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Hybrid Unionism

Dead End or Fertile Future?

Herman Benson

SOME YEARS AGO, when it became obvious that the labor movement was in trouble, when membership figures were dropping, academics came up with novel ideas to provide some measure of protection for unorganized workers. Only one suggestion was rooted in unionism as we know it. That was the idea first advanced by Clyde Summers, popularized by Alan Hyde and others, and most recently revived at book length by Charles Morris in *The Blue Eagle at Work*.

They urged that, where workers had chosen no exclusive bargaining agent, unions demand that employers recognize them as the bargaining agent for their own members. They argued persuasively that the National Labor Relations Act makes such a demand legal and binding upon employers. This so-called “minority unionism” was viewed as the entering wedge toward full union recognition. Nine international unions have petitioned the National Labor Relations Board to promulgate a new regulation that would require employers to bargain with minority unions where no union has won exclusive bargaining rights.

Others also supplied imaginative alternatives to halt the decline. Perhaps ethnic identity could somehow replace class solidarity. Or, why shouldn't workers be permitted to choose other institutions—law firms, for example—to represent them? Another idea was that if unions can't overcome employer hostility to outside unions, why not relax the restrictions on management-supported forms of company union representation? Still another: if, in the face of employer hostility, unions are unable to enroll masses of workers at their workplace, why not serve workers directly, not only with problems on their job but with their whole

range of individual miseries—legal, compensation, unemployment insurance, housing, and so on. These proposals sought to bestow upon workers the blessings of collective bargaining or other services that they were too weak to win on their own. What they had in common was the notion that, because traditional unionism was obsolete it had to be replaced by some other form of representation or be transformed into a social service or settlement house type of operation. For more than two hundred years, the basic principle that distinguished unionism from all philanthropic means of lifting the downtrodden has been that workers must act for themselves in their own interest and not rely on forms of charity. That principle would erode under the new systems.

Then John Sweeney rose to the top of the AFL-CIO in 1995, promising a return to the days of honor and glory. Years passed, nothing much changed, labor's decline continued. Promising another new beginning, Andy Stern led his own Service Employees International Union and a consortium of fellow-traveling unions out of the AFL-CIO into a rival federation, Change to Win. He sounded a trumpet call to organize the unorganized, especially the oppressed minorities, the low-paid unskilled, and the super-exploited immigrants. Then, he shook up the labor establishment with running ideas of the month: Organize new millions; abandon old-style confrontational unionism; look to hedge fund managers; cooperate with responsible employers to rebuild the American economy; don't annoy them with individual grievances; denounce Wal-Mart as a greedy exploiter; stand with it and other big employers for health care for all Americans; merge locals into massive entities and draft their officers and staff into a disciplined cadre to increase union “density”; denounce employers who will not cooperate but treat gently those who do; seek common ground with China and its state-

controlled labor organizations to assist workers of the world. Stern won credit for instigating a debate on fundamental issues, even though those issues have never been clearly defined. It was an ideological mishmash, but a challenging and provocative one, and it made him into a media celebrity as the labor leader of the future.

We no longer need academic theorists to create substitutes for unionism. Stern has preempted the field with his own idea of a new kind of unionism. He looks not toward the old-fashioned method of organizing and inspiring workers in a battle for union recognition, but to employers' cooperation, even their active assistance, in fashioning the modern, and bigger, labor movement. The bigger the employer, the better.

Stern's twenty-first-century model is not exactly a variety of company unionism, because a real union, not an employer, is the initiating force. But neither is it unionism as we have known it, because it is constructed jointly with employers. Stern is right in one crucial respect. It is a new approach. He is convinced that it is the key to labor's bright future. Will it, like many hybrids, prove sterile?

THERE'S NOTHING new in the idea of increasing union membership by offering attractive deals to employers. When the CIO was organizing workers into a militant new labor movement, rival AFL unions could ride the wave of organizing by offering employers a more docile partner. Even today, there are some bona fide mainstream unions, and some suspect ones, that grow their own membership by providing cut-rate deals for willing employers.

Stern's view is different. As he argues, he is proposing an alternative, not to a robust unionism, but to no union at all; and, he says, the unions he proposes are better than no union. Echoing that belief, a UNITE HERE organizer in Rochester wrote to *Labor Notes* in May 2008 that these arrangements "do undercut the current wages of union workers . . . if they are meager . . . but didn't the working conditions of these workers before unionization undercut union gains even more? . . . Are workers better off with no union at all?"

It is a fair question. But how does Stern

hope to tempt employers into helping labor solve its problems? By abandoning adversarial unionism and minimizing individual grievances, he would not annoy his partners with the sordid details of shop life. He is willing to offer gentle terms to make a start, then together they could concentrate on the grander common interests of rebuilding American economy.

As a cooperative partner, unions could offer much to consenting employers. If employers let unions grow, the partners can deploy their masses to mutual advantage. A strong labor movement can mobilize political power to help employers shed the heavy costs of health insurance and pensions and socialize them on to the backs of consumers.

How many employers will take the bait? That question poses only one side of the issue, and not the most important one. There is another: how will the labor movement evolve as it comes increasingly under the influence of the new union-company creation?

The Stern camp's initial call for a massive campaign to organize the unorganized won a near-unanimous approval in his own SEIU and in the broader liberal-labor public. Even now, his supporters hold fast to their original enthusiasm, convinced that Stern has hit upon a brilliant new strategy to win "Justice for All." But after more than ten years and three quadrennial SEIU conventions under Stern's leadership, events have demonstrated that there are deeper implications to the Stern line than the noble call to organize.

Misgivings mount. The growing concern is that the massive reorganization of the union into huge locals, a rise in the number of appointed officers, overtures to managers of big capital funds—all of which, at first, seemed like temporary tactics directed toward a bigger and better labor movement—are now hardening into a permanent way of life, toward a highly bureaucratized labor movement, authoritarian and remote from its membership. The new ideology of hybrid unionism seems to be remaking the labor movement closer to a political bargaining tool of its leaders rather than to a collective bargaining instrument of its worker members. Locals, as the place where workers have some direct control over their union and their working conditions, are disappearing.

They are replaced by massive units or councils of a hundred thousand dues payers or more, held together by a disciplined staff of officials—sometimes appointed, sometimes elected. The disquietude was first expressed by rank-and-file SEIUs and fired staff around the country. It burst out into the open in January 2007, when Sal Rosselli sounded the alarm.

Rosselli is president of United Healthcare Workers-West; with 150,000 members in California, it is one of the SEIU's largest locals. Rosselli, respected in California as a progressive labor leader, had become, with Stern's support, a member of the SEIU international executive committee and chair of the SEIU California Council. Those credentials guaranteed a hearing to what he had to say.

In a hard-hitting analysis—an all-out attack—Rosselli's UHW-W criticized an agreement that Stern had negotiated in 2003 with the California Alliance, an association representing 284 nursing homes. The UHW-W noted that the SEIU had campaigned jointly with nursing home employers in a successful political campaign for increased state health care subsidies. Owners got \$119 million in 2007, with an additional \$180 million to come in 2008. SEIU, in an agreement with the employers' Alliance, got forty-two nursing homes with some two thousand members; but the union agreed that it would be barred from trying to organize the Alliance's 185 nonunion facilities. According to the UHW-W, the agreement covering the newly organized sites undercut union standards in the industry, and the new SEIU units created under the agreement "may come close to becoming . . . company unions." Rosselli's open criticism could not be shrugged off as the complaint of an inveterate whiner. For years, he had played well with others on the Stern team, and he led a local with a big part of the SEIU total membership. Under pressure of mass protests from the UHW-W membership, Stern backed off and ended the controversial arrangement. But it soon became obvious that Stern had not backed off from his basic policy.

On May 10, 2008, Kris Maher of the *Wall Street Journal* revealed that the SEIU and UNITE HERE (a Change to Win ally) had entered into secret agreements with two glo-

bal employers of service workers, Sodexo and the Compass Group USA. The old ways aren't working," Stern told Maher, "and we're trying to find different relationships with employers that guarantee workers a voice."

In this new way, unions are formed behind the backs of workers and with the permission and cooperation of the employers. Not just the terms of the agreements, but their very existence is a secret, even to the lucky new union members. Of the several hundred thousand workers employed by these companies in North America, the unions will be permitted to organize a limited number at designated sites; the companies will cooperate by providing lists of the employees and permitting union access to their work sites. The unions agree to be barred from attempting to organize the others; and they will not post derogatory remarks about the companies anywhere in the world. This secret agreement uncovers the key to Stern's touted discovery of how to organize in this era of global capitalism, refuting any claim that Andy Stern has opened a new, inspiring road for labor. In justifying his novel approach to organizing, Stern explained, "These workers have no unions; that's where we start from."

Once again the question arises: is this better than nothing? There is no simple answer. If in the organizing days of the thirties, we asked whether a company union was better than none we might have said, "It depends." It wouldn't be if it was set up as a barrier to genuine unionism. But if workers, starting with their company union, could take it over—as they sometimes could—transform it, and join with a bona fide union, it could be a different story.

THE SAME ANSWER applies today. If workers who are initially shepherded into a union are encouraged to participate in union life; to run for office; to elect stewards who pursue their grievances; to join in formulating, discussing, and ratifying contracts; then these quasi, proto unions could become the nucleus of a strong new unionism. If! But the danger is that this manipulative method of fabricating new units will be imprinted on the union as a philosophy of life and will guide the leadership in acquiring and managing members. What begins as a union in embryo could

turn into a new kind of degenerate hybrid. The quick fix can become an addiction.

That this danger is real was revealed at the union's convention in June. In the name of modernizing operations, the SEIU will make central telephone or computer lines a main link between its officialdom and its million-member mass. The administration's program adopted by the convention provides that instead of presenting their "job problems" on the work site to a flesh-and-blood steward representative, members will log in to a "Membership Resource Center," where they will get "expert" advice from a voice at the other end of the line—perhaps human, perhaps electronic. The new system is supposed to free some union representatives from the time-consuming task of dealing face to face with a grievant and to allow others to concentrate on expanding the membership roster.

"Job problems" reviewed by disembodied voices at the end of the phone line and grievances no longer handled by an actual person at the workplace—this novel system will transform the whole dynamic between the union and its members. Shop stewards under pressure from their constituents day to day on the job, especially those elected, are motivated to take grievances seriously and work hard to satisfy the grievant. But the owners of those voices on the telephone are appointed by an administration that wants to minimize grievances as a distraction.

The thirty-one-page administration program submitted to the June convention does not once mention the word *grievance*; members have "problems" on the job, not grievances against their employer. Excised from the language, grievances disappear from the work site.

Hybrid unions constructed with the assistance of cooperating employers is Stern's principal means for the mass "growing" of SEIU. The bigger it grows, he is convinced, the more politically powerful it becomes. So far, the strategy is an idea and a promise. At the SEIU convention in June, everyone agreed—both administration enthusiasts and its critics—that the union must gear up to organize. According to the critics, the international treasury took in a quarter of a billion dollars from locals in 2007. Every local union is now required to pay 20 per-

cent of its annual budget into an international-controlled division organizing fund. Resources on that scale, actually spent on organizing, are bound to fatten up the membership lists.

The promise is that union membership will grow rapidly because large masses can be assembled into these employer-anointed entities. Harvested, not recruited, organized, but not really unionized, will they enter as a passive multitude of dues payers? What holds these assemblages together will be the paid staff, selected by the international and beholden to it. As these inert membership lists administered from the office desk became more numerous and larger, their sheer weight could threaten to overwhelm the union and stifle its independent life.

MEANWHILE, the notion of a domesticated unionism, innocuous for employers, has been so successfully marketed as the royal road to social justice that it is difficult for Stern's own followers to grasp its full implications. When they cheer his expression of lofty goals, they are not necessarily endorsing his ideology. No one faults the goal of scourging evils suffered by the oppressed and changing the world of labor. Stern earns credit for dramatizing that need and raising it to the top of the agenda. But where would he lead the labor movement?

Consider Stern's insistence that the confrontational method of building unions must be replaced by a unionism created in cooperation with willing employers, even if they may sometimes need a little prodding. Ironically, the central core of his SEIU, what provides its power and morale, is not a collection of hybrid units cleverly manipulated into existence, but the old-style unions, created by traditional union leaders who fought militantly in the old way to win recognition. They struck for contracts, they processed grievances for members who were abused. The Local 1199 unions in health care, pillars of SEIU strength, won their place after decades of militant battle. (Read *Uphaval in the Quiet Zone*, the excellent history of Local 1199 by Leon Fink and Brian Greenberg.) The giant building service Local 32B-J arose as an old-style "confrontational" union. The militant Justice for Janitors movement helped increase SEIU strength.

STERN'S CALL to organize the exploited masses, backed up by a promise to dedicate millions of dollars to the cause, rallied to his side an army of idealistic labor activists, radicals, democratic socialists, and former civil rights crusaders. Some joined the SEIU staff, others offered public relations endorsement. Inside his own SEIU and outside, they applauded his stated goals with almost unanimous enthusiasm. Many of them—perhaps most—are genetically programmed social activists. Because the SEIU has been built and has acquired power by action of militant union loyalists, not by corporate partners, at some point they are bound to ask, "Is this the kind of labor movement we really want?"

After fifty years of insurgency in unions, with the right to dissent backed by federal law, the spirit of internal union democracy is deeply implanted. Within the SEIU itself and on the outside, a strong voice of dissent is already being heard, most impressively from Rosselli and his rank-and-file co-thinkers around the country. There are others.

On the eve of the SEIU June convention, when Stern seemed to be threatening to impose a trusteeship over Rosselli's insurgent local, more than a hundred pro-union writers, authors, and educators expressed their "deep concern" in an open letter. "Some of us," they wrote, "have longstanding ties to the SEIU . . . Putting UHW under trusteeship would be viewed by many as a sign that internal democracy is not valued or tolerated within the SEIU." Stern denied any trusteeship intention, but the publicly expressed "concern" over the state of SEIU democracy by so many intellectuals echoes in the ranks of the union and perhaps even in sections of its leadership.

Of the hundreds of thousands of service workers at two global companies, the SEIU told delegates to its June convention, "We have already helped 14,000 workers gain a union so they can begin the climb to more economic justice with improved pay and benefits." Students active in pro-union groups at four universities differ. In an open letter to Stern in May, they wrote that "over the last few years we have begun to see a disturbing pattern developing in SEIU's relationship with students and campus workers. . . . SEIU leaders often

see students and campus workers as little more than pawns . . . to maneuver in a way that brings members and dues into the union in the short term but keeps workers in poverty and actually hurts our collective efforts to help unions grow at a massive scale." They had been working to support workers employed by the global companies retained by the universities for their service work. The students charged that a "deal" with one global company, Aramark, ensured that "University of North Carolina workers could not join the SEIU" and that "the small percentage" who could "would not receive significant improvements in wages and benefits." They charged, too, that it was impossible for unionists already organized to get satisfactory information through the new "Member Resource Center."

Also in May, the president of the Union of Union Representatives, the bargaining agent for over 250 SEIU international representatives, wrote Stern that "some work assignments related to [Rosselli's] United Healthcare Workers-West may violate" the provision in their agreement that bars staff members "from activity which will interfere with the internal affairs of a local union." A convention of the staff union unanimously resolved that its members "should not participate in work that undermines the leaders of UHW-West." UUR president Malcolm Harris requested a labor-management meeting, following the convention, to discuss their complaint.

All these are signs that Stern's ideological conceptions and organizational practices are coming under critical scrutiny inside the SEIU and among his sympathizers in the universities. In any event, labor's near future will probably not be dominated by debates over ideology and philosophy but by the urgencies of practical action.

The SEIU will, in fact, devote millions of dollars and assign thousands of staff to bring in those new members. With resources so great and the need so urgent, some level of progress is inevitable. Nobody challenges the validity of Stern's goal of bringing unionism to new millions; nobody in the union objects to spending all that money in the effort. And so, despite the misgivings of his critics, Stern enjoys continued

support from followers who are inspired by the grand goals he holds before them and anticipate the successes he promises. No need now to be preoccupied by an indeterminate future or to ponder the implications of the kind of unionism he favors. He still enjoys dominant, enthusiastic support. What Stern himself has already lost is the virtual unanimity of yesterday; what the SEIU has lost is much more.

IN UNIONS like the SEIU, with a strong cadre of idealistic, even socialistic, union activists, it can take many years before the corrosive effects of an authoritarian spirit eat through the core and become obvious. In the SEIU, the process erupted suddenly and massively on two fronts. Some of Stern's key allies, whom he had armed with extensive powers, are mired in charges of corruption. At the same time, he spends resources deploying his own powers as international president in an attempt to destroy the main critic of his policies, the one with resources and influence enough to stand in his way.

Stern's troubles with three important allies arose when they were accused of expropriating union monies. On the West Coast, Stern had pieced together an assemblage of locals into the huge new 160,000-member Long-Term Care Workers Local 6434. As permitted by federal law for new locals, he appointed its president, Tyrone Freeman. By the time his appointive term ended, Freeman had assured his own uncontested election by making the conditions for candidacy so onerous that no one could qualify to run against him. In August, *Los Angeles Times* writer Paul Pringle reported that the U.S. Labor Department is investigating a complaint against the election.

After Pringle reported that Freeman had funneled about a million dollars of union money to friends and relatives, the House Education and Labor Committee announced an investigation. Freeman stepped down, and Stern trusteesd the local.

Rickman Jackson had been one of Freeman's close aides in Local 6434 until Stern appointed him as president of the SEIU's 55,000-member local in Michigan. When Jackson was charged with complicity in Freeman's derelictions, he took a leave from his appointive president's job.

Stern had appointed Annelle Grajeda as president of the new 77,000-member Local 721 of Los Angeles county employees. He supported her to replace Sal Rosselli as president of the SEIU California Council and also for international executive vice president. With Stern, she is one of the SEIU's top eight international officers. In August, she had to take a leave from all three posts after facing charges of improperly authorizing payments of undetermined thousands to her boyfriend.

These events impelled Stern to appoint a commission to reexamine the SEIU's ethical practices code, presumably to make clear that union officers were forbidden to defraud union treasuries.

But his problem with Rosselli was of another kind; it involved sharp political differences. Rosselli is an outspoken and insistent critic of Stern's basic philosophy and practice of collaborative unionism. Unlike the scattering of powerless rank-and-file complainers, Rosselli could not be ignored. He heads a 150,000-member local, with a paid staff of hundreds and a treasury in the millions. He is an eminent and respected figure in the West Coast labor movement and politically influential.

Before the June SEIU convention, Stern and his followers waved aside rumors that they would silence Rosselli by trusteeing his local. In reply to the misgivings expressed by leading writers and academics, forty-seven top SEIU leaders wrote that they agreed "that trusteeships should never be used to limit democratic debate in any union. In the case of SEIU, your letter addressed a straw man since no such retaliatory trusteeship is under consideration nor would we ever approve one."

Less than three months after the June convention, the scene changed. The administration was about to strip Rosselli's local of 65,000 members and transfer them into Local 6434, headed by Tyrone Freeman. That move stalled when Freeman was plunged into the corruption scandal. But the trusteeship against Rosselli shifted into high gear. On August 25, all officers and members of United Healthcare Workers-West received the ten pages of bad news: hearings on the trusteeship would open in late September. At the same time, Stern appointed two "monitors," not quite trustees, with

the immediate power to control “all disbursements” by the local. At this writing, trusteeship seems imminent.

When a local is trustee, control of its treasury is taken away from its members and elected officers and passes into the hands of the international. During the period of trusteeship, the local officers and members may not use their own local's funds to carry out any union activities or to pay the legal expenses of defending the rights of officers or members in court. By trusteeing a local, the international renders it incapable of effectively defending against the imposition of the trusteeship or of defending membership rights during a trusteeship. Ironically, that anomaly is at the heart of the trusteeship threat against UHC-W.

A year before the June convention, according to the principal accusation in the trusteeship indictment, the local officers had voted \$1,000,000 out of the treasury, and planned to add more, into a 501(c)(3) nonprofit corporation, presumably to be used to promote the union's health care policies in the public arena. The fund was to be administered by the local officers; and the money could be outside the normal control of the international. Actually, Stern charged, the exclusive and real purpose of the fund was to protect the officers in the event of a trusteeship. After Stern ruled that the fund violated union rules, it was dissolved

and the money returned to the treasury. The trusteeship indictment charges that the local is dilatory in resolving a dispute over \$100,000 expended from the fund.

In March, the local set up a separate fund of \$500,000 to be held in trust by its law firm, to be used for the legal defense of its members and officers against an illegal trusteeship. “This,” reads the indictment, “is an inappropriate use of union monies.” Two other charges are secondary or flimsy. The main line of attack against UHC-W could be summed up as follows: the local faces trusteeship on charges of appropriating funds to resist trusteeship.

Even with all those millions and all that staff assigned to the effort, Stern's new kind of noncontroversial unionism, rendered palatable to big capital, remains an idea in process, so that it will take time, lots of time, for the results to be tested. To carry out that program, however, he insists upon a strictly centralized authority wielded with a heavy hand against critics. The impact of that kind of regime upon the life of the union is already evident less than a year after he emerged triumphant from his international convention: corruption on display; democracy at bay. ●

HERMAN BENSON is the founder of the Association for Union Democracy and was its executive director for twenty years.

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