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What Does the Future Hold for U.S. Unionism?

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Résumé de l'article

Au cours des deux dernières décennies, le taux de syndicalisation dans le secteur prive aux États-Unis s'est effondré si rapidement qu'aujourd'hui, on peut presque parler d'un « syndicalisme de ghetto » limite à quelques groupes particuliers. Pour discuter de la question de l'avenir du syndicalisme américain, il faut d'abord revoir les causes de son déclin. Quatre scénarios de changements possibles seront ensuite considérés. La baisse de la densité syndicale aux États-Unis est principalement attribuable à l'opposition patronale et aux réactions syndicales qu'elle a provoquées dans le cadre des institutions et des lois américaines du travail. Les transformations structurelles survenues dans l'économie américaine, les changements dans l'opinion publique face aux syndicats, le manque d'intérêt des travailleurs envers la syndicalisation et le recours par l'État à une politique plus élaboré de normes du travail (ayant pour effet de se substituer au syndicalisme) sont des justifications qui ne résistent pas à l'analyse. On notera d'ailleurs qu'historiquement le nombre de syndiques a évolué selon un modèle plutôt asymétrique, caractérise par de courtes périodes de gains appréciables et inattendus suivies par des pertes, en d'autres périodes.

Le premier scénario relatif aux changements possibles du syndicalisme dans le futur repose sur l'hypothèse que les tendances observées actuellement vont se poursuivre. En utilisant un modèle simple de croissance de la densité syndicale, les calculs révèlent que le taux de syndicalisation dans le secteur privé américain ne dépasserait pas 5 %.

Le second scénario postule que les syndicats parviendront à mettre un frein au mouvement de décroissance, en recourant à un ensemble de tactiques nouvelles ou plus efficaces, soit : une plus grande place faite aux membres honoraires, hors du cadre traditionnel de l'unité d'accréditation; une plus grande coopération avec la direction; une plus grande implication des syndicats aux niveaux local et communautaire; des campagnes plus agressives auprès des entités corporatives et l'utilisation variée des fonds de pension. Dans ce cas, le taux projette de densité syndicale dans le secteur prive serait de l'ordre de 10 %.

Le troisième scénario va plus loin et envisage certaines modifications aux lois américaines du travail susceptibles d'améliorer la situation des syndicats. Une reforme législative permettant aux syndicats de connaitre, lors des tentatives d'accréditation, autant de succès qu'au cours des années 1960 impliquerait des changements prosyndicaux très improbables au droit du travail américain, sans parvenir à ramener la densité syndicale à son niveau antérieur ni même à la stabiliser à son niveau actuel. En effet, afin de maintenir le niveau actuel de densité syndicale, les syndicats doivent recruter et organiser annuellement entre 0.5 % et 0.8 % de la main-d'œuvre, des pourcentages de loin supérieurs au taux actuel de 0.1 %. Trois changements législatifs pouvant recevoir l'assentiment des conservateurs et favoriser la syndicalisation sont proposés : l'abolition de la loi actuelle (NLRA), l'attribution aux États de la responsabilité en matière de droit du travail et l'adoption d'une loi nationale du type « Work Council ». Seul le dernier changement semble offrir suffisamment de possibilités pour favoriser un accroissement marque de la densité syndicale.

Quant au quatrième scénario, il postule une nouvelle pousse de la syndicalisation. Une telle poussée serait plus susceptible de se produire chez les cols blancs. De plus, elle nécessiterait des changements dans la signification de l'adhésion syndicale, dans le sens des suggestions qui se trouvent dans le rapport de la FAT-COI intitulé The Changing Situation of Workers and théier Unions. Elle s'accompagnerait probablement de la création d'une nouvelle centrale syndicale regroupant des syndicats de cols blancs et d'employés du secteur public avec des associations d'employés et de professionnels qui se sont traditionnellement tenus à l'écart du mouvement syndical. Bien que ces développements semblent peu probables (on ne décèle en fait aucun indice permettant de croire à l'existence possible d'une telle association, ou même à l'émergence d'une nouvelle centrale syndicale), ce dernier scénario semble pourtant le plus apte à assurer une poussée du syndicalisme, si elle devait se produire.

What Does the Future Hold for U.S. Unionism?

Richard B. Freeman

The author explores the reasons for the recent decline in U.S. private sector unionization and considers four possible scenarios of change in the future.

American trade unionism is slowly being limited in influence by changes which destroy the basis on which it is erected. [...] I see no reason to believe that American trade unionism will [...] become in the next decade a more potent social influence. (1932, Presidential Address of Harold Barnett to the American Economic Association).

Has the American community certain distinctive features among Western societies which may cause the American labor movement to reach a ceiling in the neighborhood of forty percent of total nonagricultural employees? [...] [Unions] have become increasingly accepted as a permanent part of the industrial scene [... (but they) ...] will be doing well, in the absence of a climactic period, to maintain their present relative proportion of nonagricultural employees in the period until 1975 (1958, John T. Dunlop).

It is impossible to bargain collectively with the government (1962, George Meany cited in Kramer).

As the above quotations indicate, predicting the future of unions in the U.S. is no easy task. Throughout American history unionism has developed along lines that controvert expert prognostications, growing when experts see no hope for unions, and declining when unions seem to have become an established part of the economic order. The reason for this is that unionism in the U.S. (and elsewhere) has grown in fits and spurts (Dunlop, Davis) "in brief climactic periods of depression, crises, or war" (Dunlop, 1958, p. 30) that are not predictable by standard marginal analysis or linear projections of past developments, while tending to decline in intervening years (which does differentiate the U.S. from many other countries). As Dunlop noted in his 1958 projections (which correctly forecast the downward drift in unionism in the 1960s but not the ensuing de-unionisation of the private sec-

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tor): "the distinctive influence of these climactic periods is a major indeterminateness and error term in all projections" (Dunlop, 1958, p. 30). While nonlinear analysis can model the dynamics of spurts in union growth, predicting their occurrence or amplitude lies beyond our tools and knowledge[1].

How, then, to address the question of concern, aside from hedging and equivocating?

My approach in this paper is to consider four "scenarios of change" that lay out a range of possible developments for the next two decades. I begin by reviewing briefly the current state of unionism and then examine scenarios of: continued decline in union density; slow development of associational unionism and improved organizing efficiency; labor law reforms that induce growth in blue collar unionism; a new growth spurt among white collar private sector workers.

Being no less gutsy, or foolhardy, than other industrial relations or labor economics "experts", I speculate on the possibility of the scenarios occurring. Given the track record of scholarly prognostications, I advise against betting your house or even old copies of *Industrial and Labor Relations Review* on my speculations.

THE DECLINE OF UNIONISM IN THE U.S.

The proportion of workers represented by unions in the U.S. has fallen greatly in the past several decades, at an accelerating rate. In 1950s nearly a third of workers in the country, and some 40% of private nonagricultural employees were union members. In the 1960s 30% or so of all workers and some 35% of private nonagricultural workers were union. By 1987 the figures had dropped to 17.5% for all workers and to 14% of private nonagricultural workers[2]. As can be seen in exhibit 1, the decline in the total density was due exclusively to the drop in the private sector, as traditionally unorganized public employees became extensively unionised in the 1970s and 1980s. Within the private sector, moreover, density fell in virtually every industry, region of the country, and occupational category (exhibit 2). At the 'margin' of new organization, the number of workers unionised through National Labor Relations Board (NLRB) representation elections

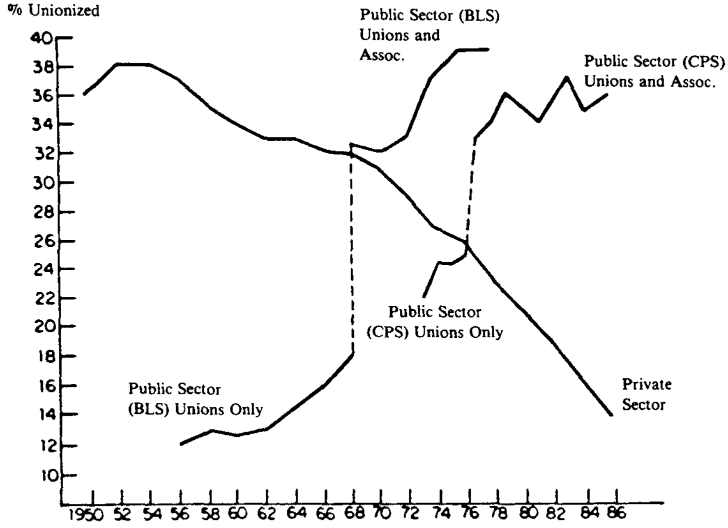
1 There is the possibility that, like the weather, spurts in union organization are virtually unpredictable, given dependence on slight changes in parameters or initial conditions.

2 These comparisons are based on data from two separate sources. The 1950s and 1960 data are from the Bureau of Labor Statistics surveys of unions, while the 1987 figures are from the Current Population Survey, as reported in BLS *Employment and Earnings*, Jan. 1988.

plummetted to a bare 100 000 or so workers annually in the 1980s — a drop in the bucket in a labor force of more than 100 million. Because about one-third of union victories do not produce first contracts (McDonald; Freeman and Kleiner), the gain in those covered by collective bargaining is even less, and insufficient to balance out the 'natural' depreciation of density due to the death of older union plants and the growth of the work force to maintain, much less increase, density. The NLRB mode of determining union representation, which had served unions well for decades, failed them in the 1970s and 1980.

Exhibit 1

Changing Percent of Non-Agricultural Workers Who Are Union, by Sector



Sources: Percentage of Workers in Unions and Associations in the Public Sector, (BLS) U.S. Department of Labor, 1979.
Percentage of Workers in Unions and Associations in the Public Sector, U.S. Bureau of Census, 1973-1974 (1982 not available).
Percentage of Workers in Unions In the Private Sector 1956-1982, Troy, Leo and Neil Sheflin, *Union Sourcebook*.
Private Sector 1984-86 from CPS, U.S. Dept. of Labor, *Employment and Earnings*, January 1985-87, Spliced with *Sourcebook* at 1983.

Exhibit 2

Percentage Of Wage and Salary Workers Who Are Members Of Unions, By Industry And Occupation 1980-1986

	% Organized	
	1980	1987
Industry		
Mining	32	18
Construction	31	21
Manufacturing	32	23
Transportation, communication, and public utilities	48	34
Trade	10	7
Service	9	6
Occupation		
Professional tech & kindred	23	18
Managers and administrators	8	7
Clerical and kindred	16	13
Sales	4	6
Craft and kindred	39	27
Operatives, except transport	40	31
Transport & equipment	45	31
Non-farm laborers	33	25
Service workers, except protective service[a]	13	10

[a]Protective service excluded because they are largely in the public sector.
Occupations based on 1980 titles with 1985 estimates for:
Professional, tech & kindred = professional Specialty + Tech and related support, weighted by employment;
Managers & administration = executive, administrator and managers;
Clerical & kindred = precision production, craft & repair;
Operatives, except transport = Machine operators, assemblers & inspectors;
Transport Equipment = transportation & material moving occupations;
Non-farm laborers = handlers, equipment cleaners, helpers & laborers
Source: U.S. Bureau of Labor Statistics, 1980 and 1987.

Why? What caused the NLRB election process to dry up as a source of organization? What underlies the precipitous fall in private sector density?

Among the factors that have been proposed as contributing to the fall are: structural shifts in the composition of employment among occupations, industries, demographic groups, and regions; a worsened public image of unions; government protective regulations that provide an alternative to unionism; a decline in worker desire for unions; virulent anti-union activity by management; sluggish union responses to new developments.

Extant evidence indicates that structural changes, public perception of unions, governmental regulations, and loss of worker desire for unions are not prime moving forces in the decline in unionisation[3].

The structural change hypothesis runs counter to three facts: the similarity of changes in the composition of the work force across developed countries (work forces everywhere became more white collar, female, and educated, and increasingly concentrated in service industries) without U.S. — style falls in density; declining density in all private sector industries and in all occupations in the U.S. (exhibit 2); and the rise of unionisation in the public sector, which shows the possibility of counteracting adverse compositional shifts by organizing traditionally nonunion workers. The drop in employment in steel, autos, and other centers of union strength devastated the union movement but does not explain the failure to branch out to new industries and groups of workers that differentiates the trend in density in the U.S. from that in Canada or most other developed countries.

The public image hypothesis (Lipset) cannot account for the decline in density during the 1970s and 1980s for several reasons. First, between 1972 and 1985, when density fell sharply, public approval of unions remained roughly stable at 55-59% rather than worsening. Second, opinion polls show unionism with as unfavorable a public image in some Western European countries as in the U.S. — without any decline in density. Third, and most devastating, 1980s opinion polls for the UK show increases in favorable attitudes toward unionism while density fell[4]!

The argument that unionism is declining because governmental regulations substitute for union protection of workers at work places (Neumann and Rissman) is inconsistent with: the strength of unionism in Scandinavia and other European countries with highly regulated markets; the decline of unionism when governmental protections loosened under Reagan in the US and under Thatcher in the UK; the desire for unions expressed by minority workers who enjoy legal protection under Civil Rights laws and who thus ought to be less interested in unionisation than other workers; the need for union or union-like agencies to monitor compliance with increased legal regulation at the shop floor.

Finally, surveys of worker desires for unions shows no decline in the proportion wanting to be represented during the 1970s and early 1980s when density fell rapidly. In both the 1973 *Quality of Employment Survey* and the

3 This section summarizes arguments given in Freeman, 1987 and 1988.

4 Polls reported by Heckscher (p. 258) show a 33% rate of confidence in unions in the U.S. compared to 26% in the UK, 32% in Italy, and 36% in France and Germany. The rise in favorable ratings of unions in the UK is documented in *Financial Times*.

1985 *Harris Survey* approximately one-third of nonunion workers expressed a desire for union representation[5]. Over the same period that density fell in the private sector, moreover, it increased in the public sector, highly unlikely if workers in general were turning away from unions.

My analysis and that of others (Farber, Dickens and Leonard, Goldfield) suggests that the major single cause for union decline is to be found on the other side of the ledger — in the behavior of management, which has conducted highly successful virulent campaigns against unions in organizing drives.

That management devotes considerable resources to defeating unions today is incontestable. Virtually every company faced with an NLRB election engages in a variety of actions to forestall unionisation: aggressive lawful efforts to persuade or pressure workers to reject unions; unfair labor practices that include firing union activists to frighten workers to reject unions; and adoption of 'positive labor relations' including company-created union work conditions such as seniority and grievance procedures to deter unionism. Indicative of the pervasiveness of the corporate anti-union campaign in 1983 45% of the relatively progressive companies in the Conference Board's Personnel Forum declared that their main labor goal was to operate 'union-free' — a far cry from the 1950s and 1960s when large companies accepted unions at the workplace. Underlying the growth of management opposition is the presumptively increased adverse effects of unionism on profitability in the 1970s, due to a higher union wage premium, growth of foreign competition, deregulation, etc.[6].

Has management opposition been effective? With the exception of Getman, Goldberg, and Herman (whose results have been reversed in a reanalysis by Dickens), all studies with which I am familiar show that management opposition adversely affects the chance of a union victory in an NLRB election. Econometric estimates suggest, moreover, that management opposition as indexed by unfair labor practices is the single most important factor in the drop in new organization (Freeman, 1986).

What about the union response to management anti-union activity? The facts here are: that union organizing activity has not kept pace with the growth of the work force, as fewer NLRB election drives have been held per year in the 1980s than in the 1960s; that organization has concentrated on existing areas of union strength rather than on growing sectors of the economy (Voos); and that special AFL-CIO efforts to organize new

5 Because these figures are from two separate surveys they are not strictly comparable.

6 Presumptively because the growing literature showing that unionism reduces profits does not explore if the profit effect increased in the 1970s.

workers, such as the 1980s Houston Project, have failed abysmally. With rare exception, moreover, union leaders have been slow to come to grips with the reality of decline, downplaying the fall in union density when absolute membership held steady, and arguing that membership would expand when the economy began to boom. Not until the Committee on the Evolution of Work report *The Changing Situation of Workers and their Unions* in 1975 did the top AFL-CIO leadership address seriously the moribund state of the union movement outside of the public sector.

The failure of union organizing to keep pace with the growth of the work force should not, however, be viewed entirely, or even largely, as an exogenous cause of the decline in unionism. To an economist at least it looks very much like rational optimizing behavior in response to the increased cost of winning an NLRB election: in many cases it does not pay to risk members dues on drives in an environment where a vigorous anti-union management campaign can defeat the organizing effort. In addition, as union density falls the cost of organizing a given fraction of the nonunion work force rises to each member. The inability of unions to develop successful innovations to counter the management offensive may, in addition, tell us something more about the "advantage" of employers in disputes of which Adam Smith wrote in *Wealth of Nations* than about any failure of union leadership (Smith, 1937, p. 66). If Sam Gompers or John L. Lewis were to return from the grave they might not do much better than the current AFL-CIO leadership. Gompers had his share of organizing failures while Lewis was unable to arrest the decline of the Mine Workers in the 1920s.

This reference to the past brings me to the last point of this section: that the decline in density in the past two decades, while exceptionally severe in magnitude, is not qualitatively abnormal or peculiar for US labor history. Analysis of estimates of union density from 1897 to 1987 based on Bureau of Labor Statistics data show the tendency for unionism to grow in spurts noted at the outset, with sharp rises in density in four periods: 1897-1904; 1916-1921; 1933-1939; and 1942-1945; and decreases in density in two-thirds of the other years, generally at a modest rate (exhibit 3)[7]. The average annual gain in spurt years was 2.2 percentage points compared to an average loss in nonspurt years of 0.4 percentage points. Additional analysis rejects the hypothesis that increases in density have the same

7 Because the BLS series is incomplete, I have spliced it with data from Troy and Sheflin and with CPS estimates to bring the series back to 1897 and forward to 1987. The pattern of spurts shown in the BLS density figures differ from those given in Troy and Sheflin, for reasons I have not yet explored. Troy-Sheflin show a continuous rise in density from 1930 to 1947 due to the decline in employment in the Depression.

statistical properties as decreases: they show that increases in density are more concentrated in amplitude (the mean increase in years of increasing density was 1.3 while the median increase was 0.8) compared to decreases (a mean increase of -0.9 compared to a median of -0.7); and show that increases in density are more autocorrelated over time than decreases[8]. Note also, however, that the decline in density in nonspurt periods has been exceptionally long and substantial in the post-world war 2 period, accelerating in the 1970s-1980s.

Is there any indication in the time series that another spurt is on the horizon? If one treats the recent growth of public sector unionism as a successful spurt even though it was insufficient to raise overall density, and treats 1942-45 as part of the 1934-39 spurt, there is a rough 20 year period between spurts. Not even a stock market chartist would, however, predict a new burst of union activity in the 1990s-2000s on the basis of this crude pattern.

All told, the most reasonable scientific assessment of the historical record is that *if* unions are to regain their share of the labor force, they will do so in a sudden hard-to-predict growth spurt. While weak, this offers a more optimistic picture of the possible future for unionism in the U.S. than the developments of the past quarter century would indicate. It suggests that that we ought not be surprised at a sudden outburt of unionism, particularly among traditionally unorganized workers, in the next decades.

SCENARIOS FOR THE FUTURE

Granting the problem of projecting unionism, what are the range of possibilities for the future? I sketch next four scenarios, ranging from continued fall in unionisation to a new spurt, and assess their likelihoods.

8 I have tested the statistical properties of the pattern of changes in density in several ways. First, with a simple nonparametric 'clumping test' of whether changes are random over time or tend to clump together in chains (a chain consists of similarly signed changes). In the 90 years covered there were 42 years of increased density, implying on the assumption of randomness an 24.6 expected chains. The actual number is 19, statistically significantly less at the 5% level. Second, by applying a similar test to large increases and decreases in density, where large is a percentage point or more. With 20 years of large positive increases in density the expected number of chains is 16; the actual number is 9. By contrast, there are 16 years of large decreases with an expected number of chains is 13; the actual number is 13. Hence, it is the large positive changes in density that diverge from randomness, providing evidence for the spurt phenomenon. Third, by regressing changes in density on positive and negative lagged changes in density: here I find a significant lagged effect only for positive lagged changes, implying greater autocorrelation of increases in density than decreases in density.

Exhibit 3

Changes in Union Density in Periods of Spurts and Other Periods, 1897-1987

Years	*Density*		*Years When Density Grew*		*Years When Density Fell*	
	Initial	*Final*	# yrs	ave D	# yrs	ave D
Spurts						
1897-1904	3.7	11.7	7	1.3		
1916-1921	10.7	19.2	5	1.7		
1934-1939	11.9	28.6	5	3.3		
1942-1945	25.7	35.5	3	3.2		
All			20	2.2		
Nonspurts						
1904-1916	11.7	10.7	6	0.6	6	-0.8
1921-1934	19.2	11.9	6	0.3	7	-1.3
1939-1942	28.6	25.9	1	1.0	2	-1.9
1945-1987	35.5	17.0	9	0.6	33	-0.7
1945-1970	35.5	27.3	7	0.8	18	-0.8
1970-1987	27.3	17.0	2	0.0	15	-0.7
All			22	0.6	48	-0.9

Source: Author's tabulation. The union density figures are based on Bureau of Labor Statistics estimates for the years 1900-1980 spliced with data from Leo Troy and Neil Sheflin, *Union Sourcebook,* and Bureau of Labor Statistics, *Employment and Earnings,* January editions. I applied annual percentage point changes reported in Troy-Sheflin for 1897-1899 to get figures for those years for the BLS series, and applied the same procedure for the 1980s using Troy-Sheflin and CPS numbers to fill in those years.

Scenario I: Continued Decline

The first and easiest scenario to forsee is continued decline, as on-going trends persist. Given the role of NLRB elections in organizing, the key parameters for projecting unionism in this case are: the 'natural rate of change' in membership due to changes in employment in organized establishments (r); the rate of growth of total employment (g); and the number of new members won in the elections less any loss due to decertification (NEW). The following identity relates the flow of new members to the stock of unionists (UNION):

$$\text{UNION}(t) = (1 - r)\ \text{UNION}(t-1) + \text{NEW}(t)$$

Dividing both sides by the number of employees in year t yields an equation between union density (UDENS) and the ratio of workers organized from t-1 to t to the number of employees in year t-1 (PCTNEW):

$$\begin{aligned} UDENS(t) &= (1/(1+g))[(1-r)UDENS(t-1) + PCTNEW(t)] \\ &\sim (1-r-g)\ UDENS\ (t-1) + (1-g)\ PCTNEW(t) \end{aligned}$$

The steady state density implied by this equation is UDENS = PCTNEW/(r+g), which shows that long run density changes when economic conditions cause union plants to contract or expand relative to the growth of total employment and when the rate of organizing changes. For example, if unions organize 1% of the work force per annum, as in the 1950s, and suffer a net depreciation of density of 4%, the union share of employment would stabilize at 25%. If, alternatively, new organization falls to 0.7% of the work force and r + g rises to 3.4%, as in the 1960s, the steady state density would drop to 21% of employment[9].

In 1983 I used the model to project union density for *What Do Unions Do?* (Freeman and Medoff). Assuming, conservatively, an r + g of 3% and an organizing rate of 0.3% (the levels of the 1970s), I projected a steady state density of 10%, which would be reached roughly between 2000 - 2010. An increase in r + g to around 6% and decline in organizing success through NLRB elections in the 1980s suggest that private sector density will hit 10% more quickly, possibly by 1995. Indeed, the steady state density implied by 1980s parameters is just 3% — which would bring the U.S. to the 'union-free' nirvana of the Committee for a Union-Free Environment and other rabid opponents of unionism!

Scenario II: New Union Structures and Tactics

But will organizing be as unsuccessful and the depreciation of union density as high in the future as in the 1980s?

My second scenario assumes that the answers to these questions is "no" — that, spurred by declining density, by the *Worker and their Unions* report, and by vigorous efforts to master the new environment, unions will develop innovative policies and organizing tactics to arrest the erosion of their strength. Among the innovations likely to impact the future are: creation of new benefits and membership forms that encourage workers to join unions outside the collective bargaining relation; more cooperative and con-

9 The discussion here parallels that in Freeman, 1988, where I give the details of how I estimate depreciation rates.

cessionary collective bargaining policies; strengthening of state, local, community-based union organizations; and use of corporate campaigns and union pension funds in organizing drives.

New benefits and forms of membership, of the type recommended in the AFL-CIO report, are intended to give workers an incentive and opportunity to join unions when they are unable to establish contractual relations with employers. By severing the link between membership and contracts at the work place, these new forms of membership require major changes in the structure and operation of unions, including a significant backing away from exclusive representation, greater concern for occupational or professional work issues that enhance worker's independence on jobs as opposed to seniority and rules regulating managerial behavior. While some unionists fear that the creation of "associate members" working without contracts will substitute for stronger union structures, the transformation of 'company unions' in the 1930s and 1940s into unions and the more recent history of employee associations in the public sector suggests the opposite: that associations are a stepping stone to collective bargaining (Zax and Ichniowski).

The cooperative bargaining stance adopted by most unions in recent years and supported by the AFL-CIO report and the granting of wage concessions for job security are likely to have two effects on the future of unionisation. In the short run, they should reduce the 'depreciation' of density by preserving existing union jobs. In the long run, they should lessen employer opposition by lowering the costs of unionism to firms, making organizing easier.

Another potential union innovation that might help arrest the decline is development of community-based union organizations in which workers in a local labor market come together to deal with problems, ranging from provision of child care to health and dental services. This requires strengthening state and local union bodies at the expense of nationals, and continued reaching out from unions to other community organisations. It will further weaken the reliance of unions on exclusive representation at work places.

At the other end of the spectrum are new adversarial tactics: corporate campaigns and aggressive use of pension fund moneys to pressure management toward neutrality in organizing drives. While using capital as an organizing tool would make Karl Marx and J.P. Morgan turn in their graves, such tactics make sense in a world where mobility of capital has weakened labor's power at work places; where pension funds own much of the nation's capital; and where take-over bids and mergers are a major component of financial life. More aggressive use of pension funds, however, may require re-interpretation of the fiduciary responsibility clauses of laws governing pension fund investments, as well as changes in collective bargaining contracts. It will also require unions to be imaginative in their investment strategies, investing in some cases in anti-union firms to influence their policies.

Are these innovations in union activity likely to arrest the decline in union density in the near term and bring about a revival of unionism? I think not. A major reason is the decentralized and democratic structure of the American labor movement, where dozens of independent nationals and thousands of local organizations, each with its own agenda and problems, make the key decisions, generally giving greater attention to the short-term interests of existing dues-payers than to the future of the labor movement broadly defined. Given this structure, it is not surprising that the *Workers and their Unions* benefit scheme that has been most widely adopted, low interest credit cards for union members, has not become a standard inducement in organizing drives to attract and hold workers if the drive fails. As for adversarial tactics, while corporate campaigns and the like can be valuable tactical weapons, the democratic and political nature of unions will disadvantage them in battles against authoritarian management save in extraordinary circumstances.

These arguments do not, however, mean that the changes will have no effect on the future of unionism. Rather, they suggest that the changes will operate largely to reduce leakage in density among primarily blue collar currently organized workers, stabilizing aggregate density at higher levels than those in Scenario I — perhaps at the 10% or so forecasted in *What Do Unions Do?*

Scenario III: Labor Law Reform

In 1978 Congress came within a single vote of enacting a labor law reform that would have strengthened NLRA enforcement of unfair labor practices. While the 1978 law was too modest to limit substantially management's power to oppose unionism at work places, Congress could change the labor laws in ways that would substantially increase union organizing success. Consider, for example, what might happen if the federal government: required 'quick elections' that limit the time management has to oppose organization; allowed the NLRB to certify a union as the legal representative of workers on the basis of card checks, as in some Canadian provinces; imposing *major* financial penalties for unfair labor practices; strengthened the duty-to-bargain features of the law for first contracts, perhaps requiring binding arbitration to resolve first contract disputes (Weiler). There is a variety of evidence that changes of these types would have a substantial effect on organizing success. In the public sector the passage of strong collective bargaining laws appears to be the major cause of the 1970s spurt in collective bargaining (Freeman and Ichniowski). In the private sector right-to-work laws have been found to reduce union success in organizing workers through NLRB elections (Ellwood and Fine). In Canada unions have done better than in the U.S., in part because Canadian laws limit management's ability to oppose unions. In the U.K. Mrs. Thatcher's labor legislation has been associated with drops in density that reverse increases under the more favorable labor legislation of the 1970s.

While significant changes in labor law can greatly enhance union organizing success, they are unlikely to do so by enough to raise union density. This is because current rates of organization are so low that even huge increases in the number organized through NLRB elections, say to the levels of the 1960s, would at most to arrest the downward spiral in density. If, for example, the legal changes in the NLRA reduced management's role in representation elections to the extent that opposition indexed by unfair labor practices fell to the 1960 level, my largest estimate of the impact of unfair practices suggests that the proportion of workers organized would rise from the 0.1 percent of the work force to 0.3 percent, or some 300,000 workers per year. Assuming a rate of depreciation of 4.7%, as existed in the 1970s, density would drop to a bare 6% of the work force[10]! Only if the legal changes were sufficiently strong as to reduce the unfair practices or elections index of management opposition to the levels of 1950, raising the share of workers organized to some 0.7 percent of the work force would density rise, and then only modestly to 15% in the long run[11].

Is there any possibility for such changes in the NLRA? I think not. The key determinant of the votes in the Senate on the mild 1978 reform was the percentage unionised in a state. Senators from high density states favored the reform and those from low union density states opposed it (Freeman and Medoff). The post 1978 decline in density suggests, all else the same, that unions will have less political muscle to bring to bear for any new reform, and thus makes passage of legislation stronger than the 1978 bill a far-out long-shot. What is more likely to change in the future is the ad-

10 I take the estimated .62 impact of ln unfair practice charges per election on ln workers won per employee (NEW) from Freeman 1986, table 2, column 2, assume that unfair practice charges per election decline from its 1984 value of 5.60 to its 1960 value of 1.16, and use the equation $D \ln NEW = .62\, D \ln (1.16/5.60)$ to evaluate the share of the work force that would be union if unfair practices per election dropped to their 1960 value.

11 Here I use the .62 coefficient and assume that unfair practice charges per election fall to 0.78, its 1950 value, and apply the procedure in note 9.

ministration of the law, with future administrations, particularly Democratic ones, appointing members of the NLRB and adopting policies more favorably attuned to unions than those appointed by Reagan. A more favorable Board will, of course, ease the problems faced by unions in their organizing activity but cannot possibly have a sufficiently large impact on the number of workers won to arrest the drop in density.

Given this, are there any 'radical' legal changes that might win conservative support, be enacted, and ultimately improve the standing of unions? I can conceive of three such changes.

The first, and in my opinion least likely, is repeal of the NLRA, deregulating the representation process and allowing labor-management conflict to determine union status as in pre-Wagner Act years. Given that NLRA restrictions on union economic weapons such as secondary boycotts have succeeded while those on management practices have not, some union leaders favor this option (Kirkland). Conservatives favorable to deregulation and those who believe that union power depends on government intervention in markets should also favor repeal. Repeal would augment the power of some unions, such as the Teamsters, and probably lead to greater organization.

A related and more likely change would be to shift the locus of labor law to states, as in Canada where provincial laws cover most workers. Letting states regulate union activity should appeal to conservatives, and has the precedent of the right-to-work clause of Taft-Hartley. On the basis of the development of public sector labor law, I would expect some states to enact and enforce laws more conducive to unionisation than the NLRA as it operates today. As organizing cannot decline much further, even if other states enacted or enforced less favorable laws (exclusive of outlawing unions, which would not be permitted) union density would stand a good chance of increasing.

A third possible legal change would be to establish Western European style works councils to give employees, nonunion as well as union, greater say at their workplace. Court and state legislative weakening of the employment-at-will doctrine and proposed federal plant-closing notification legislation suggest that the nation is moving toward greater legal protection and job rights for workers absent collective bargaining. As more Americans work for foreign owned firms, political pressure may grow for new arrangements that give workers greater job rights at the expense of foreign capital. To the extent that such arrangements buffer employers against court interventions in the employment relation, moreover, they might also be supportive. Nothing would give greater impetus to the associate membership and new union forms suggested in the *Workers and their Unions* report than a works council type law.

In sum, if changes in national labor law are to play a role in resuscitating U.S. unionism I expect those changes to take the form of 'radical' reforms that appeal to conservatives, that reduce the role of the federal government in regulating labor-management relations, and that enhance worker rights outside of collective bargaining.

Scenario IV: A New Spurt?

What about any potential new spurt in unionism? Sidestepping the issue of whether a new spurt is likely to occur, can we offer any insights into the possible characteristics of a future spurt *if* it occurs?

My reading of union history leads me to expect that any new spurt in unionism will involve organization of private sector white collar workers, particularly women; development of new union tactics, agenda, and modes of representation; and is likely to be associated with the formation of a new labor federation composed of the major public sector and white-collar oriented AFL-CIO unions and professional and other employee associations.

Why a spurt among white collar employees when there are sufficiently large numbers of unorganized blue collar workers to fuel massive union growth?

One reason is historical. Spurts have generally involved 'new unionism' — new organizations with new tactics and goals representing traditionally nonunion workers rather than enhanced organization of groups with a history of unionism — and private sector white collar workers fit this historic pattern. A second reason is that the internationalization of the U.S. economy in terms of trade and capital flows and deregulation of product markets has weakened the economic power of traditionally organized blue collar groups,[12] making it difficult for them to unionize in the face of management opposition. By contrast, even in a world marketplace some groups of white collar workers are likely to have the strategic position in the technological or market structure that Dunlop (1948) has cited as a key to organization. A third reason is that with the U.S. no longer the dominant world economy a new spurt in unionism is likely to hinge on what unions do to improve working conditions, job flexibility, fringe benefits, workers' right to independent judgment, and fairness in promotions — the 'collective voice' aspects of unionism of *What Do Unions Do?* — and on their championing innovations, flexibility, and responsiveness that raise output more

12 By weakening economic power I mean reduced the demand for such labor and increased the elasticity of demand.

than on their ability to win 'monopoly wage gains' and contractual rules that limit management arbitrariness and abuse of power. White collar unions should be better able to deliver on these fronts than traditional blue-collar-dominated unions, with of course some notable exceptions (vide union experiments with Quality of Work Life at factories).

Why the formation of a new federation as part of a new spurt?

One reason is that in the U.S. (and elsewhere) white collar workers, rightly or wrongly, tend to prefer membership in employee organizations that are not part of the traditional blue collar-based union movement. Given a choice between two otherwise equivalent organizations, one associated with the AFL-CIO and one associated with a new white collar-oriented federation, many, if not most, white collar workers would choose the latter. Even in highly unionized Scandinavia blue collar and white collar workers have separate federations, suggesting that it is easier to organize the latter under a different banner.

A second reason is that a new federation, like a new business, can be expected to try out and adopt more rapidly than existing organizations the innovations in labor relations that will get unionism a new hearing from white collar workers. These innovations might include the various forms of associational representation suggested in *Workers and Their Unions*; endorsement of arbitration to resolve impasse even in the private sector; and stands on other issues that would reduce the fears of white collar workers that unionism means confrontation, rigidity in work places, and the like. Past spurts in unionism have tended to involve major organizational changes in the union movement, with new structures and leaders offering 'new unionism' to the traditionally unorganized, and I see a new federation as the most likely such organizational change. I can think of no stronger signal that unions are no longer doing business as usual than the formation of a federation of unions with the greatest potential for organizing white collar workers — public sector unions like the American Federation of State, County, and Municipal Employees, the Communications Workers, the Service Workers, the American Federation of Teachers, highly skilled groups like the Airline Pilots, the National Education Association, the American Nurses' Association — and related organizations like the AUUP, engineering societies and fledgling doctors and intern unions.

Third, while American unionists view dual unionism with horror, labor history suggests that competition between federations and unions spurs organizing success. One of the catalysts of the 1930s and 1940s spurt was the formation of the CIO. The 1970s spurt in public sector unionism saw competition between the National Education Association and American Federation of Teachers, between the Teamsters and various AFL-CIO unions, as well as among the Service Workers, American Federation of State, County and Municipal Employees, and other unions within the federation. And for all the ballyhoo about the advantages of a single federation, it may be no accident that union density began drifting down almost immediately after the 1955 merger. By enlarging the choices to workers and, equally importantly, to management, which may end up favoring one union over another rather than going to war against any union at all as is the current practice, competition can be a force for union growth. If the 1930s and 1940s is any guide, I would expect the AFL-CIO to respond with new tactics and organizing drives in response to a new federation, heralding an era of significant competition in unionism.

How likely is a new spurt accompanied by the formation of a new union federation?

Not very, if one goes by current 'straws in the wind'. First, there is nothing beyond occasional management skittishness to suggest that unions will make a breakthrough among white collar workers in the private sector. Unions in the AFL-CIO are currently drawing closer together rather than further apart — circling the wagons, so to speak. While some unionists recognize that they might do better attracting workers outside the FFL-CIO, most view the federation as offering greater benefits than operating independently. Second, as the *Workers and Their Unions* showed, the federation itself has taken the lead in trying to devise innovations to restore union strength. Third, the nation's largest union of professional workers, the National Education Association, which might be expected to play a key role in any new spurt in white collar union growth, has shown only a modicum of interest in organizing anyone but teachers in the education industry, much less elsewhere. So for the near future at least Scenario IV looks highly implausible. Still, it represents my best speculation about what might be involved in a new spurt of union growth.

CONCLUSION

To sum up, unionism in the U.S. is in grave trouble, and nothing short of massive dramatic changes on the labor scene is likely to bring about a significant renascence of union strength. In this paper I have laid out what might happen absent such changes and speculated on the possibility and nature of the potential changes that might catalyze unionism. Twenty years from now you'll be able to see if I missed the boat by as much as 'experts' in our discipline usually do when they peer into the future.

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L'avenir du syndicalisme aux États-Unis

Au cours des deux dernières décennies, le taux de syndicalisation dans le secteur privé aux Etats-Unis s'est effondré si rapidement qu'aujourd'hui, on peut presque parler d'un "syndicalisme de ghetto" limité à quelques groupes particuliers. Pour discuter de la question de l'avenir du syndicalisme américain, il faut d'abord revoir les causes de son déclin. Quatre scénarios de changements possibles seront ensuite considérés.

La baisse de la densité syndicale aux Etats-Unis est principalement attribuable à l'opposition patronale et aux réactions syndicales qu'elle a provoquées dans le cadre des institutions et des lois américaines du travail. Les transformations structurelles survenues dans l'économie américaine, les changements dans l'opinion publique face aux syndicats, le manque d'intérêt des travailleurs envers la syndicalisation et le recours par l'Etat à une politique plus élaborée de normes du travail (ayant pour effet de se substituer au syndicalisme) sont des justifications qui ne résistent pas à l'analyse. On notera d'ailleurs qu'historiquement le nombre de syndiqués a évolué selon un modèle plutôt asymétrique, caractérisé par de courtes périodes de gains appréciables et inattendus suivies par des pertes, en d'autres périodes.

Le premier scénario relatif aux changements possibles du syndicalisme dans le futur repose sur l'hypothèse que les tendances observées actuellement vont se poursuivre. En utilisant un modèle simple de croissance de la densité syndicale, les calculs révèlent que le taux de syndicalisation dans le secteur privé américain ne dépasserait pas 5%.

Le second scénario postule que les syndicats parviendront à mettre un frein au mouvement de décroissance, en recourant à un ensemble de tactiques nouvelles ou plus efficaces, soit: une plus grande place faite aux membres honoraires, hors du cadre traditionnel de l'unité d'accréditation; une plus grande coopération avec la direction; une plus grande implication des syndicats aux niveaux local et communautaire; des campagnes plus agressives auprès des entités corporatives et l'utilisation variée des fonds de pension. Dans ce cas, le taux projeté de densité syndicale dans le secteur privé serait de l'ordre de 10%.

Le troisième scénario va plus loin et envisage certaines modifications aux lois américaines du travail susceptibles d'améliorer la situation des syndicats. Une réforme législative permettant aux syndicats de connaître, lors des tentatives d'accréditation, autant de succès qu'au cours des années 1960 impliquerait des changements pro-syndicaux très improbables au droit du travail américain, sans parvenir à ramener la densité syndicale à son niveau antérieur ni même à la stabiliser à son niveau actuel. En effet, afin de maintenir le niveau actuel de densité syndicale, les syndicats doivent recruter et organiser annuellement entre 0.5% et 0.8% de la main-d'oeuvre, des pourcentages de loin supérieur au taux actuel de 0.1%. Trois changements législatifs pouvant recevoir l'assentiment des conservateurs et favoriser la syndicalisation sont proposés: l'abolition de la loi actuelle (NLRA), l'attribution aux États de la responsabilité en matière de droit du travail et l'adoption d'une loi nationale du type *"Work Council"*. Seul le dernier changement semble offrir suffisamment de possibilités pour favoriser un accroissement marqué de la densité syndicale.

Quant au quatrième scénario, il postule une nouvelle poussée de la syndicalisation. Une telle poussée serait plus susceptible de se produire chez les cols blancs. De plus, elle nécessiterait des changements dans la signification de l'adhésion syndicale, dans le sens des suggestions qui se trouvent dans le rapport de la FAT-COI intitulé *The Changing Situation of Workers and their Unions*. Elle s'accompagnerait probablement de la création d'une nouvelle centrale syndicale regroupant des syndicats de cols blancs et d'employés du secteur public avec des associations d'employés et de professionnels qui se sont traditionnellement tenus à l'écart du mouvement syndical. Bien que ces développements semblent peu probables (on ne décèle en fait aucun indice permettant de croire à l'existence possible d'une telle association, ou même à l'émergence d'une nouvelle centrale syndicale), ce dernier scénario semble pourtant le plus apte à assurer une poussée du syndicalisme, si elle devait se produire.

Que depara el futuro para el sindicalismo en los Estados Unidos

El porcentaje de sindicalismo en el sector privado de los Estados Unidos ha caido en las dos últimas decadas, llegando a convertirse en "sindicalismo de barrio" limitado a grupos pequeños y especiales de trabajadores. En esta comunicación, exploro el porqué de esta caida en la sindicalización, considerando cuatro escenarios posibles para el futuro.

Mi análisis atribuye la caida en la densidad, a la oposición de la administración y a las respuestas que el movimiento sindical ha dado dentro del contexto de la ley laboral y sus instituciones. No acepto las explicaciones basadas en cambios estructurales en la economía, cambios, en la opinión pública acerca de los sindicatos, falta de interes por parte de los trabajadores, y protección gubernamental a la fuerza laboral que substituye a los sindicatos. Hago notar el antecedente histórico que nos muestra que el movimiento sindical en los Estados Unidos crece de maneras inesperadas en cortos lapsos de tiempo y pierde densidad en otros años.

Regresando a mi especulación respecto al futuro, mi primer escenario presenta una continuación de las tendencias actuales. Basado en un modelo simple de crecimiento de la densidad de los sindicatos, preveo un porcentaje de sindicalización por debajo del 5% en el sector privado si las mismas tendencias de cambio continuan en el futuro.

El escenario II, asume que los sindicatos atacan el porcentaje de descenso a través de un conjunto de nuevas o extensas tácticas: crecimiento del número de miembros asociados fuera de la negociación colectiva; una mayor cooperación con la administración; cuotas sindicales más bajas; aumento en las organizaciones sindicales a nivel local y comunitario; campañas agresivas por parte de las corporaciones y uso de los fondos de pensión. En este caso preveo un porcentaje de densidad en el orden de un 10% en el sector privado.

El escenario III, considera los posibles cambios en la ley laboral en los Estados Unidos, que podrán mejorar las condiciones de los sindicatos. Argumento que las reformas a la ley laboral, que restituyen el éxito de los sindicatos en la elección de representantes al NLRB de acuerdo a las condiciones de los años 60's, requeriran cambios inprobables a la ley laboral, que no restaurarían ni estabilizarían la densidad de los niveles actuales. La razón es que para mantener los niveles actuales de densidad, los sindicatos deben organizar entre el 0.5 y 0.8% de la fuerza de trabajo al año (dependiendo de los futuros porcentajes de pérdida de densidad, debido al incremento en la fuerza laboral y al cierre de las plantas actualmente sindicalizadas) por encima del porcentaje del 0.1% actual de organización. En este contexto, indico tres cambios legales radicales que pudiesen ganar la aprobación de los conservadores y que refuercen la organización sindical - abolición de la "NLRA"; regresar la mayoría de las leyes laborales a los estados, y la aprobación de la ley nacional del tipo Consejo del Trabajo. El ultimo cambio es el único que considero con posibilidad real de aumentar la densidad del trabajo.

Mi cuarto escenario postula un nuevo crecimiento en la organización sindical. Argumento que tal crecimiento se dará entre los trabajadores de oficina, que requerirá cambios en el significado de membresía sindical como el reporte de la "AFL-CIO" titulado "La situación cambiante de los trabajadores y sus sindicatos" y que será posiblemente acompañado por el desarrollo de una nueva federación de sindicatos de trabajadores de oficina y de servicios públicos junto con asociaciones de profesionistas y empleados que tradicionalmente no han sido parte del movimiento laboral.

A pesar de que no considero estos cambios probables -- no hay antecedentes que indiquen el éxito en la organización de los trabajadores de oficina del sector privado o la tendencia hacia una nueva federación -- estos presentan mi mejor espectative acerca de lo que incluirá el futuro crecimiento, si este occurre.