Silica dust is produced by grinding stone or masonry in mines or on construction sites. Although the hazards of silica dust have been known for at least a century, existing regulations limiting exposure were outdated and were not keeping up with worker exposure to silica in new industries such as stone countertop fabrication and hydraulic fracturing. A broad section of the labor movement—including the United Automobile Workers and the Laborers'

International Union of North America—helped persuade OSHA to issue a new rule that reduces workers’ exposure to silica.

- **Firefighters get relief from post-traumatic stress disorder (PTSD).** Firefighters who develop PTSD after witnessing repeated trauma on the job don’t always have recourse if the disorder means they cannot work while they seek treatment. When independent studies showed that post-traumatic stress rates are on the rise for Texas firefighters, the Texas State Association of Fire Fighters (TSAFF) launched an education campaign for state lawmakers leading to legislation to improve workers’ compensation coverage for Texas first responders diagnosed with line-of-duty-related PTSD. The legislation (HB 1983) was signed into law by Governor Greg Abbott on June 1, 2017.

### **Unions support strong families with better benefits and due process**

About six in 10 adults (63 percent) say the average working person in the United States has less job security now than 20 or 30 years ago. And the lack of paid sick days is depriving many workers of funds needed for basic necessities—an especially difficult problem for the lowest-wage workers, about three-fourths of whom don’t get any paid sick days. Uncertain work hours, last-minute shift changes, and other scheduling practices are also hurting families. And research shows that jobs that are insecure, unpredictable, and risky also affect communities and society as a whole.

But working people in unionized workplaces are more likely to have benefits that strengthen families and improve job security and predictability. (Some of the items in the list below provide union–nonunion comparisons not adjusted for personal characteristics and other factors, while some, where indicated, provide adjusted comparisons.

- **Union workers are more likely to be covered by employer-provided health insurance.** More than nine in 10—94 percent—of workers covered by a union contract have access to employer-sponsored health benefits, compared with just 67 percent of nonunion workers. When adjustments are made for other characteristics that may affect benefits coverage—such as sector (public or private), industry, region, employee status (full- or part-

time), and establishment size—union workers are 18.3 percent more likely to be covered.

- **Union employers contribute more to their health care benefits.** Union employers pay 77.4 percent more (per hour worked) toward their employees' health coverage (providing better benefits for a greater share of workers) than comparable nonunion employers. Occupations with higher-than-average union impact on employer-provided health care include transportation, services, construction, extraction, and installation/maintenance/repair.
- **Union workers have greater access to paid sick days.** Almost nine in 10—87 percent—of workers covered by a union contract have access to paid sick days, compared with 69 percent of nonunion workers. Almost all—97 percent—of union workers in state and local government have paid sick days, compared with 86 percent of their nonunion peers. In the private sector, 79 percent of union workers have paid sick days compared with 67 percent of their nonunion peers.
- **Union workers are more likely to have paid vacation and holidays.** In the private sector, 89 percent of workers covered by a union contract get paid vacation and paid holidays, whereas 75 percent of nonunion workers get paid vacation and 76 percent get paid holidays. For workers overall (private and public), 80 percent of union workers get paid holidays while 75 percent of nonunion workers do. Equal shares of union and nonunion workers (74 percent) get paid vacation. When adjustments are made for other characteristics that may affect benefits coverage—such as sector (public or private), industry, region, employee status (full- or part-time), and establishment size—union workers are 3.2 percent more likely to have paid leave.
- **Employers contribute more to paid vacation and holidays for union workers than nonunion workers.** Union employers contribute 11.4 percent more toward paid vacation and holidays for their workers than do comparable nonunion employers. Industries and occupations with higher-than-average employer contributions toward paid vacation and holidays

include production, transportation, office and administrative support, service occupations, and construction.

- **Unions provide due process.** Private employment in every state except for Montana is generally at will, with employers free to dismiss workers for almost any reason, except for reasons specified by law (e.g., on account of race, religion, disability, or other identities that are protected classes). Union contracts have provisions that allow workers to be fired, but only when the employer shows a proper, documented performance-related reason for dismissing the worker. Usually, contracts include a transparent process for disciplining workers, and the employer—except in extreme cases—must follow that process and give a worker a chance to improve performance before the employer moves to dismiss the worker.
- **Union workers have more input into the number of hours they work.** Almost half (46 percent) of nonunion workers say they have little or no input into the number of hours they work each week, compared with less than a quarter (22 percent) of union workers.
- **Union workers get more advance notice of their work schedules.** More than one in three workers (34.4 percent) who belong to a union get at least a week's advance notice of their work schedules, whereas less than one in four nonunion workers (23.2 percent) do. (These calculations exclude workers whose schedules never change.)

Unions also bring better benefits to the broader labor force. Here is a specific example of how unions have helped secure crucial benefits for workers by taking their concerns to the lawmakers and to the public at large:

- **Winning paid sick days for workers.** There is no federal law that ensures all workers are able to earn paid sick days in the United States. For workers who fall ill or whose families depend on them to provide care in the event of an illness, this means sick days can be incredibly costly. This is a particular problem for low-wage workers, 73 percent of whom have no opportunity to earn paid sick days. Unions have participated in coalitions to enact paid sick days laws. For example, voter outreach by the United Food and Commercial Workers (UFCW) helped win passage of a paid sick days law in Oregon,

while SEIU was a key player in enacting the nation's strongest paid sick days policy, in Massachusetts.

### **Unions are good for workers' retirement security**

Few Americans have enough to live on in retirement. A key part of the story of rising retirement income insecurity is a shift from traditional *defined-benefit*(DB) pensions that provide a guaranteed income to *defined-contribution* (DC) plans—401(k)s or similar plans—that force workers to bear investment risk without providing any guarantees. The shift from pensions to 401(k)s has also exacerbated inequality, benefiting some very wealthy families but leaving the vast majority unprepared for retirement. Nearly half of all families headed by an adult age 32–61 have zero retirement savings.

Union members have an advantage in retirement security, both because union members are more likely to have retirement benefits and because, when they do, the benefits are better than what comparable nonunion workers receive: union members are more likely to have pensions, and employer contributions to the plans (whether pensions or DC plans) tend to be higher.

- Ninety percent of union workers participate in a retirement plan (of any kind), compared with 75 percent of nonunion workers.
- Seventy-four percent of union workers who have pensions participate in a traditional defined benefit pension, compared with 15 percent of nonunion workers.
- Traditional defined benefit pensions are especially important to black workers, who derive more than a fifth of their household income from these pensions in retirement.
- Union employers (when adjustments are made for various employer characteristics) are 22.5 percent more likely to offer an employer-provided retirement plan and, on average, to spend 56 percent more on retirement for their employees than do comparable nonunion employers.

### **Unions create a path to sharing knowledge and solving problems**

Because they are on the front lines, working people often have some of the best information on how to improve their workplaces and make their workplaces safer and more productive. Unions provide the means for workers to share their knowledge about what works and what doesn't—without fear of retaliation. Unionized workplaces also provide their workers with more transparency about company finances and processes that can help shape responses to problems.

Here are a few examples of specific ways unions have sought to improve their workplaces:

- **Shifting from teacher punishment to professional development.** The Peer Assistance and Review (PAR) system created by the Toledo Federation of Teachers (TFT) in the early 1980s transformed teacher evaluation and professional development in Toledo and subsequently spread to other cities and counties in Ohio and throughout the country, including Boston; Rochester, New York; St. Paul, Minnesota; and Montgomery County, Maryland. Under the PAR program, new teachers—and experienced teachers who have been struggling—work with “consulting teachers” who provide mentoring and evaluation. Only after that process do principals get involved in evaluation. Veteran teachers may be referred to the program or seek it out on their own. Districts that have adopted PAR say that it strengthens instruction, increases teacher leadership, and helps strengthen the relationship between the district and the teachers union.
- **Training manufacturing workers in new technology skills.** Labor unions and the AFL-CIO Working for America Institute have been key partners in implementing a program that trains workers to operate more technical and highly specialized manufacturing processes. The Industrial Manufacturing Technicians (IMT) apprenticeship program began in Milwaukee and is expanding across eight states. The program, operated by the Wisconsin Regional Training Partnership (WRTP)/BIG STEP, provides workers with 2,700 hours of on-the-job training and 260 hours with technical college instructors. Labor union partners include the International Association of Machinists and Aerospace Workers (IAMAW), the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), the International Brotherhood of Electrical Workers (IBEW), the United

Automobile Workers (UAW), and the United Steelworkers (USW). “Union support ensures that the firm-specific design of the program is responsive to worker feedback as well as to lessons learned from IMT programs at other employers that the union covers.”

- **Ending quotas that force bank workers to sell exploitive loans.** More than 15,000 U.S. bank workers for Spain-based Santander Bank are trying to create the first bank workers’ union in the United States (bank unions are widespread in other developed countries). Among Santander workers’ goals is to end quotas that force workers to hawk subprime auto loans and other exploitative loans to customers—often people of color and neighbors in their communities—without being able to properly explain the terms of those loans. While there has been no election petition filed for Santander Bank yet, Santander workers have brought attention to what has been a problem for American consumers. By forming unions and gaining a seat at the table, financial services employees could help end predatory practices like those engaged in by Wells Fargo Bank in recent years.

## **5. Explain the major reasons why employers would like to dissuade their employees to join Trade Unions.**

Almost all employers are eligible for union organization—there is no minimum size or type of industry required for a union to represent employees. However, there are strategies employers can use to minimize the likelihood that a union would be accepted by employees.

Employees join unions because of their dissatisfaction with how management treats employees and a belief that the union can make conditions in the workplace better. While pay and benefits are often hot topics in union organizing tactics, employees are most influenced to join a union when the company is perceived to be unfair, unresponsive or offering substandard working conditions to employees.

Employers that minimize employee dissatisfaction can also minimize employees' desire for union representation. Strategies that help discourage union acceptance are:

- Fair and consistent policies and practices.
- Open door management policies.
- Competitive pay and benefits.
- Employee trust and recognition.

A workplace that fosters good relationships between management and employees and addresses employee concerns is much less likely to force employees to union representation for assistance.

So what happens when the union shows up at your door? Communicate with your employees; be sure they understand the company's position and desire to remain union-free and the reasons behind it. Just be careful not to engage in any unfair labor practices. While unions have a tremendous amount of freedom to solicit employees, make promises and "organize," employers are much more restricted. The acronym TIPS can help remind employers not to:

- Threaten—never threaten to retaliate against employees by terminating them or reducing pay or benefits.
- Interrogate—do not interrogate employees about their activities or activities of co-workers.
- Promise—do not promise anything to employees, such as promotions or benefits, in exchange for not supporting the union.



- Spy—never spy on union activities. Employees have the right to meet with the union representatives and “hear them out” without management interference.

Employers can and should talk to employees about why they think the workplace can do without the union. Emphasize the policies, practices and culture that are already in place that make your company a great place to work. Let your employees hear your side of the story so that they can make an educated decision about how bringing a union into the workplace will affect them.

The bottom line is that if you communicate openly and honestly with employees and your workplace is truly one that fosters good employee relations with fair and consistent policies and practices, employees should find little value in union representation.

If you have ever read my blog you know that I am no fan of unions. They may have had their place in the past but not in today’s world. I have mentioned in my blogs on EFCA (Employee Free Choice Act) that unions cost a company. Not just in direct costs, but in indirect costs as well. Slowed work process, lessened productivity, poorer employee relations, and more have been cited as the costs associated with unionism. A study by the Heritage Foundation puts a bit more concreteness to this argument. What Unions Do: How Labor Unions Affect Jobs and the Economy can be read by clicking the title.

This study finds:

- “Unions function as labor cartels. A labor cartel restricts the number of workers in a company or industry to drive up the remaining workers’ wages..... Companies pass on those higher wages to consumers through higher prices, and often they also earn lower profits. Economic research finds that unions benefit their members but hurt consumers generally, and especially workers who are denied job opportunities.

- The average union member earns more than the average non-union worker. However, that does not mean that expanding union membership will raise wages: Few workers who join a union today get a pay raise. ....The economy has become more competitive over the past generation. Companies have less power to pass price increases on to consumers without going out of business. Consequently, unions do not negotiate higher wages for many newly organized workers. These days, unions win higher wages for employees only at companies with competitive advantages that allow them to pay higher wages, such as successful research and development (R&D;) projects or capital investments.
- Unions effectively tax these investments by negotiating higher wages for their members, thus lowering profits. Unionized companies respond to this union tax by reducing investment. Less investment makes unionized companies less competitive.
- Economists consistently find that unions decrease the number of jobs available in the economy. The vast majority of manufacturing jobs lost over the past three decades have been among union members—non-union manufacturing employment has risen. Research also shows that widespread unionization delays recovery from economic downturns.
- Some unions win higher wages for their members, though many do not. But with these higher wages, unions bring less investment, fewer jobs, higher prices, and smaller 401(k) plans for everyone else.
- Economic theory consequently suggests that unions raise the wages of their members at the cost of lower profits and fewer jobs, that lower profits cause businesses to invest less, and that unions have a smaller effect in competitive markets (where a union cannot obtain a monopoly).
- .....union contracts compress wages: They suppress the wages of more productive workers and raise the wages of the less competent. Unions redistribute wealth between workers. Everyone gets the same seniority-based raise regardless of how much or little he contributes, and this reduces wage inequality in unionized companies... But this increased equality comes at a cost to employers. Often, the best workers will not work under union

contracts that put a cap on their wages, so union firms have difficulty attracting and retaining top employees.

- Studies typically find that unionized companies earn profits between 10 percent and 15 percent lower than those of comparable non-union firms.”

Much more can be read in this study. If you truly want to know the costs, ALL THE COSTS, that are associated with unions read the article. It talks about how unions have cost GM and the US.

Probably the item I find the most disagreeable is this following statement on individualism. It is why I have never belonged to a union, it goes against how I was raised.

“Final union contracts typically give workers group identities instead of treating them as individuals. Unions do not have the resources to monitor each worker’s performance and tailor the contract accordingly. Even if they could, they would not want to do so. Unions want employees to view the union—not their individual achievements—as the source of their economic gains. As a result, union contracts typically base pay and promotions on seniority or detailed union job classifications. Unions rarely allow employers to base pay on individual performance or promote workers on the basis of individual ability.”

### **Workers still want unions but are being thwarted by aggressive campaigns and lobbying that have eroded private-sector union membership**

Almost half (48 percent) of workers polled said they’d vote to create a union in their workplace tomorrow if they got the chance. But workers are being deprived of that opportunity. Because unions and collective bargaining are effective at giving workers power, they are opposed by corporate interests and policymakers representing the highest-earning 1 percent. For decades, fierce corporate opposition has suppressed the freedom to form unions and bargain collectively in the private sector by promoting anti-union campaigns in workplaces seeking to unionize and by lobbying lawmakers to pass laws depriving private-sector unions of funds needed to operate. This activity has tracked the dramatic, rapid increase of corporate political activity that began in the mid-1970s, with a specific “call-to-arms” for U.S. corporations that quadrupled the number of corporate PACs from

1976 to 1980. More recently, anti-union lobbyists have passed legislation weakening unions in states such as Indiana, Michigan, and Wisconsin that were once union strongholds. Outdated labor laws have failed to provide workers with protection from this employer onslaught against collective bargaining. And corporate lobbyists have blocked reforms to labor laws that would protect workers' collective bargaining rights with meaningful penalties for violations and better processes for organizing. Employers are exploiting loopholes, including by misclassifying workers as independent contractors to get around labor laws that protect employees.

By going after union funding, employer interests and their allied lawmakers can wipe out one of the crucial pillars of support for pro-worker candidates and causes. If unions have fewer members, or if the law hamstring unions' ability to collect administrative fees from the workers they represent, there will be less union money spent on advocating for workers in general. As Gordon Lafer, associate professor at the Labor Education and Research Center at the University of Oregon, notes, "The labor movement serves as the primary political counterweight to the corporate agenda on a long list of issues that are not per se labor-related. To the extent that unions can be removed as a politically meaningful force, the rest of the agenda becomes much easier to execute."

These strategies have been effective, as is evident in the differing trends in unionization between private-sector and public-sector workers. Until very recently, public-sector employers have been far less engaged in trying to block unionization efforts than their private-sector counterparts. Just 6.4 percent of private-sector workers belong to a union, down from about 35 percent in the 1950s and about 25 percent in the early 1970s. In contrast, 34.4 percent of public-sector workers belong to a union, up from at or slightly above 10 percent in the 1950s. Overall, 10.7 percent of workers belong to a union, down from about 35 percent in the mid-1950s. **Figure C** shows the dramatic decline in private-sector unionization since the 1970s.

## FIGURE C

**Private-sector unionization has declined as a direct result of anti-union policies**  
Union coverage rates by sector, 1973–2016

	Private sector	Public sector
<b>1973</b>	25.8%	30.3%
<b>1974</b>	25.0%	31.8%
<b>1975</b>	23.1%	32.1%
<b>1976</b>	22.9%	32.7%
<b>1977</b>	23.3%	40.1%
<b>1978</b>	22.5%	40.5%
<b>1979</b>	23.2%	44.2%
<b>1980</b>	21.7%	43.4%
<b>1981</b>	20.4%	41.6%
<b>1982</b>	19.5%	43.6%
<b>1983</b>	18.5%	45.5%
<b>1984</b>	17.0%	43.9%
<b>1985</b>	15.9%	43.1%
<b>1986</b>	15.2%	43.2%

	Private sector	Public sector
<b>1987</b>	14.4%	42.5%
<b>1988</b>	14.0%	43.5%
<b>1989</b>	13.5%	43.5%
<b>1990</b>	13.2%	43.3%
<b>1991</b>	12.9%	43.3%
<b>1992</b>	12.5%	43.2%
<b>1993</b>	12.1%	43.8%
<b>1994</b>	11.9%	44.7%
<b>1995</b>	11.3%	43.5%
<b>1996</b>	11.0%	43.0%
<b>1997</b>	10.6%	42.3%
<b>1998</b>	10.3%	42.5%
<b>1999</b>	10.2%	42.1%
<b>2000</b>	9.8%	42.0%

	<b>Private sector</b>	<b>Public sector</b>
<b>2001</b>	9.7%	41.7%
<b>2002</b>	9.3%	41.9%
<b>2003</b>	9.0%	41.5%
<b>2004</b>	8.6%	40.7%
<b>2005</b>	8.5%	40.5%
<b>2006</b>	8.1%	40.1%
<b>2007</b>	8.2%	39.8%
<b>2008</b>	8.4%	40.7%
<b>2009</b>	8.0%	41.1%
<b>2010</b>	7.7%	40.0%
<b>2011</b>	7.6%	40.7%
<b>2012</b>	7.3%	39.6%
<b>2013</b>	7.5%	38.7%
<b>2014</b>	7.4%	39.2%

	Private sector	Public sector
2015	7.4%	39.0%
2016	7.3%	37.9%

37.9% 7.3% Public sector Private sector 1980 1990 2000 2010 2016 2030 40 50%

**Note:** Coverage rates are based on data for all workers age 16 and up.

**Source:** EPI analysis of data from the *Union Membership and Coverage Database* (unionstats.com), compiled by Barry Hirsch and David Macpherson (posted February 11, 2017)

### **Employers often fight unionizing efforts with aggression and intimidation, using legal and illegal tactics**

Not all employers oppose unions. Some unions featured in this report were voluntarily recognized by employers, and some led campaigns in which the employer provided union organizers with free access to employees.

But often, when private-sector workers seek to organize and bargain collectively, employers hire union avoidance consultants to orchestrate and roll out anti-union campaigns. Intense and aggressive anti-union campaigns—once confined to the most anti-union employers—have become widespread, leading to a “coercive and punitive climate for organizing that goes unrestrained due to a fundamentally flawed regulatory regime that neither protects [workers’] rights nor provides any disincentives for employers to continue disregarding the law.” While the National Labor Relations Act, which governs private-sector collective bargaining, makes it illegal for employers to intimidate, coerce, or fire workers involved in union-



organizing campaigns, the penalties are insufficient to provide a serious economic disincentive for such behavior. And many of the tactics that are illegal on paper can be actively pursued because verbal, veiled threats without a paper trail or explicit language connecting the threat to the union effort are difficult to prove and thus prosecute. Finally, the Department of Labor is working to repeal a rule that prohibits employers from keeping the work of anti-union consultants a secret.

- **Three-quarters or more of private employers facing unionization hire union avoidance consultants to quash the union campaign, sometimes spending hundreds of thousands of dollars.** Employer tactics may include one-on-one meetings with supervisors, mandatory employee meetings (also known as “captive audience” meetings), videos, and leaflets. Often consultants work behind the scenes to craft the message that management delivers. The communication strategy typically warns employees that the union will just charge dues and fines without delivering raises or other benefits; will make employees strike; will take years to deliver a contract; and will generally interfere in the employment relationship. Because employers can bar pro-union workers from speaking at mandatory meetings, management can make the case against unions without being challenged. The campaign against a union-organizing attempt at the lifestyle media site *Thrillist* is a classic example of the types of misleading arguments used by employers: anti-union messaging argued that that the union would come between management and employees, would silence employees by making them talk only through union representatives, would make promises it could not keep, and would prevent employers from giving wage increases.
- **From the 1990s to the early 2000s, the likelihood of private employers using 10 or more tactics in their anti-union campaigns doubled,** and the focus on more coercive and punitive tactics—designed to intensely monitor and punish union activity—increased.
- **One-in-five to one-in-seven union organizers or activists can expect to be fired** as a result of their activities in a union election campaign. Roughly a third of employers (34 percent) fire workers during campaigns. By firing one or more union organizers, employers can disrupt the organizing

campaign while intimidating other potential bargaining unit members into dropping the campaign or voting no in the representation election.

- **Employers may also threaten to cut workers' hours or pay, suspend workers, or report workers to immigration enforcement authorities.**
- **Fifty-seven percent of private employers threaten to close the worksite if employees unionize.** Forty-seven percent threaten to cut wages and benefits
- **Sixty-three percent of private employers interrogate workers about union support in mandatory one-on-one meetings between workers and their supervisors,** and 54 percent of employers threaten workers in such meetings.
- **Union elections are not free and fair because the law does not give union organizers equal access to voters.** Employers may block union organizers from accessing the workplace while compelling voters to attend anti-union meetings. Unions may only access voters outside of work. And while, by law, employers that possess contact information such as email addresses for employees must provide that information to union organizers, proposed legislation would severely limit organizers' rights to access that information.
- **The tactics are effective.** A study of private-sector union organizing in Chicago found that while a majority of workers supported unionization when petitions were filed to begin the workplace organizing effort (a majority vote is needed to elect to unionize), unions were victorious in only 31 percent of these campaigns, after workers had endured the full range of employer anti-union activity.
- **Loopholes in labor laws allow employers to endlessly delay contract negotiations. Two years after an election, 37 percent of newly formed private-sector unions still had no labor agreement.**

**Workers reclassified as independent contractors cannot form unions because they aren't covered by the NLRA**

Misclassification occurs when employers classify workers who are in fact employees as independent contractors, which employers do to avoid a host of employment-related obligations, such as paying for unemployment insurance and workers' compensation and even paying a minimum wage. Workers wrongly classified as independent contractors are also deprived of the right to unionize under U.S. laws. These workers are thus unable to join together in a union to negotiate better terms and conditions with their employer. Misclassification is rampant in many industries such as food services and construction. The practice contributes to an economy where wages are flat, profits are soaring, and companies that do not arrange their businesses to avoid their employment responsibilities are disadvantaged.

**Corporate lobbyists push laws—misleadingly called ‘right-to-work’ laws—that seek to defund private-sector unions**

Unions provide a range of tangible benefits to their members, from contract and benefit administration and enforcement to legal services. These services cost money. While states generally have no jurisdiction over private-sector unions, the NLRA allows states to pass “right-to-work” (RTW) laws. Contrary to their branding, these laws do nothing to boost workers' chances of finding a job. Rather, right-to-work laws simply prohibit contracts that require all workers who benefit from union representation to help pay for these benefits. Specifically, RTW laws say unions can't require nonunion members of a collective bargaining unit who don't pay union dues to pay “fair share fees”—fees that cover the basic costs of representing employees in the workplace (but are not used for costs associated with union organizing or political activities).

Fair share fees are just that. Under federal law, no one can be forced to join a union as a condition of employment. However, unions *are* required to represent all members of a bargaining unit, whether or not they are in the union. This means that if an employer mistreats a worker who is not in the union, the union must pursue that worker's grievance just as it would a member's, even if it costs tens of thousands of dollars. Nonunion workers also receive the higher wages and benefits their union coworkers enjoy. Eliminating fair share fees encourages “free-riding”: workers paying union dues see coworkers who are paying nothing but getting the same benefits, and they decide to leave the union and stop paying union dues.

RTW laws weaken unions by eroding union funding and membership (**Figure D** shows union density, as measured by shares of workers covered by collective bargaining, in RTW and fair share states). Proponents of RTW laws say they boost investment and job growth but there is no serious evidence of that. While causal impacts of RTW laws are hard to estimate with statistical precision, there is ample evidence that RTW laws hurt all workers—not just union members.

- **Twenty-eight states have “right-to-work” laws that allow workers in the private sector to access the benefits of union negotiations without sharing the costs.**
- **States that passed RTW a long time ago have successfully avoided large-scale unionization.** Historically states in the Deep South and parts of Midwest and West passed RTW laws to weaken unions. Many succeeded. Especially in the Deep South, states that passed RTW laws in the 1940s and 1950s have low private-sector unionization rates that persist to this day.
- **States with strong unions are now being targeted by RTW.** Anti-union lobbyists have succeeded in bringing RTW to heavily unionized states such as Indiana, Michigan, and Wisconsin to weaken worker power.
- **“National Right to Work” legislation has been introduced in the House and Senate: H.R. 785 by Rep. King (R-Iowa) and S. 545 by Sen. Paul (R-Ky.).** These companion bills would allow employees who work in a unionized workplace, but who decline to become union members, to refuse to pay a fair share fee to the union that negotiates their benefits.
- **A well-funded, centralized campaign is behind RTW laws.** In the wake of the Great Recession, RTW laws passed and proposed were presented as homegrown responses to state unemployment woes, but the similarity of the text in the laws, and the fact that states with more fiscal distress were not more likely to introduce such legislation, reveals “a political agenda...funded by a network of extremely wealthy individuals and corporations.”

- **RTW laws lower unionization rates even in less-unionized states.** The passage of RTW in Oklahoma decreased private-sector unionization rates by roughly 20 percent.
- **Wages are 3.1 percent lower in RTW states than in fair share states,** after controlling for individual demographic and socioeconomic factors and state macroeconomic indicators, including cost of living. This translates into a \$1,558 annual RTW wage penalty for a typical full-time, full-year worker, union or nonunion, in the public or private sector.
- **Proponents of RTW laws say they boost investment and job growth but there is no real evidence of that.** Reviewing claims of faster-than-average employment growth in RTW states, an EPI report found dramatic growth in some RTW states but steep declines in others, with the high-growth states skewing the average. Studies that have found positive employment effects of RTW laws have failed to control for a host of factors that would affect employment, from the education level of the workforce to the proximity of transportation hubs to a state's natural resources to a state's level of manufacturing. A 2015 study similarly found "no pronounced effect of RTW laws on state economies."
- **Rev. Martin Luther King Jr. targeted the misleading nature of the "right-to-work" slogan in 1961** when he said the purpose of "right to work" is "to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone."

## FIGURE D

**Right-to-work laws weaken unions by eroding union membership** Union density in right-to-work and fair-share states

<b>State</b>	<b>Share of workers covered by collective bargaining</b>	<b>Number of workers covered</b>	<b>Share of private-sector workers covered</b>	<b>Share of public-sector workers covered</b>	<b>Year right-to-work law first enacted</b>
<i>Alabama</i>	9.00%	170,320	6.10%	23.90%	1953
<i>Alaska</i>	19.90%	58,960	10.50%	44.10%	n/a
<i>Arizona</i>	5.50%	150,556	3.30%	19.70%	1947
<i>Arkansas</i>	5.00%	59,538	3.40%	12.80%	1947
<i>California</i>	17.50%	2,795,362	10.10%	57.20%	n/a
<i>Colorado</i>	10.80%	263,217	7.60%	29.30%	n/a
<i>Connecticut</i>	18.40%	288,104	9.50%	69.40%	n/a
<i>Delaware</i>	13.30%	55,682	7.60%	47.40%	n/a
<i>Florida</i>	7.10%	574,112	3.40%	30.60%	1943
<i>Georgia</i>	4.90%	209,845	3.20%	15.50%	1947
<i>Hawaii</i>	20.80%	124,294	13.90%	47.60%	n/a
<i>Idaho</i>	6.70%	46,544	4.20%	21.60%	1985

State	Share of workers covered by collective bargaining	Number of workers covered	Share of private-sector workers covered	Share of public-sector workers covered	Year right-to-work law first enacted
<i>Illinois</i>	15.30%	856,590	10.20%	52.70%	n/a
<i>Indiana</i>	11.40%	334,214	8.50%	31.90%	2012
<i>Iowa</i>	10.50%	152,651	5.90%	36.00%	1947
<i>Kansas</i>	10.30%	131,839	6.90%	28.50%	1958
<i>Kentucky</i>	13.40%	228,348	11.10%	25.60%	2017
<i>Louisiana</i>	4.90%	88,053	2.60%	15.20%	1976
<i>Maine</i>	13.50%	76,828	5.10%	58.10%	n/a
<i>Maryland</i>	12.30%	346,753	6.60%	29.70%	n/a
<i>Massachusetts</i>	12.90%	406,933	6.90%	54.20%	n/a
<i>Michigan</i>	15.50%	651,382	10.80%	49.70%	2012
<i>Minnesota</i>	15.10%	387,652	8.80%	49.30%	n/a
<i>Mississippi</i>	8.10%	89,463	6.20%	15.50%	1954

<b>State</b>	<b>Share of workers covered by collective bargaining</b>	<b>Number of workers covered</b>	<b>Share of private- sector workers covered</b>	<b>Share of public- sector workers covered</b>	<b>Year right- to- work law first enacted</b>
<i>Missouri</i>	10.70%	289,945	8.00%	27.50%	2017
<i>Montana</i>	13.90%	58,091	7.30%	40.40%	n/a
<i>Nebraska</i>	8.50%	74,353	4.30%	32.90%	1947
<i>Nevada</i>	15.00%	181,771	11.40%	38.50%	1952
<i>New Hampshire</i>	11.00%	73,780	4.10%	52.60%	n/a
<i>New Jersey</i>	16.60%	666,064	8.60%	58.40%	n/a
<i>New Mexico</i>	8.20%	64,339	3.70%	22.60%	n/a
<i>New York</i>	25.20%	2,074,805	16.20%	70.20%	n/a
<i>North Carolina</i>	4.10%	174,064	2.40%	14.50%	1947
<i>North Dakota</i>	6.90%	25,128	4.60%	17.90%	1947
<i>Ohio</i>	14.10%	701,149	8.90%	47.70%	n/a



State	Share of workers covered by collective bargaining	Number of workers covered	Share of private-sector workers covered	Share of public-sector workers covered	Year right-to-work law first enacted
<i>Oklahoma</i>	6.50%	96,963	4.00%	17.30%	2001
<i>Oregon</i>	15.80%	266,599	9.70%	53.60%	n/a
<i>Pennsylvania</i>	12.70%	725,365	7.80%	52.40%	n/a
<i>Rhode Island</i>	16.90%	81,523	9.30%	63.80%	n/a
<i>South Carolina</i>	2.60%	51,849	1.50%	8.00%	1954
<i>South Dakota</i>	7.00%	26,344	3.50%	24.60%	1947
<i>Tennessee</i>	6.30%	173,880	4.70%	16.60%	1947
<i>Texas</i>	5.30%	605,612	3.00%	18.50%	1993
<i>Utah</i>	6.00%	79,160	3.10%	21.60%	1955
<i>Vermont</i>	12.80%	37,210	6.30%	50.60%	n/a
<i>Virginia</i>	6.00%	226,434	3.80%	14.50%	1947

State	Share of workers covered by collective bargaining	Number of workers covered	Share of private-sector workers covered	Share of public-sector workers covered	Year right-to-work law first enacted
<i>Washington</i>	18.60%	576,362	10.90%	57.10%	n/a
<i>Washington D.C.</i>	10.80%	37,079	6.90%	22.10%	n/a
<i>West Virginia</i>	13.20%	87,907	9.60%	26.70%	2016
<i>Wisconsin</i>	9.00%	243,377	6.00%	26.30%	2015
<i>Wyoming</i>	7.30%	18,180	5.40%	12.60%	1963

**Notes:** Union density is measured as share of workers covered by collective bargaining. Six states have right-to-work laws that were enacted in the last five years (in 2012 or later): Indiana, Kentucky, Michigan, Missouri, Wisconsin, and West Virginia.

**Sources:** The *Union Membership and Coverage Database* ([www.unionstats.com](http://www.unionstats.com)), compiled by Barry Hirsch and David Macpherson (posted February 11, 2017), and Right-to-Work Resources, National Conference of State Legislatures, web page accessed August 22, 2017

## **Corporate lobbies and allied lawmakers are dismantling the rights of public-sector union workers**

When state budget deficits increased after the Great Recession, business-backed governors in a number of states sought to curb the powers of public-sector unions by arguing that government unions were to blame. Though these anti-union laws were presented as homegrown responses to specific fiscal distress in each state, the laws' similarities, and the fact that states with more fiscal distress were not more likely to introduce such legislation, suggest that lawmakers were enacting an agenda driven and funded by national corporate interests. In fact, the financial distress was caused by Wall Street's excessive risk-taking, not by unions. And, **many of the same states that curbed state employee unions also enacted new tax cuts for the wealthy.**

- **From 2011 to 2015, fifteen states enacted legislation severely limiting or even dismantling collective bargaining rights for public-sector unions.**
  - **Wisconsin's "Budget Repair Bill" (Act 10) largely eliminated collective bargaining rights for the state's 175,000 public employees.** While the law does not explicitly outlaw collective bargaining, it prohibits public employees from negotiating about anything other than wages (and then only to adjust wages for inflation); it outlaws fair share fees; it eliminates the ability to pay union dues through the state payroll; and it requires unions to hold expensive recertification elections every year to remain in existence.
  - **The share of workers in unions in Wisconsin dropped from 15.2 percent in 2009 to 8.3 percent in 2015.**
- **Other state laws eliminated collective bargaining rights for certain groups of workers** (school teachers in Tennessee, municipal employees in Oklahoma, farmworkers and child care workers in Maine, and home care workers in Michigan) or restricted what public employees can bargain about (health care in New Jersey).
- **Beyond curbs to collective bargaining are a set of state measures that target the power of public-sector unions by cutting public-sector wages**

**and benefits** and restricting unions' ability to collect dues through the public payroll.

- **Anti-union laws are gateway laws to broader anti-worker measures.** Some states that succeed in degrading public collective bargaining go on to pass other laws that diminish worker rights. Wisconsin, for example, eliminated the requirement to allow workers at least one day off per 7-day week.

### **Attacks on public-sector collective bargaining are playing out in the courts**

In the public sector, there is a similar attack on collective bargaining playing out in the courts. In *Abood v. Detroit Board of Education* (431 U.S. 209 (1977)), the Supreme Court upheld the use of fair share fees in public-sector unions against a challenge based on the First Amendment. The Court held that public-sector employees who elect not to join the union may be charged a fee to cover the cost of collective bargaining and contract administration. Fair share fees may not be used to support union political activities. These fair share fees ensure that all workers represented by the union pay their fair share of the cost of that representation.

In 2016, the Supreme Court heard oral argument in *Friedrichs v. California Teachers Association* which, among other things, addressed whether *Abood* should be overruled and public-sector fair share fee arrangements invalidated under the First Amendment. On March 29, 2016, the Supreme Court affirmed *Abood* by an equally divided 4–4 split.

Pro-RTW organizations have continued to litigate challenges to public-sector unions' fair share fee requirements. One of those cases, *Janus v. AFSCME*, will likely be heard in the Supreme Court's upcoming term.

### **Conclusion: Unions are essential to a fair economy and a vibrant democracy**

Unions are a dynamic and ever-evolving institution of the American economy that exist to give working people a voice and leverage over their working conditions and the economic policy decisions that shape these conditions. Collective bargaining is indispensable if we want to achieve shared prosperity.

But it is precisely because they are effective and necessary for shared prosperity that unions are under attack by employers who want to maintain excessive leverage over workers and by policymakers representing the interests of the top 1 percent. These attacks have succeeded in increasing the gap between the number of workers who would like to be represented by a union and the number who are represented by a union. And these threats to the freedom to join together in unions haven't been met with a policy response sufficient to keep the playing field level between organizing workers and the employers looking to thwart them.

Giving workers a real voice and leverage is essential for democracy. While unions historically have not been able to match corporate political donations dollar for dollar, working people organizing together in unions play an equalizing role because they can motivate members to give their time and effort to political causes. For example, one study found that unions are very effective at getting people to the polls—especially increasing voting among those with only a high school education.

As this report has shown, unions—when strong—have the capacity to tackle some of the biggest problems that plague our economy, from growing economic inequality, wage stagnation, and racial and gender inequities to eroding democracy and barriers to civic participation.

And unions also help to address current workforce trends that are increasing work insecurity, from the rise of part-time work and unpaid internships to the exploitation of student athletes to increasing numbers of Uber drivers and other “gig economy” workers. In a recent *New York Times* op-ed, Kashana Cauley cited some of these trends and called on her millennial peers to lead the next labor movement. Indeed, there is evidence that young workers are primed to do so: 55 percent of 18- to 29-year-old workers view unions favorably, compared with 46 percent of workers age 30 and older. And young people of both political parties are more amenable to labor unions than their older peers. Having entered the workforce during the last recession, these young workers have experienced a labor market with lower wages, diminishing benefits, “noncompete” clauses that make it harder for even entry-level employees to move to better jobs, and other facets of increasing insecurity, Cauley explains.

Certainly, Americans of all ages, occupations, races, and genders have a vested interest in making sure our economy works for everyone. To promote an inclusive economy and a robust democracy, we must work together to rebuild our collective bargaining system.

## **6. Trace the evolution process of Industrial Relations Movement in your country.**

Industrial relations or employment relations is the multidisciplinary academic field that studies the employment relationship; that is, the complex interrelations between employers and employees, labor/trade unions, employer organizations and the state.

The newer name, "employment relations" is increasingly taking precedence because "industrial relations" is often seen to have relatively narrow connotations.

Nevertheless, industrial relations has frequently been concerned with employment relationships in the broadest sense, including "non-industrial" employment relationships. This is sometimes seen as paralleling a trend in the separate but related discipline of human resource management.

While some scholars regard or treat industrial/employment relations as synonymous with employee relations and labour relations, this is controversial, because of the narrower focus of employee/labour relations, i.e. on employees or labour, from the perspective of employers, managers and/or officials. In addition, employee relations is often perceived as dealing only with non-unionized workers, whereas labour relations is seen as dealing with organized labour, i.e. unionized workers.[better source needed] Some academics, universities and other institutions regard human resource management as synonymous with one or more of the above disciplines, although this too is controversial.

Industrial relations examines various employment situations, not just ones with a unionized workforce. However, according to Bruce E. Kaufman, "To a large degree, most scholars regard trade unionism, collective bargaining and labour-management relations, and the national labour policy and labour law within which they are embedded, as the core subjects of the field."

Initiated in the United States at end of the 19th century, it took off as a field in conjunction with the New Deal. However, it is generally regarded as a separate field of study only in English-speaking countries, having no direct equivalent in

continental Europe. In recent times, industrial relations has been in decline as a field, in correlation with the decline in importance of trade unions and also with the increasing preference of business schools for the human resource management paradigm.

### **Protest against industrial relations legislation in Melbourne in 2005.**

Industrial relations has three faces: science building, problem solving, and ethical. In the science building phase, industrial relations is part of the social sciences, and it seeks to understand the employment relationship and its institutions through high-quality, rigorous research. In this vein, industrial relations scholarship intersects with scholarship in labour economics, industrial sociology, labour and social history, human resource management, political science, law, and other areas.

Industrial relations scholarship assumes that labour markets are not perfectly competitive and thus, in contrast to mainstream economic theory, employers typically have greater bargaining power than employees. Industrial relations scholarship also assumes that there are at least some inherent conflicts of interest between employers and employees (for example, higher wages versus higher profits) and thus, in contrast to scholarship in human resource management and organizational behaviour, conflict is seen as a natural part of the employment relationship. Industrial relations scholars therefore frequently study the diverse institutional arrangements that characterize and shape the employment relationship—from norms and power structures on the shop floor, to employee voice mechanisms in the workplace, to collective bargaining arrangements at company, regional, or national level, to various levels of public policy and labour law regimes,[citation needed] to varieties of capitalism[10] (such as corporatism, social democracy, and neoliberalism).

When labour markets are seen as imperfect, and when the employment relationship includes conflicts of interest, then one cannot rely on markets or managers to always serve workers' interests, and in extreme cases to prevent worker exploitation. Industrial relations scholars and practitioners, therefore, support institutional interventions to improve the workings of the employment relationship and to protect workers' rights. The nature of these institutional interventions,



however, differ between two camps within industrial relations. The pluralist camp sees the employment relationship as a mixture of shared interests and conflicts of interests that are largely limited to the employment relationship. In the workplace, pluralists, therefore, champion grievance procedures, employee voice mechanisms such as works councils and trade unions, collective bargaining, and labour–management partnerships. In the policy arena, pluralists advocate for minimum wage laws, occupational health and safety standards, international labour standards, and other employment and labour laws and public policies. These institutional interventions are all seen as methods for balancing the employment relationship to generate not only economic efficiency but also employee equity and voice. In contrast, the Marxist-inspired critical camp sees employer–employee conflicts of interest as sharply antagonistic and deeply embedded in the socio-political-economic system. From this perspective, the pursuit of a balanced employment relationship gives too much weight to employers' interests, and instead deep-seated structural reforms are needed to change the sharply antagonistic employment relationship that is inherent within capitalism. Militant trade unions are thus frequently supported.

Industrial relations has its roots in the industrial revolution which created the modern employment relationship by spawning free labour markets and large-scale industrial organizations with thousands of wage workers. As society wrestled with these massive economic and social changes, labour problems arose. Low wages, long working hours, monotonous and dangerous work, and abusive supervisory practices led to high employee turnover, violent strikes, and the threat of social instability. Intellectually, industrial relations was formed at the end of the 19th century as a middle ground between classical economics and Marxism,[citation needed] with Sidney Webb and Beatrice Webb's *Industrial Democracy* (1897) being a key intellectual work. Industrial relations thus rejected the classical econ.

Institutionally, industrial relations was founded by John R. Commons when he created the first academic industrial relations program at the University of Wisconsin in 1920.[citation needed] Another scholarly pioneer in industrial relations and labour research was Robert F. Hoxie. Early financial support for the field came from John D. Rockefeller Jr. who supported progressive labour–management relations in the aftermath of the bloody strike at a Rockefeller-owned coal mine in Colorado.[citation needed] In Britain, another progressive

industrialist, Montague Burton, endowed chairs in industrial relations at the universities of Leeds, Cardiff, and Cambridge in 1929–1930.

Beginning in the early 1930s there was a rapid increase in membership of trade unions in the United States, and with that came frequent and sometimes violent labour–management conflict. During the Second World War these were suppressed by the arbitration powers of the National War Labor Board.

However, as the Second World War drew to a close and in anticipation of a renewal of labour–management conflict after the war, there was a wave of creations of new academic institutes and degree programs that sought to analyse such conflicts and the role of collective bargaining. The most known of these was the Cornell University School of Industrial and Labor Relations, founded in 1945. But counting various forms, there were over seventy-five others. These included the Yale Labor and Management Center, directed by E. Wight Bakke, which began in 1945. An influential industrial relations scholar in the 1940s and 1950s was Neil W. Chamberlain at Yale and Columbia universities.

In the 1950s, industrial relations was formalized as a distinct academic discipline with the emergence in the UK of the so-called "Oxford school", including Allan Flanders [de], Hugh Clegg and Alan Fox, Lord William McCarthy, Sir George Bain (all of whom taught at Nuffield College, Oxford), as well as Otto Kahn-Freund (Brasenose College, Oxford).

Industrial relations was formed with a strong problem-solving orientation that rejected both the classical economists' laissez-faire solutions to labour problems and the Marxist solution of class revolution. It is this approach that underlies the New Deal legislation in the United States, such as the National Labor Relations Act and the Fair Labor Standards Act.

By the early 21st century, the academic field of industrial relations was often described as being in crisis. In academia, its traditional positions are threatened on one side by the dominance of mainstream economics and organizational behaviour, and on the other by postmodernism.

In policy-making circles, the industrial relations emphasis on institutional intervention is trumped by a neoliberal emphasis on the laissez-faire promotion of

free markets. In practice, trade unions are declining and fewer companies have industrial relations functions.[citation needed] The number of academic programs in industrial relations is therefore shrinking, while fields such as human resource management and organizational behaviour grow. The importance of this work, however, is stronger than ever, and the lessons of industrial relations remain vital. The challenge for industrial relations is to re-establish these connections with the broader academic, policy, and business worlds.

Industrial relations scholars such as Alan Fox have described three major theoretical perspectives or frameworks, that contrast in their understanding and analysis of workplace relations. The three views are generally known as unitarism, pluralism, and the radical or critical school. Each offers a particular perception of workplace relations and will, therefore, interpret such events as workplace conflict, the role of unions and job regulation differently. The perspective of the critical school is sometimes referred to as the conflict model, although this is somewhat ambiguous, as pluralism also tends to see conflict as inherent in workplaces. Radical theories are strongly identified with Marxist theories, although they are not limited to these

In pluralism, the organization is perceived as being made up of powerful and[citation needed] divergent sub-groups, each with its own legitimate interests and loyalties and with their own set of objectives and leaders. In particular, the two predominant sub-groups in the pluralist perspective are the management and trade unions. The pluralist perspective also supports that conflict is inherent in dealing with industrial relations since different sub-groups have different opinions in the day-to-day operations.[citation needed]

Consequently, the role of management would lean less towards enforcing and controlling and more toward persuasion and coordination.[citation needed] Trade unions are deemed as legitimate representatives of employees, conflict is dealt by collective bargaining and is viewed not necessarily as a bad thing and, if managed, could, in fact, be channeled towards evolution and positive change. It is the opposite of the unitary approach, there are different the group within the environment. Hence, the interest of employers and employee are divergent.[citation needed] The employers want to maximize profit at the expenses of employees[citation needed] and employees want to enjoy social benefits in the

form of increased wages,[30] conducive environment. Therefore, conflict is inevitable and the need for the trade union to protect the interest of both parties. Also, there is dual authority/loyalty in this approach. Therefore, employees are loyal to the management as well as their labour leaders.

In unitarism, the organization is perceived as an integrated and harmonious whole with the idea of "one happy family" in which management and other members of the staff all share a common purpose by emphasizing mutual co-operation. Furthermore, unitarism has a paternalistic approach: it demands loyalty of all employees and is managerial in its emphasis and application. Consequently, trade unions are deemed as unnecessary since the loyalty between employees and organizations are considered mutually exclusive, and there cannot be two sides of industry.[citation needed] Conflict is perceived as destructive and[citation needed] the result of poor management.

#### Radical or critical perspective

This view of industrial relations looks at the nature of the capitalist society, where there is a fundamental division of interest between capital and labour, and sees workplace relations against this background. This perspective sees inequalities of power and economic wealth as having their roots in the nature of the capitalist economic system.[citation needed] Conflict is therefore seen as a natural outcome of capitalism, thus it is inevitable and trade unions are a natural response of workers to their exploitation by capital. Whilst there may be periods of acquiescence, the Marxist view would be that institutions of joint regulation would enhance rather than limit management's position as they presume the continuation of capitalism rather than challenge it

**7. Kamau teaches at Jamu High School under the supervision of the Headmaster. He earns a monthly salary of \$250. The school is private and provides Kamau with teaching resources that he requires. Kamau is also provided with office space. State FOUR factors that are considered in determining that Kamau is an employee of the school.**

Below are the factors that determine that Kamau is an Employee of the school;

1. He works at high school and is being supervised by the Headmaster, anyone under the supervision of another person is considered an employee of an organization or a certain work place.
2. Kamau is considered as an employee of the high school because he earns a fixed amount of salary on a monthly basis, there must be some document binding him and the school.
3. Kamau has been provided with the teaching materials at the school, if he was not an employee then he wouldn't have been provided those teaching Materials for his work, hence an employee.
4. By Providing an Office space Kamau must be an employee, it shows that there was or there is an existing agreement with the school Authorities that why he was provided with Office space to enable him plan and exercise his duties as expected.

**8. State the meaning of each of the following terms of employment:**

**(i) Permanent terms.**

**(ii) Casual terms.**

**(iii) Probatory terms.**

**(iv) Temporary terms.(8marks)**

**Who is an employee?**

While in most cases it will be perfectly clear who is an employee, sometimes it is not quite so clear. For example, a business anxious to avoid employment legislation, tax and social insurance may insist that all people working for the firm are self-employed rather than employees. In other words, the person you are doing work for insists that you are not his/her employee but instead you are a self-employed person asked to do a particular piece of work. You however, consider yourself to be an employee. In this case - who is right?

**(i) Permanent terms.**

Many more people are now employed on a fixed-term basis (or on specific purpose contracts). Employees working on repeated fixed-term contracts are covered under the unfair dismissals legislation, though they need to have at least one year's continuous service before they can bring a claim under the Unfair Dismissals Acts. Under the Protection of Employees (Fixed Term Work) Act 2003, employers cannot continually renew fixed term contracts. Employees can only work on one or more fixed term contracts for a continuous period of four years. After this the employee is considered to have a contract of indefinite duration (for example, a permanent contract). Under the Act fixed-term workers cannot be treated less favourably than comparable permanent workers. You can read more about the Protection of Employees (Fixed Term Work) 2003 Act in this explanatory booklet (pdf) from the Workplace Relations Commission.

Specified purpose contracts are contracts that are entered into in order to complete a special project or for a special purpose. The provisions under the unfair dismissals and protection of workers legislation apply equally to specified purpose contracts.

## **(ii) Casual terms.**

There is no definition of casual employees in employment law. In reality, casual workers are on standby to do work as required without fixed hours or attendance arrangements. However, these workers are employees, for employment rights purposes.

Some legislation will apply, for example, the right to receive a pay slip. In other instances where a set period of employment is required it will be unlikely that a casual employee will have sufficient service to qualify, for example, 2 years' service is required in order to be entitled to statutory redundancy.

## **(iii) Probatory terms.**

In a workplace setting, probation (or probationary period) is a status given to new employees of a company or business or new members of organizations, such as churches, associations, clubs or orders. It is widely termed as the Probation Period of an employee. This status allows a supervisor or other company manager to evaluate closely the progress and skills of the newly hired worker, determine appropriate assignments, and monitor other aspects of the employee such as honesty, reliability, and interactions with co-workers, supervisors or customers.

A probationary period varies widely depending on the business, but can last anywhere from 30 days to several years. In cases of several years, probationary levels may change as time goes on. If the new employee shows promise and does well during the probationary time, they are usually removed from probationary status, and may be given a raise or promotion as well (in addition to other privileges, as defined by the business). Probation is usually defined in a company's employee handbook, which is given to workers when they first begin a job.

The probationary period also allows an employer to terminate an employee who is not doing well at their job or is otherwise deemed not suitable for a particular position or any position. Whether or not this empowers employers to abuse their employees by, without warning, terminating their contract before the probation period has ended is open for debate. To avoid problems arising from the termination of a new employee, many companies are waiving the probationary period entirely, and instead conducting multiple interviews of the candidate, under a variety of conditions – before making the decision to hire.

The placement of an employee on probationary status is usually at the discretion of their manager.

**(iv) Temporary terms.(8marks)**

An employment situation where an employee is expected to remain in a position only for a certain period of time. Temporary employees may have the opportunity to achieve permanent employment status after the time period has lapsed, Temporary workers may also be referred to as seasonal employees or temps. Employment term may be based on the completion of a project, the availability of funding, or other circumstances.



## **9. Outline SIX causes of industrial conflict.**

Especially during tough economic times, labor management conflicts occur over such matters as wages and benefits, layoffs, safety, work hours and unionization. Personnel with conflict management skills are in short supply, in part because of increasing globalization of the industrial work force and the rise in conflicts between workers and management. Small companies in particular, with their limited HR departments, often find it difficult to manage employee concerns. It's important to understand the nature of industrial conflict in order to solve common situations as they occur.

The main causes of employer/employee conflict relate to wages and benefits, layoffs, work hours, safety standards and family medical leave etc.

- **Wages and Benefits**

Compensation and fringe benefits have historically been a key driver of conflict in industrial settings, especially as companies seek to make necessary cost reductions in periods of low demand for products or services. During down economies, companies often cut back on the frequency and size of pay raises and on contributions to employee health insurance and retirement plans. Rather than putting a freeze on raises, it helps to give employees even small increases in pay to show your appreciation for their efforts.

- Perhaps you could implement some health and wellness activities as onsite benefits to improve morale and relieve stress. They don't have to be an expensive programs run by an outside firm. Ask a few reliable employees to get ideas of what could be done. For example, a lunch hour power walking group, access to healthy snacks, and an occasional surprise such as bringing in a professional to give five-minute neck and shoulder massages could all be done easily and without committing to long-term expense.

- **Cost-Cutting Layoffs**

When companies decide to cut costs, work force reductions are frequently considered or carried out. Conflict over pending layoffs is sometimes

resolved by agreements made between workers and management, such as pay reductions or other concessions that minimize or avert the need for job losses. Conflicts sometimes erupt over who is being targeted for layoffs-for instance, those with seniority and higher-paid workers-leading to legal conflicts over age bias and discrimination.

- **Inconsistent Safety Standards**

In the United States, federal and state regulations have significantly improved workplace safety over the past century. In other emerging nations, worker safety laws-including those related to child labor-have not kept pace with rapid industrial growth, and safety is likely to be a growing point of conflict for U.S. companies that have a global presence. A country's culture and standards may allow management to continue to operate in unsafe conditions.

- But, as a U.S. company, even if you have work globally, applying U.S. standards will ensure that safety is consistent regardless where you're doing business. It's also vital to have evacuation procedures in place and practice them in case of an emergency such as fire, chemical attack or active shooting situations.

- **Expanded Work Hours**

Most U.S. states have clear laws regarding the length of workdays, what constitutes overtime and how long employees can be required to work without a break. Conflicts can arise when personnel are asked to work extra hours-sometimes “off the clock” and through their scheduled breaks-to fill in for absent co-workers or meet the demands of busy shifts.

- Professional staff, who are salaried rather than hourly, can become resentful and feel they are being taken advantage of when they're consistently asked to work extra hours since they'd won't be additionally compensated. First, make sure your managers have good attitudes concerning the extra hours. Second,

talk with them about how to deal sensitively and sympathetically with their direct reports to improve the situation.

- **Family and Medical Leave**

Conflicts also center on time-off policies for family-related medical situations, such as maternity leaves. The federal Family and Medical Leave Act of 1993 applies only to companies with 50 or more workers, leaving smaller companies to decide for themselves whether to grant paid or unpaid time off when employees have family emergencies. To keep good employees, though, it's wise to adopt policies similar to large companies that routinely grant leave. Many companies combine some paid time off with additional leave being unpaid. Either way, assure employees who are taking family leave that their jobs are secure and will be waiting when they return to work.

- **Conflict Between Union and Management**

Union representation among U.S. companies has been in steady decline over the past 50 years. Still, organized labor is exerting ongoing pressure, resisted by corporations, to unionize service industries such as retail and hospitality. In companies that have unions, conflict between union and management is common.

In the public sector, disputes over pay, health coverage and other issues continue to affect thousands of unionized workers in the fields of education, municipal services and law enforcement. The federal government has mediation and other programs in place to deal with disputes in both the public and private sectors, and federal laws govern collective bargaining and the prevention and settling of labor strikes.

- **Wage Demands**

By far, the most important cause for disputes is related to wages. The demand for wages has never been fully met because of inflation and high cost of living. High inflation results in increased cost of living resulting in never-ending demands from unions.

Management and Unions have wage agreement generally valid for three years. Each new agreement is preceded by a prolonged battle between managements and unions, often resulting in strikes and lockouts.

Agreement reached in one company will inspire unions in other plants in the locality, and make them pitch tents demanding similar rise in wages.

Closely related to wages are bonus, incentives, and other allowances. Of all these, wages have been a major issue of contention that leads to disputes.

- **Union Rivalry**

Multiplicity of unions leads to inter-union rivalries. If one union agrees to a wage settlement, another union will oppose it. The consequence is never-ending disputes, as has been happening at the Singareni Collieries. The company had 445 strikes in 1990-91 resulting in a loss of production of 3.12 million tonnes and 34.19 lakh man-days. The reason is mainly union rivalry. One union or the other is always on strike and often the demands of rival unions on an issue are conflicting.

Multiplicity of unions poses peculiar problems to managers. One such problem relates to authenticity of memberships. Unions put up respective numbers of members in such a way that when added together the figure exceeds the total number of workers in the organisation. Another problem relates to the selection of a bargaining agent in the process of collective bargaining. Union rivalry leads to large-scale violence.

- **Political Interference**

Major trade unions are affiliated to political parties. Political affiliation is not peculiar to our country alone. Even a cursory assessment of labour

movements around the world would show that trade unions are, by their very nature, political, and that politicisation of labour is the rule rather than the exception.

What happens when unions get politicised? In the first place, distant ideological issues divide and fragment unions on party lines. When unions multiply, inter-union rivalry erupts and the consequences are too obvious. Second, inspired by their political ideologies, certain unions refuse to sign an agreement even if it is favourable to all the workers and thus these perpetual dissenters manage to keep the issue alive.

Third, every political party somehow engineers strikes to demonstrate its political strength. Invariably, the political party which is in power favours a union which is affiliated to it, and the result is end less disputes.

- **Unfair Labour Practices**

Majority of disputes are management inspired. The following points 2 justify the assertion:

1. The [management](#) is generally not willing to talk over any disputes with the employees or the representatives, or refer it to 'arbitration' even when trade unions want it so, and this enrages the workers.
2. A management's unwillingness to recognise a particular trade union and the dilatory tactics to which it resorts while verifying the representative character of any trade union have been a source of industrial strife.

**10. Under the common law, employees owe specific duties to their employers. Outline SIX such duties.**

Most of us are familiar with the concept that a company's officers and directors owe fiduciary duties to the company. In fact, most states have codified the fiduciary duties owed by officers and directors. It is also not surprising that upper level managers or those subject to employment agreements are often subject to certain fiduciary obligations. But what about "low-level" or "at-will" employees? I am referring to those non-management employees who are not subject to any employment contract or agreements and who can be terminated at anytime for almost any reason, with or without cause, and can likewise leave at any time and for any reason. Are these employees also subject to fiduciary duties? The answer is yes. In fact, many people are surprised to learn that employees, even "low-level" ones, owe fiduciary duties to their employers.

The rule that employees, including at-will employees, owe fiduciary duties to their employers arose out of the law of agency. Simply put, all employees are "agents" of their employers. And as agents, employees have a fiduciary duty to act loyally for the principal's (the employer's) benefit in all matters connected with the agency relationship. Restatement (Third) of Agency §8.01. As comment c to that section states:

All who assent to act on behalf of another person and subject to that person's control are common-law agents as defined in §1.01 and are subject to the general fiduciary principle stated in this section. Thus, the fiduciary principle is applicable to gratuitous agents as well as to agents who expect compensation for their services, and to employees as well as to nonemployee professionals, intermediaries, and others who act as agents.

Now that we know all employees owe fiduciary duties to their employers, what are those duties? Well, as the Restatement explained in §8.01, the duty centers on the duty of loyalty. In fact, Restatement (Third) §1.01 comment g explains that "as agents, all employees owe duties of loyalty to their employers." But what does that mean?

In the employment context, aspects of the duty of loyalty include the duty that the employee will not compete with their employer, solicit the employer's customers,

clients or employees prior to the leaving the company, or use work time to further the employee's own interests. It also includes the duty not to misappropriate confidential information or trade secrets of the employer by sharing that information with the new employers. In addition, the duty includes the duty to account for profits and to deal fairly with his or her employer in all transactions between them. It also includes the duty to disclose the existence of conflicts or adverse information to the employer. And this is true even if the employer is not harmed by the undisclosed adverse interest or information. This list is, of course, not exhaustive. There are certainly other situations that can arise in the employment context that obligates an employee to act in the best interests of the employer. Such situations are fact intensive and can depend on the nature of the trade or business.

One such situation that has often resulted in litigation is whether the employee breaches his fiduciary duty to his employer by secretly taking steps to set up a competing business, or seeking employment with a competitor, while the employee is still employed. There is clearly a conflict between preparing to compete, or preparing to work for a competitor, and the duty not to act in any matter that is adverse to the employer's interest. Nevertheless, the majority of courts that have considered this issue have concluded that an employee is permitted to make preparations to compete with his or her employer while still employed. This is true even if a group of employees agree among themselves while still employed to start a competing business. The rationale behind such rulings is the need for courts to balance the employee's interests and to promote free competition.

See *Maryland Metals, Inc. v. Metzner*, 382 A.2d 564 (Md. 1978); *Scanwell Freight Express Stl., Inc. v. Chan & DiMerco Express*, 162 S.W. 3d 477 (Mo. 2005); *White Cap Industries, Inc. v. Ruppert*, 119 Nev. 126, 67 P.3d 318 (Nev. 2003). Thus, "the law allows employees a privilege to plan and prepare for competition in recognition of the 'competing interest of allow allowing the employee some latitude in switching jobs

"" *Scanwell Freight*, at 479. Of course, this privilege is not without limitations. Although an employee may prepare to compete with his employer while still employed, that employee – while still employed – cannot actively solicit an employer's customers or employees to leave the company. Nor can the employee

prepare to compete with his employer, or prepare to work for a competitor, during the time he or she is supposed to be working for his or her current employer.

An interesting corollary to the above privilege involves the situation where one employee knows another employee is planning on leaving the company to start a competing business. Does the first employee have a duty to disclose such information to the employer. As previously mentioned, employees have a duty to disclose information that the employee knows is adverse to the employer's business. Based on that rule, one would think an employee who knows another is about to leave and start a competing business would have a duty to inform their employer. But the likely answer is that the employee does not need to disclose such information. For instance, the Nevada Supreme Court ruled in *White Cap Industries v. Ruppert*, *supra*, that because an employee has the right to prepare to compete with his employer, there is no duty for an employee to report on the employee who is engaged in such activity. In other words, an employee does not breach his fiduciary duty to disclose information by refusing to tell the employer about another employee who is planning on leaving and competing.

It is also important to point out that resignation does not necessarily absolve an employee from his or her fiduciary duties. Some duties survive termination of the employment relationship. For instance, post-termination competition with the former employer may constitute a breach of fiduciary duty if it is based on information gained during the employment relationship. Therefore, employees should be careful after they depart from employment not to use such information to compete with their former employer.

In conclusion, unless otherwise altered, the relationship of employer and employee is one of agent and principal. As a result, employees have a duty of loyalty and if they act adversely to the employer, they breach their fiduciary duty. As the Restatement recognizes:

However ministerial or routinized a work assignment may be, no agent, whether or not an employee, is simply a pair of hands, legs, or eyes. All are sentient and, capable of disloyal action, all have the duty to act loyally.



## **11. Identify FOUR ways of lawful termination of employment.**

### **Workforce Reduction**

Layoffs allow companies to let employees go for reasons other than performance. Under this arrangement, employees can be terminated, though under certain conditions federal WARN Act rules may apply. The WARN Act requires companies to give 60-day advance notice to employees if a plant closing or mass layoffs are being planned. Affected companies include those employing more than 100 workers with plans to layoff at least half of them at one site. Exceptions apply and other rules must be taken under consideration before employees are let go.

### **Poor conduct**

You break a term of your employment – e.g. behaviour that is thought to be unacceptable. This can include:

- Continually missing work
- Poor time-keeping
- Refusal to obey a reasonable instruction
- Poor discipline

theft or dishonesty (which can include lying about sickness). Your employer should follow a fair disciplinary policy to dismiss you for such misconduct.

Some forms of unacceptable behaviour are so bad they are called gross misconduct, e.g. behaviours such as theft and violence, harassment of customers and employees, drinking or taking drugs at work (and see our new information on Drug Driving Regulations here) – your employer should outline what ‘gross misconduct’ means in your Company, as each organisation will have its own take on what gross misconduct means, depending on the business and other factors.

You can, in certain circumstances, also be dismissed for misconduct outside of the workplace (reputational damage).

Dismissals for gross misconduct can be 'summary', i.e. serious enough that you will not receive notice to end your employment.

If your employer follows a fair procedure, dismissal for gross misconduct will probably be a fair dismissal if they can show that at the time of the dismissal they believed the employee to be guilty of misconduct and that they had reasonable grounds for believing this, having carried out "as much investigation into the matter as was reasonable in all the circumstances".

### **Your capability**

This is when you can't do your job properly or are not performing to the required standards – e.g. you don't get along with working practices, colleagues or new technology, or you have long term or frequent illnesses that make it impossible for you to do your job.

To make this a fair dismissal, your employer needs to make sure you've had adequate training to do your job and that you've had at least one warning that your work isn't satisfactory and they have given you a chance to improve. If you're off sick, your employer needs to make sure that the job is suitable for you and you've had adequate time to recover. If you're dismissed on the grounds of incapacity (for health reasons), your employer must have followed a fair procedure which will include consultation with you and must have obtained medical evidence to determine whether you can continue to be employed/whether your sickness levels will continue at the same level.

Courts, when considering if a dismissal for ill-health is fair or unfair, will consider whether the employer could reasonably be expected to wait any longer for the employee to be fit to return to work (which will include looking at factors such as whether the employee has exhausted their sick pay, whether the employer needed to call on temporary staff and the size of the company); the extent to which the employee has been consulted with and his/her views taken into account and whether these views were properly balanced against medical

opinion; whether reasonable steps had been taken to discover the employee's medical condition and likely prognosis; and the length of service.

Employers can reasonably request that an employee provides them with information about the nature and extent of their injury/illness to allow the employer to ascertain the likely length of any absence, but employers are recommended to arrange for a medical opinion to be sought as well. If you're disabled, your employer has a legal duty to try to make 'reasonable adjustments' to how/where you work and has to take into account the new provisions under the Equality Act 2010.

## **Redundancy**

This applies when there is no more, or not enough, work for you and/or others (where for example your employer closes or relocates the business or now needs fewer workers).

Your employer needs to be genuinely making redundancies, needs to select those who are at risk of redundancy in a fair way, consider offering you any suitable alternative work, consult you properly before making you redundant and pay you your Statutory Redundancy Pay entitlement. Without all these steps being taken, your redundancy could be seen as an unfair dismissal. See our detailed article [here](#) about redundancies.

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- Trade unions were often portrayed in the scripts of Jim Allen. Examples include **The Big Flame**, **The Rank and File** and **Days of Hope**. These films all depict union leaders as untrustworthy and prone to betraying the striking workers.
- The British National Union of Mineworkers has been portrayed in numerous films such as **Brassed Off**, **Billy Elliot** and **Pride**.
- **Bastard Boys**, a 2007 dramatization of the 1998 Australian waterfront dispute.
- The 2000 film **Bread and Roses** deals with the struggle of poorly paid janitorial workers in Los Angeles and their fight for better working conditions and the right to unionize.
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- **Matewan** is a 1987 American drama film written and directed by John Sayles that dramatizes the events of the Battle of Matewan, a coal miners' strike in 1920 in Matewan, a small town in the hills of West Virginia. Haskell Wexler was nominated for the Academy Award for Best Cinematography.
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