

CHAPTER 2

DISTINGUISHED SPEAKER: ORGANIZING FOR OUR
FUTURE—WE ARE ALL STRAWBERRY WORKERS

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Thank you, George, for that kind introduction and thanks to all of you for that warm welcome. I am delighted to be with you on this historic occasion, your 50th anniversary, here in Chicago where this hugely important organization was founded. I can think of no profession that has contributed more to the betterment of working families and their unions, and, on behalf of the AFL-CIO and the 13 million members of 78 unions that I am privileged to represent, I commend the Academy and its leaders for preserving the standards and the process we depend upon so heavily.

I also want to commend your terrific president, George Nicolau, for all he has done and continues to do, for working Americans and for your profession. I was not able to be here for your opening address yesterday, George, but I did receive a partial copy of your remarks, and I will be referring to some of them as I make mine. I especially appreciate your comments about “[s]peaking up for collective bargaining and speaking against those who would deny or curtail that fundamental right” because not only is arbitration under attack, our entire framework of collective bargaining is under relentless assault.

The insidious nature of that assault was brought home to me last month when I accepted, then decided to turn down, an invitation to speak at an “Alternative Dispute Resolution Superconference” in Washington. On closer inspection it turned out that the purpose of the conference was not to foster arbitration as we have known it, but rather to instruct employers on the enormous cost savings they can achieve by imposing mandatory arbitration schemes on their employees.

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The labor movement, of course, is a proponent of arbitration—but only of voluntary arbitration and only of arbitration that is functioning within its proper sphere. The vast majority of so-called “alternative dispute resolution” schemes are imposed by employers on unorganized workers who have no real choice in the matter. It is, therefore, one thing for workers, who are dealing with their employer on an equal basis through their union, to agree to arbitration, and quite another for isolated, helpless individuals to be forced to accept arbitration on the pain of losing their job.

It is also open to question as to whether arbitration—which has worked so well when parties to a contract resolve their private disputes under a system to which they have mutually agreed—should be extended to the area of public rights. Courts and administrative agencies—public forums created by law—are better suited to the task of interpreting and enforcing the public law. Thus, we have serious questions about whether or not, even in a unionized setting, it is appropriate to establish private arbitration as the exclusive means for enforcing an individual’s public rights, such as the right to be free of invidious discrimination.

This is not to say that individual workers should not be allowed to settle present claims against their employers by voluntarily agreeing to arbitration. Nevertheless, I emphasize that such arbitration is only proper when it is truly voluntary, which means not only that workers must freely enter into the agreement to arbitrate, but that they must understand precisely what claim will be arbitrated. In other words, blanket waivers of the right to go to court over future claims are, in our view, improper.

It should go without saying that any arbitration proceeding must accord the parties basic due process. Unfortunately, it often does not go without saying. And I, therefore, commend all of you, including your illustrious past president Arnold Zack, who worked on the Due Process Protocol which defines elements of basic due process in this context. We wish that the Protocol had gone further to establish criteria for entering into arbitration agreements, but we applaud that effort nonetheless.

I would also like to commend the many arbitrators who have taken to heart the points just made and have acted in accord with the highest ethical standards by refusing to lend their authority and prestige to any so-called “arbitration” that is not the result of truly voluntary agreement between parties dealing from equal strength and that will not be conducted in a manner that is fair to all parties.

It is, indeed, unfortunate that not all arbitrators have lived up to those standards. The derelictions of those who are willing to dignify unfair, coercive proceedings by sitting for them have besmirched the entire profession.

Now let me turn to what the AFL-CIO is doing to counteract the assault on collective bargaining in our country. Last month, I visited three cities in three countries (in less than 10 days), and I would like to use some reflections from that trip to illustrate my message to you today.

My first stop was Tokyo, Japan, where I met with officials of the New Otani Hotel chain to attempt to convince them to stop breaking our labor laws and to respect the right of employees at their hotel in Los Angeles to join a labor union. I did not get very far, but I was very well received by our sisters and brothers in the Japanese labor movement, who are very worried about something they have never had to deal with before, and that is the deep recession in their typically very orderly economy.

After Tokyo, I stopped in Hong Kong for a trade conference. It was interesting to talk with labor leaders and workers there about having to deal with something they have never dealt with before, and that is an authoritarian Communist government taking control of their very disorderly, but very dynamic, economy.

Then, I made my third stop, in a city where the workers are trying to deal with the same things they have dealt with for decades—10- and 12-hour days on their knees for wages below the poverty level, unsanitary and unsafe working conditions, no health care for their children, sexual harassment and discrimination on the job, and no time or energy left for their families when they get home at night. Three times the workers in this city have organized unions at big employers. Three times those employers destroyed their businesses rather than honor the workers' God-given rights to freedom of speech and freedom of association.

No, it wasn't a city in India or Africa or Burma. It was a city right here in the United States—Watsonville, California. I was there with the Reverend Jesse Jackson to lead a rally and a march on behalf of the strawberry workers. When it came my time to speak, I took the podium and looked out over a sea of 30,000 faces and found myself looking straight into a human portrait of everything that is going right, and everything that is going wrong in our country.

Let me tell you what I saw. I saw a slender, nine-year-old girl with a radiant smile, standing tall beside her mom and dad, holding a handmade sign over her head. The sign said, "We didn't cross the

border; the border crossed us." I saw men and women from dozens of different countries and nationalities, old and young, white and black, African-American, Asian Pacific-American, and Latino, union members and their allies from 30 different unions from 40 states—steelworkers and stevedores, carpenters and communications workers, teachers and teamsters—standing shoulder to shoulder with some of the most abused and long-suffering workers in America.

As we marched through the streets of the city, I saw, high in the hills around us, the magnificent homes of the strawberry growers—CEOs who, just like most CEOs in our country, have seen their profits go up 64 percent and their own compensation grow 400 percent over the past 20 years. I was also able to look right into the living rooms of the small bungalows where the strawberry workers live, two and three families, 10 and 12 people, to a house—workers who, just like all other workers in our country, have seen their real family incomes go down 12 percent over the past 20 years.

The workers and their families came out of their homes and lined the street. You could feel their fear as well as the excitement. When we finished the march we had a giant rally. It was our AFL-CIO Secretary-Treasurer, Rich Trumka, who stole the day, as he often does, when he said: "Whether we are coal miners or carpenters, or truck drivers or technicians, or machinists or brick masons, or newspaper workers from Detroit or from Watsonville, we are together, this weekend and every week, for as long as it takes, because we are all strawberry workers!"

Indeed, in our country today, all workers are strawberry workers. Not just because nobody is immune to downsizing, runaway plants, and employers who go out of business rather than recognize a union, but because no longer are workers guaranteed the right to form or join a union and collectively bargain to better their lives and to protect themselves from the vagaries of our new global, "winner-take-all" economy.

At our AFL-CIO Executive Council meeting in Los Angeles in February, we confronted the media and Vice President Gore with six workers from six different parts of the country who shared the common tragedy of having their hopes and dreams of belonging to a union shattered by employers who no longer maintain even the pretense of obeying federal labor laws.

Mike Boudreaux is a sheet metal worker at the Avondale shipyard in New Orleans. When he and 4,000 co-workers started organizing in 1992, Avondale committed 400 violations of federal labor laws attempting to stop them. Four years later, the ballots

were opened, and the union was declared the winner. The company, however, brags about its refusal to bargain, and the 400 unfair labor practices still go unpunished. This injustice is compounded by the fact that most of the shipyard's revenues come from contracts with the U.S. Navy. Our taxpayer dollars have been used to pay the antiunion lawyers who have been pounding on the workers!

Another story: three years ago, Elisa Lopez, a single mother in San Francisco, and 235 other Latina workers at Sprint telemarketing were just eight days away from a union victory when their boss simply threw the workers in the street and closed the doors.

Julia Lopez had worked for 16 years at wages below \$6 an hour as a janitor at the University of Southern California (USC) so she could send her daughters to USC under her free tuition benefit. Then USC decided to deunionize by "outsourcing," and now USC says the contractor's illegal acts are not the responsibility of the university.

Margaret Jane Turney is a cocktail server at the Santa Fe Hotel in Las Vegas. She and her co-workers voted to go union in a National Labor Relations Board (NLRB) election in 1993. The hotel refused to bargain and punishes the workers daily for their union fervor.

Cathy Sharp, another single mother, is a nurse from San Diego. She and 2,500 colleagues at Sharp Hospital System decided they needed some job protection when their nonprofit hospital announced a joint venture with Columbia/HCA. They voted for union representation in June 1996. The hospital, however, just refused to bargain—until we turned up the heat on them while we were in California and forced them to the bargaining table.

I recount these stories because Mike and Elisa and Julia and Margaret Jane and Cathy are symbolic of millions of workers in this country who are having their right to organize violated every day. The truth is that you lose all your rights when you attempt to join or form a union. No freedom of assembly: if you assemble, you get fired. No freedom of speech: if you speak up or out, you get fired.

If you are a strawberry worker and you start talking union, the growers' goons single you out for a little "education." If you are a factory worker in a sweatshop or a Haitian worker in a nursing home and you try to organize, the employer calls in the Immigration and Naturalization Service for a friendly "visit."

If you are a janitor, your supervisor loads you up with work like a donkey, or whacks you around with a golf club, just like one did

a couple of years ago in Washington, D.C. If you march in protest, the cops beat you with their billy sticks, just like they did at Century City five years ago, and just like they tried to do to Julia Lopez in Los Angeles right after our Executive Council meeting.

If you work a little higher up the job chain, like Mike Boudreaux, the retaliation for organizing is only a little more subtle. You get yanked off the job repeatedly and taken into a closed room for one-on-one “sweat sessions” with your supervisor, who tells you the plant will be closed if you vote union.

If you persist in supporting the union, you are harassed, threatened, and intimidated. If you become really effective, you get fired, just like 10,000 union activists do every year.

I see it everywhere I travel! Our problem: America needs a raise, and not just in family incomes, but in hope for the future, in respect for workers and the jobs they do, and for the laws that guarantee workers the right to organize and collectively bargain. And we know that the solution is a bigger, stronger labor movement, one that speaks for and delivers for working families all over this country, one that restores the right to organize and the right to bargain. That’s why we have launched a national organizing campaign to rebuild our membership and rekindle our movement.

We began the campaign by creating the first organizing department in the history of the AFL-CIO, by pledging to spend a third of the AFL-CIO budget on organizing and to encourage our affiliates and their local unions to do likewise. Last June, we kicked off our first “Union Summer” program. After being deluged with applications, we put 1,500 young workers and college students in the field. They had the time of their lives as they helped inject new energy and new enthusiasm into organizing campaigns all across the country.

Now we are well on our way to becoming an organizing movement from top to bottom. We are helping local unions shift resources into organizing, to get the tools they need to hire and train organizers, develop strategic plans, and involve their members as never before. We are tripling the size of our Organizing Institute so we can recruit and train more young people for careers in organizing. We are repeating “Union Summer” and adding on to it with “Senior Summer.”

We are also taking on entire industries and entire geographic areas. One such effort is the strawberry workers campaign where we are determined to bring the benefits of union representation to 20,000 women and men without the dubious benefit of NLRB elections.

Other groundbreaking efforts are underway in Las Vegas, where the Building Trades Department stepped forward and put together a joint campaign by 15 construction unions and where the Service Employees and the Culinary Workers are stepping up their campaigns to organize hospital workers as well as casino and hotel workers.

Our “Working Women Organize” project is helping to bring women into the mainstream of the labor movement. Our “Union Cities” program is drawing our Central Labor Councils together in a common effort to rebuild our movement community-by-community. We are forming a new solidarity and rapid response team to “go to bat” for workers involved in organizing and first-contract campaigns and to counteract the activities of union-busters and antiunion employers.

To lay the groundwork for eventual labor law reform, we are reaching out to elected officials and public bodies at every level and showing them firsthand why workers need unions and what happens to them when they try to organize. We are taking our “right to organize” case to the public, explaining to voters how employers are violating our labor laws with impunity and violating the rights of workers with abandon.

But we are not waiting on labor law reform. We are going to make the right to organize the civil rights issue of the 1990s, and that is where we need your help. That is why I appreciate the comments of George Nicolau when he said, “Our stake in the vitality of the labor movement means that we have to do our part to arrest and reverse the decline of the organized work force.”

That is the same thing I say in reaching out to our allies in the women’s and civil rights movements, and to students and academics, and to lawyers and mediators and arbitrators. And the message is this: with a little help from our friends, we can change the way we do organizing; we can change the law.

When I look out into this crowd, I see the same things I saw when I looked out on that crowd in Watsonville. I see the future for American working families, a future that will be guaranteed by a revitalized American labor movement. I see men and women who realize that in our new, global, winner-take-all economy, it does not matter whether you wear a blue collar or a white collar or a new collar or no collar—in the eyes of your boss as well as in the eyes of your banker, we are all strawberry workers.

Here is the truth: the working men and women of this nation need the extra strength and support you in this room can provide.

Those men and women picking crops in California and those construction workers in Las Vegas need your support. Mike and Elisa and Julia and Margaret Jane and Cathy need your strength and your solidarity and your commitment.

With your support, we can win organizing campaigns, even without the support of labor laws. And with your commitment, we can change those laws. That is the way we deal with the attacks on our arbitration system and that is the way we defend collective bargaining—by making it everybody's business and by working together to bring the rights and respect that come with a union contract to our brothers and sisters who are suffering. All of us together! Organizing for our future! Fighting for our families! All of us together!

Thank you and Godspeed.