

THE POLITICS OF US LABOUR: PARALYSIS AND POSSIBILITIES

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After nearly thirty years of political and economic retreat, the US labour movement is facing what is possibly its most serious crisis since the early 1930s. Historically, the US labour officialdom has practiced what we have called ‘bureaucratic business unionism’.¹ Conceiving themselves as business people engaged in the sale of their members’ labour-power, the leadership of the US unions have relied upon the National Labour Relations Board, and the resulting alliance with the pro-capitalist Democratic Party, to insure the regulation of labour-management relations since the late 1930s. The framework of industry-based pattern bargaining over wages, hours and working conditions (and the reliance on the bureaucratic grievance procedure to enforce written contracts) collapsed in the late 1970s. In the face of an aggressive capitalist offensive, the US labour bureaucracy has engaged in continuous *concessions bargaining*, reintroducing competition over wages and conditions among workers in the same industry, while seeking greater ‘cooperation’ with management and abandoning contract enforcement through routine grievance handling.

Since the onset of the global recession in 2008, the US labour movement has faced even greater challenges. Sectors of the US capitalist class and their Republican political representatives are going beyond the bipartisan calls for ‘sacrifice’ – more concessions in collective bargaining and the acceptance of neoliberal state policies. Today, the very *institutional basis* of the US trade union movement – state regulated union recognition and collective bargaining – are under attack across the United States.

Overall union density reached a post-Second World War height of 24.1 per cent in 1981. In 2013, only 11.2 per cent of US workers are members of a union.² The drop among *private sector* workers is even starker, from 24.2 per cent in 1973 to a mere 6.7 per cent in 2013. Only the public sector unions have gained density, rising from 23 per cent in 1973 to a height of 38.7 per cent in 1994, falling to 35.3 per cent in 2013, with even that under threat.

PRIVATE SECTOR UNION DECLINE:
'DEINDUSTRIALIZATION'?

The dramatic decline of private sector unionism since the 1970s is often attributed to deindustrialization or the flight of industry abroad. Yet the United States produces more goods today than ever. With the usual ups and downs, real industrial output has increased by over 200 per cent since the mid-1960s. As a percent of real GDP, measured by final product, goods production rose from 22 per cent during the 1960s and 1970s to 28 per cent in the 2000s and 31 per cent in 2010-12.³ The loss of jobs in manufacturing has been great, but the loss of union members in manufacturing has been even greater. The number of production workers in manufacturing fell from 12,571,000 in 1994 to 8,444,000 in 2013, a drop of 33 per cent. The number of union members in manufacturing over the same period fell from 3,514,000 to 1,431,000, a decrease of 60 per cent.⁴ Thus, while the employment loss explains about half of union decline, it cannot explain it all. Nor is this employment loss due mainly to lost production.

The major underlying causes of private sector union retreat lie in the geographic shift in manufacturing and related industries to the South that began after the Second World War, on the one hand; and, on the other, in the enormous productivity increases since the early 1980s due largely to the generalization of 'lean production'.⁵ Value added by manufacturing in the South rose from 18 per cent of the US total in 1963 to 30.6 per cent in 1999, and 32.1 per cent in 2009.⁶ In a somewhat belated recognition of the fact that the South is 'a major player in the new global economy and has become a haven for US manufacturing, foreign investments and finance capital', the AFL-CIO determined at its 2013 convention 'to develop a Southern organizing strategy'.⁷ The defeat of the United Auto Workers at VW's Chattanooga, Tennessee plant in early 2014 is not a promising sign for such a project unless some lessons about the UAW's 'cooperative' approach toward management are learned.⁸

What has brought about the decline of the goods producing workforce is the productivity increases capital has extracted from labour since the long upturn that began in 1983. Since its appearance in the US in the 1980s, lean production has morphed into or been combined with various methods of extracting more work for less wages, such as Total Quality Management (TQM), modular and cellular production, or, under new brand names, CIM Logic's Manufacturing Execution System (MES) software. In the last decade and a half, practices once associated with auto plants have spread to all kinds of employment settings. In hospitals, to take one example, Six Sigma, a computerized Clinical Decision Support Systems (CDSS) and 'supply

chain management' system, has been employed to guide the provision of healthcare as rapidly as possible. As with all applications of lean production, the standardization of healthcare has been one result, understaffing the other.⁹

Advocates of the 'high-wage, high-road' approach that often underlies labour-management cooperation programmes stress the combination of Human Resource Management 'best' practices with lean production organization creates a High Performance Work System (HPWS) which creates productivity gains and, therefore, higher wages. However, a 2004 study shows that such combinations seldom produce significant wage increases for non-management employees.¹⁰ In a similar vein, a 2010 survey of Canadian manufacturing workers revealed, not surprisingly, that most preferred traditional work organization to 'Alternative Work Practices' and Human Resource Practices.¹¹

Lean production methods along with just-in-time delivery systems, increased outsourcing or decentralizing of intermediate parts production (a major feature of lean production), and the rise of the 'Big Box' retailers have brought about another major change in both work and the workforce. Logistics, that combination of computer-driven intermodal transportation and vast warehouse centres that feed retailers like Wal-Mart on a just-in-time basis, have given rise to a growing 'blue collar' workforce. The number of production workers in transportation and warehousing rose from 2,545,100 in 1985 to 3,930,800 in 2013, an increase of 55 per cent.¹² To this must be added an unknown portion of the half a million who work in telecommunications and data processing. Some of these workers in transportation and telecommunications are already in unions, while many of those in warehousing are attempting to organize. Their efforts may be aided by the huge concentrations of warehouse workers in three 'hub' centres: 'the "Inland Empire" east of Los Angeles, a giant complex southwest of Chicago, and distribution centers along the New Jersey Turnpike'. Such intermodal systems are highly vulnerable to the actions of strategically placed groups of workers.¹³

For some time advances in logistics have increased intra-firm 'trade' in intermediate parts, some of it across borders within North America. That is, companies decentralize parts production, often to remote sites. As a study of logistics in Canadian affiliates of US corporations concluded, 'This reorganization generally involved adoption of JIT [just in time] logistics, global standardization of parts and processes, use of globally standardized common components across varieties of differentiated products, systems of global tracking of parts and components, and global sourcing. All these factors increased intra-firm trade in intermediates'.¹⁴ This also applies to

actual outsourcing to non-affiliated firms in the supply chain. In other words, the reorganization of intermodal transportation as logistics has facilitated the geographic dispersion of industry in North America. This means more outsourcing has occurred and more lean methods introduced with their impact on productivity, explaining some loss of manufacturing jobs as well as movement away from unionized firms and regions. It also explains the loss of railroad jobs, which are at the centre of logistics. So the three-person team that operated freight trains not so long ago has been reduced to two and now the employers want to cut it to one – the engineer.¹⁵ Thus, the combination of lean production and advanced logistics also explains the loss of union jobs *within* unionized industries and firms as jobs are lost to lean methods or moved to non-union sites.

Overall, the generally high levels of productivity, in combination with the recession beginning in 2008, meant that the number of production workers in manufacturing fell from 12,550,000 in 1985 to 8,444,000 in 2013, with almost half of that drop occurring between 2006 and 2010, after which manufacturing employment rose again somewhat. But the shift from goods production to service providing continued to reshape the US working class. Altogether, the industrial core of the working class, including goods production, transportation and warehousing, utilities and information, has fallen from 32 per cent of the workforce in the 1980s to 21.4 per cent of all production workers in 2010–13.¹⁶ The working class as a whole, however, has continued to grow. Many service-producing employees are exploited workers, many of them value producers. A good example of this are the 4.5 million hospital workers, whose industry has been reorganized along profit-making, increasingly capital intensive, capitalist lines in the last thirty years, who are joining unions at a faster rate than most workers.¹⁷ Many more ‘service’ workers are among the most poorly paid. Thus, while the average hourly private sector wage in 2010 was \$19.07, and that in manufacturing \$18.61, the 11 million who work in accommodation and food services averaged \$10.68 an hour.¹⁸ Some value-producing workers are hidden in ‘service’ categories, such as the 2.7 million workers employed by employment agencies, many of whom actually work in manufacturing, transportation and warehousing or in hospitals. Indeed, as of 2005, 28 per cent of temp agency employees worked in manufacturing.¹⁹

Contrary to what many believe, about 90 per cent of all employed people in the US work in traditional employer-employee arrangements, with 83 per cent of those in full-time work. Bureau of Labor Statistics surveys done in 1995 and 2005 both showed that those working in ‘alternative arrangements’, such as independent contractors or temp agency workers,

consistently compose about 10 per cent of the workforce.²⁰ There are no more recent figures for most of these non-traditional work arrangements. But while the number of those working through ‘employment services’ soared from 1,512,000 in 1990 to 3,849,000 in 2000, by 2010 their number had fallen to 2,717,000, a drop of 1,132,000.²¹ Even if those in non-traditional jobs increase significantly as employers seek to expand production without taking on permanent hires, they are certain to remain a distinct minority. The vast majority of workers still have a workplace and a recognizable employer. Most of the 66 million employees in the private sector who are classified as production and nonsupervisory workers, along with many in the public sector as well, face ‘the silent compulsion of economic relations’, are exploited and subjected to the ‘purely despotic’ rule of capital, as Marx put it – with or without teams, circles or HPWSs.²²

The biggest change in the ethnic/racial composition of the US working class has been the enormous growth of the Latino population in the last thirty years. Altogether, Latinos have gone from being a mere 6 per cent of the civilian labour force in 1980 to 23 per cent in 2010. By then, nearly 20 million Latino workers composed 14.3 per cent of those employed, compared to 10.8 per cent for African American workers, or 15 million.²³ By 2013, there were 1,952,000 Latino union members, not far behind the 2,081,000 black members. Whereas African American union members had seen their numbers decline from 2,513,000 in 1994, Latino members increased from 1,420,000 in that year. These largely immigrant workers have a strong incentive to join a union as they earn less than other groups: \$578 a week compared to \$802 for whites and \$629 for blacks.²⁴ The potential power of Latino workers was demonstrated in the 2005 ‘Day Without Immigrants’ demonstrations and strikes that affected workplaces across the country.²⁵ It is among these workers that the potential for significant growth in union membership is particularly strong.

THE ECONOMIC CONTEXT: CRISIS AND AUSTERITY

The bipartisan offensive against labour in the US was initiated amidst the crisis of profitability that characterized the 1970s.²⁶ A combination of an employers’ offensive in the late 1970s that drove down wages and increased the rate of exploitation, the destruction of inefficient capitals with the loss of millions of manufacturing jobs, the creation of regional production chains and record low interest rates produced rising profits and spurred economic growth across the capitalist world from 1982 through 2007. The ‘neoliberal’ boom, with its falling rates of unemployment, *should* have been – like the post-Second World War boom – a period for major gains for the US

labour movement. Instead, capital *intensified* its offensive against workers, demanding new concessions and generalizing ‘lean production’ methods. The US union leadership, wedded to bureaucratic business unionism, was incapable of mounting any sustained resistance.²⁷ Workdays lost from strike activity dropped precipitously, from a yearly average of 31,152,000 days during the strike wave of 1967–74, to a mere 9,061,000 at the depth of the recession in 1981, to an average of only 6,075,000 during the neoliberal boom of 1983–2007.²⁸

The result of the continued employers’ offensive was a sharp increase in labour productivity – the rate of exploitation. From 1983 to 2012, productivity in the nonfinancial corporate sector rose in an almost unbroken line by an average of 3 per cent a year – the equivalent of the postwar boom. From 1995 up to the Great Recession, manufacturing productivity increases averaged 3.6 per cent a year. They collapsed in 2008 as the recession hit, but made a remarkable recovery averaging almost 6 per cent in 2009 and 6.3 per cent in 2010. When the productivity index soared in 2009, *Business Week* wrote of ‘The Dark Side of the Productivity Surge’ as ‘companies cut jobs and work hours’ to squeeze out these gains. A consequence, it noted, was a fall of 3.6 per cent in unit labour costs over the year, ‘the largest decrease since the series began in 1948’.²⁹ For 2011–13 the rate of productivity growth finally fell to an average of 1.5 per cent, as earlier rates of increase were unsustainable in more labour intensive, non-durable goods manufacturing industries over a long period. The productivity figures for durable manufacturing for 2011–13, however, were considerably higher than for manufacturing as a whole at 3 per cent.³⁰

Massive overcapacity persists throughout the capitalist world economy, threatening long-term profitability and depressing investment. The results for working people in the US have been devastating.³¹ Despite the growth in payrolls and a fall in the official unemployment rate since 2010, the number of ‘discouraged’ workers – those who have ceased looking for jobs – continues to grow. If they were to be included in the unemployment rate, unemployment would have remained over 10 per cent at the end of 2013. The long-term unemployed – those who have been jobless for six months or more – have also grown. The share of the unemployed out of work for more than six months peaked at around 45 per cent in 2010, but remains around 37 per cent – record levels for the postwar era. Hourly wages for workers in the bottom fifth of earners dropped 7 per cent, those in the middle of the wage distribution saw their wages drop 4.4 per cent and even those in the top fifth of wage earners saw wages erode by 2.6 per cent – despite renewed growth in productivity. As a result, workers are scrambling to sustain their

buying power in the way they have for nearly three decades – working more, either through overtime or additional, part-time jobs. Union-busting, in particular an all-out assault on the last bastions of collective bargaining in the private and public sectors, is crucial to raising the rate of surplus-value as capital seeks to establish its *untrammelled* dictatorship in the workplace.

Although the unions had managed to gain 454,000 members in the public sector and 314,000 private sector members between 2006 and 2008 (the first such private sector gain in years), the ‘Great Recession’ wiped this gain out and brought new lows. Since public sector unions were the last bastion of capitalist state-sanctioned collective bargaining in the US, it was not surprising that they have borne the brunt of the post-2008 anti-labour offensive. Wisconsin’s attack on public sector unions – with its abolition of an effective union-shop for public employees, restricting bargaining to wages, banning strikes and even binding arbitration in case of impasses in negotiations – has become the model for other states. According to a study by the union-backed Economic Policy Institute, twelve other Republican-dominated state governments have imposed similar restrictions on public employee union bargaining.³² Emboldened by their victories, Republican governors in Indiana and Michigan introduced ‘right to work’ legislation for private sector workers. While the unions were able to defeat the Indiana measure, Michigan – the home of the United Automobile Workers – has become the first right-to-work state in the northern United States.

While the Republicans have spearheaded the attack on public employee unions in the US, the Democrats have not been far behind. Democratic governors and legislators, often elected with the support of unions, have joined the *bipartisan* neoliberal austerity drive against social services and public sector workers’ wages and working conditions. Even the ‘heroic’ Democratic legislators in Wisconsin, whose boycott delayed the passage of Republican Governor Scott Walker’s union-busting legislation, had agreed to massive cuts in social welfare and to the wages and pensions of public employees. In the wake of the defeat in Wisconsin, Democratic politicians, with New York’s Governor Andrew Cuomo in the lead, have moved to gut public employee pensions in the so-called ‘blue’ states.³³ At the federal level, the Obama administration, elected and re-elected with labour’s support, has reduced federal employment more than the Reagan administration,³⁴ imposed a wage freeze on federal workers,³⁵ and its ‘educational reform’ policies have unleashed a major attack teacher unions in the US.³⁶

Although the Democrats generally have not attacked public sector union bargaining rights, relying on the unions for around 6 per cent of their funding and many of the ‘get out the vote’ troops needed to win elections,

some Democratic state legislators have joined the fray.³⁷ In 2011, Democrats in Massachusetts supported legislation to strip public healthcare workers of bargaining rights, Connecticut Democrats attempted to reclassify college faculty as managers to make them ineligible for union representations, New Jersey Democrats joined Republicans in attempting to exclude healthcare from collective bargaining and Illinois Democrats succeeded in restricting teacher union rights.³⁸

The assault on labour has not gone without a response in the past six years. Clearly, the highpoint of resistance was the Wisconsin Uprising of early 2011. However, the union leadership, whose material foundation in the ability to collect membership dues was under direct attack, was unable to successfully repel these attacks. Their exclusive political focus on elections – and their willingness to sacrifice promising mass mobilizations at the altar of the Democratic Party – has been labour’s Achilles’ heel.³⁹ Although the unions were central to Obama’s re-election in 2012, they have continued to be unable to advance their political agenda through conventional means. The Clinton administration went beyond the traditional Democratic Party acceptance of the limits capital has imposed on reform in the US, and actively promoted neoliberal policies.⁴⁰ Many capitalists in the US have recognized the Democrats’ service, contributing 41 per cent of their donations, \$883 million, to Democrats in 2012 – 69 per cent of all contributions to the party.⁴¹

From 2008 through 2013, public sector union membership fell by a huge 622,000, no doubt a result of the attack on public worker rights of the last few years. Union membership in the private sector saw an even more precipitous drop between 2008 and 2012 of 1,228,000. Then in 2013, to everyone’s surprise, private sector membership grew by 281,000. Over half of this increase was in construction, at 147,000, much of it likely the result of an increase of 171,000 production workers from January 2012 to December 2013 in that sector. In fact, over that period the number of production and nonsupervisory workers in the private sector grew by 3.5 million. Even manufacturing saw a gain of 121,000 workers. The tiny private sector gain of 134,000 union members in 2013 didn’t even keep pace with employment growth. Membership figures reported by the AFL-CIO, for example, show a slight fall of 59,271 members between 2012 and 2013.⁴²

Not surprisingly, wage compression and employer aggression have continued to be the norm, on average producing below inflation results in contract negotiations. Negotiated first-year wage increases have become more and more meagre, while the percentage of new contracts with no first-year increase has risen well above pre-recession levels, despite the

recovery. Partly as a result of this poor showing and the declining ability of unions to affect non-union wages, at \$294.93, average real weekly wages for production and nonsupervisory workers remain about 1 per cent below the 2010 level and 14 per cent below the 1972 highpoint of \$341.73.⁴³ The story is no different for benefits, which fell slightly from a real value of \$5.60 in 2007 to 5.57 in 2011, only 1.4 per cent above their 1989 value. The percentage of contracts in which ‘measures to control health care costs’ were included rose from 59 per cent in 2009 to 79 per cent in 2011.⁴⁴ No doubt the decline of the strike as labour’s key weapon has played a major role in this long-term power shift in capital’s favour.

Capital has done extremely well despite the setbacks of the recession, or perhaps even because of them. Labour costs were rising slightly just before the slump of 2008, but the recession brought these down for non-union workers, while union workers managed to raise their costs slightly by 2010, after which they remained more or less stable. On the other hand, domestic, nonfinancial corporate profits very nearly doubled after 2009, surpassing their pre-recession level. The impact of wage compression and labour cost containment, in combination with sizable productivity gains, can be seen in the shift of income from labour to capital. Between 2000 and 2010 ‘labour’ income, as very broadly defined by the Economic Policy Institute, fell from 81.2 per cent to 73.8 per cent of national income, below even the 1959 level of 77.5 per cent.⁴⁵

LABOUR’S CIVIL WAR

The continuing, even escalating retreat by organized labour comes after two decades of top-down ‘reform’ and organizing innovation, mostly associated with the leadership of AFL-CIO president John Sweeney. Yet, Sweeney’s tenure oversaw little more than stagnation, as the number of private sector members held fairly steady from 9,400,000 in 1995 to 9,148,000 in 2000. But by 2004 membership dropped to 8,205,000, a loss of nearly a million members.⁴⁶ Not all unions had the same experience. Some, like UNITE-HERE’s ‘Hotel Workers Rising’ and the National Nurses United, made significant gains. One union, however, whose leadership saw itself and its union as different and more effective was the Service Employees International Union (SEIU). While union membership overall stagnated between 1995 and 2000, SEIU reported a growth of 392,969 members. By 2004, while others were losing members, it had added another 328,339 members bringing it to 1.7 million.⁴⁷

The SEIU first entered the national limelight in 1990 with its innovative and successful Justice for Janitors campaign in Los Angeles. But the SEIU of

the 2000s was a different union. Under Andy Stern the union had centralized, ‘staffed-up’, and focused on growth through what became known as the ‘organizing model’. This wasn’t just a strategy for recruiting on a large scale; it involved the transformation of SEIU. Beginning in 2000 with the ‘New Strength Unity’ programme, locals were merged, many into multi-state mega-locals, often with no say in the process. The number of locals in the SEIU fell from 373 in 1995 to 140 in 2008, with 15 ‘mega-locals’ encompassing 57 per cent of the membership – that is, just over one million members and agency fee payers in 15 local unions, or an average of about 73,000 per local spread out across several states. ‘Servicing’ and grievances were moved to call centres, known as Member Resource Centers, in some of the larger ‘locals’.⁴⁸

The crisis in the labour movement was registered when six unions left the AFL-CIO, joining the Carpenters who had already left the federation, to form Change to Win (CTW) in 2005.⁴⁹ The causes of war had been brewing for a while. While the SEIU conducted some important organizing drives among building service workers, notably in Houston and Miami, in the early 2000s, it simultaneously began to raid other unions in search of dues-payers. According to a report published by UNITE-HERE, the SEIU raided or intervened in the internal affairs of at least seven unions between 2002 and 2009.⁵⁰ By far the most spectacular and successful was the raid on UNITE-HERE itself. UNITE-HERE was the result of a merger in 2004, which apparently never really worked and the two top leaders soon fell out. Stern smelled blood and intervened, inviting both sides to join SEIU, but in fact, courted Bruce Raynor of the UNITE side of the rift while setting up a front group, Workers United, to absorb as many UNITE members as possible. A jump in SEIU members of about 60,000 in 2010 indicates about how many former UNITE members went to the SEIU.⁵¹

This outrageous raid brought verbal attacks from some 29 union leaders and saw both UNITE-HERE and the LIUNA eventually return to the AFL-CIO. The last major battle of the civil war was Stern’s attempt to take away some 65,000 home care workers from the SEIU’s giant United Healthcare West local, whose leader, Sol Roselli, had been a vocal critic of Stern’s ‘growth at any cost’ policies. Facing trusteeship, another major Stern weapon, UHW members left the SEIU and formed the National Union of Healthcare Workers (NUHW). After two failed attempts to beat the combined opposition of the SEIU and Kaiser Permanente hospital management for its big bargaining unit, NUHW affiliated with the California Nurses Association. In 2010, Andy Stern retired as president of the SEIU and the civil war came to an end. So did the rapid growth of the SEIU,

which saw its active membership fall slightly from 1,880,676 in 2010 to 1,831,998 in 2013. As UNITE-HERE left CTW in 2009 and the LIUNA following in 2010, CTW's membership dropped from 4,915,792 in 2009 to 4,253,617 in 2013.⁵²

The 'organizing model' pioneered by the SEIU in the late 1980s and early 1990s appears to have become a routinized formula that no longer brings major gains, judging by the SEIU's stagnation since 2009. Employer neutrality card-check agreements, sometimes achieved by 'bargaining to organize' or 'concession organizing' (promising employers 'competitive' conditions if they remain neutral), have become harder to win or enforce as capital stiffens its resistance. It requires a great deal of time and resources to get the neutrality agreement. The result in the case of the SEIU, which used these agreements frequently, was that it took it '10 years to make a net gain of 600,000 members at a cost of \$1 billion', as Janice Fine has noted; so that to 'reach the same goal in health care it would take upwards of thirty years at a cost of three billion'.⁵³ As Dorothy Benz warned, 'To evaluate the bargaining-to-organize strategy, we have to look at the process it takes to get to neutrality or card-check agreements as well as the results from such agreements'.⁵⁴ The major culprits may well be the employers and the broken system of union recognition under the National Labour Relations Board, but with the defeat of the Employee Fair Choice Act, it is highly unlikely that neutrality card-check agreements are a way around these barriers for very many.

Mergers, another panacea of the Sweeny era, were to make unions larger with more resources to organize or sustain strikes. It did not seem to matter whether the union merged with or absorbed another in the same industry or occupation. So, of the 42 union mergers in the 1990s 25 were multi-jurisdictional, while nine of the ten mergers from 2000 to 2005 had no jurisdictional or economic logic. Yet with the partial exception of the SEIU in membership growth, the five 'conglomerate unions' (SEIU, USWA, CWA, UFCW and IBT) that aggressively merged over these 15 years do not show any more growth or superior bargaining results in the private sector than those that merged less. All that can really be said for this 'strategy' is that it slowed the decline of those in industries losing jobs.⁵⁵

The strike, which if used strategically might reverse some these trends, has continued to decline in frequency. As a mass phenomenon, strikes long ago fell into disuse. But the trend worsened in recent years as the incidence of strikes dropped from 394 a year in the second half of the 1990s, falling to 333 from 2000 through 2005, and then to 170 from 2006 through 2013.⁵⁶ The decline of the strike is not just a matter of caution by union leaders. Since

the early 1980s employers have been increasingly willing to take advantage of the 1938 *Mackay Radio* case in which the Supreme Court found the use of *permanent* replacement workers during 'economic' strikes legal.⁵⁷ While the incidence of this is still relatively small, it has been on the increase. A survey conducted for the Federal Mediation and Conciliation Service (FMCS) found that while employers threatened to use replacements in 14 per cent of disputes in 1996, by 2003 they were doing this in 18 per cent of cases. The actual deployment of permanent replacements was much less, but still rising from 1 per cent of disputes to 3 per cent by 2003.⁵⁸

Permanent replacements were used to defeat unions in high profile strikes in the 1990s, such as those at Caterpillar, Bridgestone/Firestone, A.E. Staley and the Detroit newspapers. This no doubt had an impact on how both leaders and members assess the wisdom of striking. But most strikers do not face permanent replacements. In some cases, notably the 20 or so local strikes at General Motors in the 1990s and the 1997 UPS strike, the use of any kind of scabs was not practical due to the size of the workforce and the mixture of skills required for production. In others, notably the 1989 United Mine Workers' strike against Pittston, constant mass mobilization, civil disobedience and a workplace occupation carried the day for labour. The cost of strikes has become negligible for capital. Any strategy for reviving the unions needs to increase this cost by going beyond the postwar conventional strike and the symbolic corporate campaign.⁵⁹

IS THERE A FUTURE FOR ORGANIZED LABOUR IN THE US?

From this somewhat gloomy picture, it is all too easy to conclude that the days of the unions are numbered. For this to be the case, it requires more than bad news. It would require that class conflict either diminishes to the point of disappearance or that capital triumphs once and for all. We reject such a conclusion not only on the grounds of theory, but also of history. Class struggle is not a constant quantity, nor has its trajectory ever been one of incremental ascent. While we will not attempt to predict another upheaval any time soon, there are always signs of underlying class conflict.

First, there are the struggles which point to new tactics, even though they were not generally adopted across the labour movement nor even bringing lasting victories at the time. The occupation of the Republic Doors and Windows plant in Chicago in December 2008 is such an example. This struggle began four years before the occupation when the workers at Republic took matters into their own hands and threw out the corrupt Central State Joint Board, an independent teamster-type union, and brought in the independent but feisty United Electrical Workers in November 2004.

On 1 May 2005, many of Republic's 250 mostly Latino workers joined the massive 'Day Without Immigrants' demonstration-*cum*-strike, along with five million other immigrant workers. Then, when Republic management announced they were closing the plant without the required 60-day notice, the workers occupied the plant with the backing of the UE. This was illegal, but with support from many other unions and workers, and the local Latino community, the police did not even attempt to clear the plant.⁶⁰ The tactic did not spread as it had in 1937, but the process that led to it was not entirely unique: a rank-and-file rebellion that throws out a useless union, or more often union leadership, establishes a democratic organization, participates in the broad movement and is emboldened to try something new is a well-worn pattern.

Another tactic worthy of emulation was launched by the seasoned West Coast Longshore workers in the International Longshore and Warehouse Workers Union (ILWU). In July 2011, hundreds of ILWU Local 21 members blocked a train serving a new grain export facility on the Columbia River in Longview, Washington owned by EGT Development, which planned to run it non-union. For months the fight continued with invasions of EGT property – showing a healthy lack of respect for capitalist property – and mass demonstrations. Unfortunately, the ILWU international leadership physically disrupted meetings between West Coast Occupy activists and ILWU 21 and called off a final confrontation with a grain ship that might have involved the Coast Guard. While EGT was finally forced to recognize the ILWU, the contract did not include many of the features of ILWU master contract – a union-controlled hiring hall and Master Panel (arbitration board), and the right to hot-cargo goods and honour other union's picket lines.⁶¹

Perhaps the biggest example of new tactics used in the exercise of working-class power in recent years was the uprising of public sector workers in Wisconsin in response to Governor Walker's attempt to deprive them of collective bargaining rights. On 16 February 2011, 30,000 public sector workers and their supporters marched on the state capitol in Madison, some of them occupying the Capitol's rotunda. They had come to stop the passing of Walker's bill to end public sector collective bargaining. The protest did not end there. The occupation and weekend mass rallies numbering as many as 100,000 continued into the spring. There was even some talk of a general strike. Much of the turnout was from groups of union members who took the initiative on their own. In the end the mobilization was diverted into a dead-end electoral 'recall' campaign, and it was unable to stop the union-busting legislation. However, the mobilization of so many for so long presented one more picture of what labour can do.⁶²

But most important as an indicator of union revival, going beyond the above singular incidents, was the 2010 victory of a genuine rank-and-file movement in the 30,000-member Chicago Teachers Union (CTU), the third largest local in the American Federation of Teachers (AFT). This movement, formed in 2008, calling itself the Caucus of Rank and File Educators (CORE) began preparing for what they knew would be a difficult fight to stop teacher layoffs, bigger classrooms and longer hours. Using one-on-one organizing they prepared the membership for what turned out to be a week-long strike in 2012 that took on Mayor Rahm Emanuel and won some important gains. Illinois law requires a 75 per cent vote of all members for a public sector union to strike; CORE produced a 90 per cent vote in favour.⁶³ This was a testament to what serious grassroots organizing *within* a union can produce.

Working-class resistances in even the worst of times are demonstrated by not only the victories at Republic Windows and Doors and the Chicago teachers' strike, but even the defeats of the Wisconsin uprising and the Longview struggle. However, whether these struggles end in victory or defeat is not random. The existence of a layer of experienced and sophisticated activists and leaders, who often learned important lessons confronting bureaucratic business unionists, was crucial to the ability of the Republic workers to carry out their successful sit-in and to the Chicago teachers' success in confronting the Obama-Emmanuel-Duncan neoliberal educational agenda. The absence of such a 'militant minority' allowed the labour officials to derail the mass mobilization and discussions of strike action in Wisconsin into the dead-end of Democratic electoral politics. Similarly, the absence of such a layer of organized activists in the ILWU permitted the leadership to physically disrupt the promising alliance between Occupy and the militant Longview local.

This victory in Chicago may be part of a trend in which incumbent, often entrenched, leaders who have failed to resist employer aggression or even to fight at all are being replaced by those more willing to fight and deploy mobilization tactics and direct action. This is a recurring phenomenon in US labour politics that sometimes comes in a wave of union reform and revitalization efforts from below. For example, in 2010, a rank-and-file slate of reformers beat incumbents in Teamster Local 804, the 7,000-member UPS-based local once led by Ron Carey. Aided by the Teamsters for a Democratic Union, these militants did not start with an election campaign, but with movement to defeat a contract offer that would have given up their hard-won 25 years-and-out pension.⁶⁴ In 2012, members of the 53,000-member Public Employees Federation in New York State voted out

the incumbents, and the Proud Union caucus won following the rejection of a settlement backed by the old guard. After winning, the newly elected leaders set out to rebuild weak parts of the union and activate the members.⁶⁵ Other successful local-level rebellions in the last few years include reform victories in Teamster Local 743 in Chicago; Communications Workers of America Local 1101 in New York; the New York District Council of Carpenters; the 35,000-member New York State Nurses Association; the 20,000-member SEIU Local 1021 in Northern California; and the 5,200-member Teamster Local 251 in Rhode Island covering hospital, UPS and other workers.⁶⁶

Not all rank-and-file organizations or networks run for union office. A caucus that began in Local 501 of the International Union of Operating Engineers (IUOE) in southern California has turned into a national network fighting for union democracy. It calls itself ‘The Resistance’, ‘the men and women willing to fight’.⁶⁷ Another national rank-and-file organization spans the various unions that organize railroad workers. Railroad Workers United (RWU) and its publication *The Highball*, work for greater unity, democracy and militancy among rail workers in all crafts, unions and carriers. Major RWU campaigns include the fight against ‘inward facing camera’ surveillance and single-employee train crews.⁶⁸ As we will see, this organization could play a key role in the further unionization of the integrated logistics industry.

On an even larger scale, rebel movements have arisen in two national unions. In the face of mounting attacks on postal workers and services, in October 2013 the ‘Members First’ slate beat the incumbents of the 190,000-member American Postal Workers Union. The new leaders plan to activate the membership in a fight to stop the retreat on conditions and to build a movement to prevent the privatization of the Postal Service by Congress.⁶⁹ For the first time in half a century the International Association of Machinists is facing a similar revolt. The ‘IAM Reform’ slate appeared to be focused on reforming internal union practices (Lear jets, huge salaries, top heavy with officers). It began by successfully challenging an uncontested election in 2013, as a result of which the Labor Department ordered a new contested election. A concessionary contract at Boeing negotiated by the old leadership, however, has moved IAM Reform to deal with a broader range of issues. A caucus in District 751, covering Boeing workers, called ‘Rosie’s Machinists’ has pushed matters in this direction.⁷⁰ Whether these reform movements are strong enough or politically farsighted enough to achieve real change remains to be seen. They nevertheless reveal the deep-seated anger of workers after three decades of attacks on living standards and working conditions, and offer one important channel for reviving not only the unions, but traditions of militancy and mobilization that can lead to

renewed growth among working-class organizations.

The nation's private 'community' hospitals have become the site of growing, aggressive unionism. The underlying reason is the transformation of this one-time service into a profit-making industry and the adoption of lean production techniques. Union membership in hospitals grew from 689,416 in 2000 to a high of 951,000 in 2008, fell to 856,300 in 2012 and rose again to 894,994 in 2013.⁷¹ Thus, while there were ups and downs, showing that healthcare is not recession-proof, the long-term trend is upward. A major problem is that there are about a dozen unions competing for different pieces of the workforce. By far the largest, however, are the SEIU which claims about 400,000 hospital workers, the National Nurses United (NNU) formed in 2009 with 154,339 dues-paying members in 2013, the American Federation of Teachers and the National Federation of Nurses, both claiming 70,000 members. In addition, there are state nurses' associations, some still affiliated with the American Nurses Association. Several other unions with smaller numbers of hospital workers, including the now CNA-affiliated National Union of Healthcare Workers (NUHW), also claim members in the hospitals.⁷²

The militancy of hospital workers, especially nurses, was highlighted by the month-long strike by 1,000 nurses and 500 technicians who are members of the Pennsylvania Association of Staff Nurses and Allied Professionals (PASNAP) at the Temple University Hospital in Philadelphia in 2010. Indeed, in 2009 and 2010 there were 30 strike threats and 10 actual strikes involved in the nearly 100 labour contracts negotiated in those years with hospitals. Three were called by the SEIU, but seven of these were by nurses' unions, including PASNAP, but mostly by affiliates of the NNU. Frequently, the issues involved in these disputes are about patient care, issues such as nurse-patient ratios or limits on 'floating' (shifting nurses around).⁷³ At the same time, nurses are organizing. The ever-aggressive California Nurses Association grew from 65,665 dues-paying members in 2008 to 90,443 in 2013. The National Nurses United claims to have organized 14,000 nurses in 38 hospitals between its founding in 2009 and the end of 2012.⁷⁴ The SEIU and other unions also continue to organize and the growth of unionism in this growing industry seems irreversible.

Another major industry that bears watching is logistics. In transportation and warehousing, the heart of logistics, there were over 900,000 union members in 2013 out of a workforce of 3.9 million production and nonsupervisory workers, a higher than average density of 23 per cent. While this figure was down from a decade ago, it has risen since the end of the recession. Most of this is in transportation where many unions, 13 among

railroad workers alone, have members. Various mergers have reduced this somewhat, with the railroad engineers and trainmen, for example, now in the Teamsters. The Railroad Workers United, along with the Teamsters for a Democratic Union, can play an important role in bringing these workers together.

The warehouse workers, who are among the lowest paid, on the other hand, are far less unionized. But in many ways the warehouse workers may prove to be the most dynamic element as they fight for organization. These warehouse workers represent not only key nodes in the logistics system, but a powerful link to the Big Box retailers, Wal-Mart in particular. Warehouse workers in three of the major warehouse centres that service Walmart have begun to organize along both informal and 'pre-union' lines in the three major concentrations described above. Inland from Los Angeles, Warehouse Workers United (WWU) has begun to organize among the 100,000 warehouse workers in that area. WWU is backed by Change To Win and linked to the United Food and Commercial Workers' OUR Walmart organization of Walmart retail workers. Outside of Chicago, where 150,000 warehouse workers are concentrated, the United Electrical Workers is backing a similar organization called Warehouse Workers for Justice (WWJ). In New Jersey a workers' centre calling itself New Labor has set up warehouse workers *consejos*, or workers' councils, in three cities. What is particularly significant in all three cases is that many of these workers work for temporary or workforce agencies rather than Walmart, but are part of Walmart's supply chain. Though the goal is unionization, they are avoiding the traditional route to organization for now in the hopes of mobilizing something like a movement that can impact Walmart as a whole. In Illinois and California, warehouse workers struck in 2012 even though they are not yet unionized, as did thousands of Wal-Mart workers in November 2013. Most of these workers are black and Latino, many are women and immigrants, all groups that are generally more union-prone.⁷⁵

Finally, there is the South, in many ways the key to the future of unionism in the US. The AFL-CIO passed a resolution 'to develop a Southern organizing strategy' at its 2013 convention. Whether this becomes a reality or just another unfulfilled promise remains to be seen. The UAW's defeat at VW in Tennessee in early 2014 revealed how easily the 'neutrality' agreement was circumvented by the anti-union campaign conducted by Republican politicians and even by supervisors and salaried employees who simply ignored the agreement and openly opposed the union. It also showed the weaknesses in the UAW's 'cooperative', non-confrontational approach and the negative impact of its two-tier contracts with the Big

Three automakers.⁷⁶ If the South is to be organized a different approach will be needed.

In a positive development that shows some hope in this regard, union leaders and activists in North Carolina met in February 2014 to discuss just what southern workers are up against and how to build a movement that can confront these barriers and bring unionism to the South. It showed a unique spirit of unity including representatives from the AFL-CIO, the independent United Electrical Workers, the Farm Labor Organizing Committee, UFCW meatpackers from Smithfield Foods and pre-union fast food workers from 'NC Rising Up'. There was emphasis on building broad support for unionism and on direct action. The South today is a different place than in the 1940s when the CIO launched its 'Operation Dixie'. Due to Latino immigration as well as changing patterns of migration within the US, and especially African Americans moving south, the workforce in much of the region is more inclined to join unions if there is widespread support and the likelihood of victory.⁷⁷ Racism remains a barrier, but is now even more complicated with both immigrants and African Americans as targets. Hopefully, the AFL-CIO will follow through on their resolution and that its strategy will build on the experience of activists like those who attended the North Carolina meeting.

A major challenge for both leaders and activists across the labour movement in the US, however, is the crisis of the National Labour Relations Board framework. As Joe Burns has pointed out in his provocative *Reviving the Strike*, the labour movement's reliance on the NLRB framework for regulating collective bargaining required abandoning the type of massive, disruptive and often *illegal* tactics – sit-downs, secondary boycotts, solidarity strikes – that built industrial unionism and working-class power in the 1930s.⁷⁸ Since the mid-1950s, US labour law has stymied new organizing in the private sector, in particular in the South, the centre of US industry. There is a desperate need today for a strategic vision that transcends the NLRB framework, both in terms of new organizing and ongoing bargaining. While the goals of exclusive union recognition and the reestablishment (or establishment in some industries) of industry-wide bargaining remain central to any labour revival, they will not be established through the NLRB. Successful organizing will require going around the framework of NLRB supervised elections and return to the building of (initially non-majority) workplace union organizations that built the industrial unions in the 1930s. Winning recognition and making gains in bargaining will also have to violate the 'management rights' that the NLRB is pledged to maintain and a new willingness to break the law on the part of US labour.

The good news is that more and more union activists and those seeking union organization appear to be shaping up into a new layer of grassroots working-class leaders. They show up not only in the rank-and-file movements, but in the new organizing efforts as well. Such new leaders were certainly among the fast food workers who struck for a day in 100 cities across the country in early 2014 with some backing from the SEIU.⁷⁹ Some of these newer activists come to the local ‘Troublemakers Schools’ and the semi-annual conferences sponsored by *Labor Notes* – ‘the media and organizing project that has been the voice of union activists who want to put the movement back in the labor movement since 1979’.⁸⁰ Its April 2014 conference was the largest yet, attended by 2000 labour activists. No doubt, this is as yet a small ‘militant minority’, but it is one that is willing to challenge the failed old ways of American business unionism, both in terms of demanding greater union democracy, increased workplace power and organization, and a willingness to use mobilizing, direct action tactics. Even though as yet small, such a layer has always been crucial to the building of working-class organizations and to periods of social upheaval.

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