

Bargaining for the Common Good

Joseph A. McCartin ■ [Spring 2016](#)



Members of the worker center Centro de Trabajadores Unidos en Lucha join a Fight for \$15 march at the Minneapolis–St. Paul airport, April 15, 2015. Photo by Fibonacci Blue via Flickr.

On December 12, 2015, nearly 2,000 people crowded into the Minneapolis Convention Center for a remarkable event organized by Minnesotans for a Fair Economy, a statewide network of unions and community groups. “The People’s Congress,” as the event was called, convened activists from across the state in an effort to “establish a collective vision for social, racial and economic justice.” As their invitation explained, participants aimed to “dismantle systems of racial discrimination and oppression; reclaim our democracy; reclaim our economy; reclaim our government”; and “build the power of workers and workers’ organizations.”

Their agenda was as audaciously ambitious as their call to action. Janitors, teachers, bank workers, indebted students, homeowners facing foreclosure, members of the Centro de Trabajadores Unidos en Lucha (CTUL), Minnesota’s most vibrant worker center, and others joined forces to identify common goals and to advance common demands. Participants highlighted the immense control wielded by a dozen huge corporations, including U.S. Bank, Target, and Wells Fargo, over Minnesota’s economy. In order to lay the groundwork for community bargaining with the “dirty dozen,” participants agreed to collaborate on an array of interlocking campaigns and direct actions in 2016.

Two things made the Minneapolis People’s Congress particularly significant. First, it signaled a deep alignment of community and labor organizations, a potentially potent melding of their interests, organizational energies, and agendas that went well beyond the merely transactional forms of coalition-making that we have often seen between labor and community organizations in the past. Unions did not merely enlist



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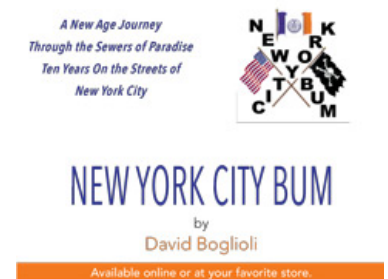
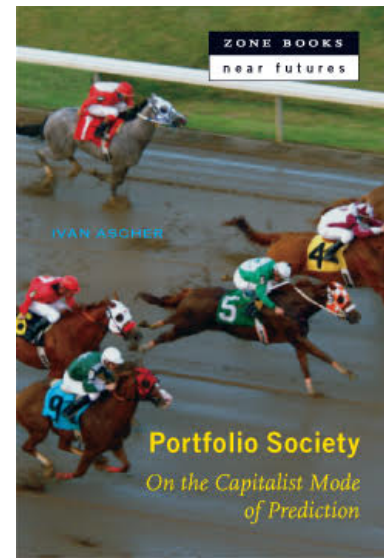
community groups to support their contract campaigns; instead unions and their allies built a common agenda from the ground up. Second, this extraordinary gathering was the most fully articulated example of a growing phenomenon: unions and community partners collaborating to challenge twenty-first century capitalism, reviving democracy and government integrity in the process.

The spirit that animated the People's Congress recalled a venerable labor tradition. Efforts to fuse the interests of union and community abound in U.S. labor history. From the community-based assemblies of the Knights of Labor that briefly took over small cities such as Rochester, New Hampshire, in the 1880s, to Saul Alinsky's success in uniting AFL and CIO locals, churches, and civic groups to form the Back of the Yards Neighborhood Council in Chicago in 1939, unions and communities often worked hand in hand during the years of labor's rise. As Robert Bussel's important recent book *Fighting for Total Person Unionism: Harold Gibbons, Ernest Calloway, and Working-Class Citizenship* (2015) reminds us, this tradition carried into postwar St. Louis where the Teamsters developed an innovative community steward program. Both Jobs with Justice, founded in 1987, and the AFL-CIO's Union Cities program, launched a decade later, developed forms of community-union coalition building that harkened back to these earlier efforts.

But the Minneapolis gathering was more than simply another iteration of an oft-repeated union tradition. It represented something new, a conscious effort to tie union-community mobilization to the function that lies at the very heart of unionism: collective bargaining. Since the rise of a routinized collective-bargaining regime—first in the 1940s and '50s in the private sector, and then in the 1960s and '70s in the public sector—collective bargaining had come to mean a binary negotiation between unionized workers and their direct employers. Although unions repeatedly sought community allies, they never tried to enlist them in a common effort to break out of the employer-union binary and bargain together on behalf of workers and their communities. The Minneapolis effort is a significant step in that direction.

And it couldn't be more timely. Capitalism has changed over the past four decades in ways that are increasingly undermining old models of unionism and collective bargaining, necessitating new thinking. It is not merely increased employer resistance that has driven down union membership. A multitude of developments have conspired to undermine the old system, including financialization, globalization, the casualization of the employer-employee relationship, the emerging "gig economy," and the disaggregation of corporate structures into a dizzying maze of subcontractors, franchises, and lengthening supply chains. These changes have made twentieth-century-style collective bargaining ill-suited to the world most workers now inhabit. Workers need new approaches to confront the forces that are driving inequality and disempowerment; they will have to learn how to *bargain for the collective*, aligning their demands with those of their community allies in service of the common good.

Perhaps the most successful recent iteration of this new, deeper form of community-labor alignment emerged from the 2012 struggle of the Chicago Teachers Union (CTU) against Mayor Rahm Emanuel. Following the 2010 election of Karen Lewis as president of the union, who led a slate put forward by its Caucus of Rank-and-File Educators, the CTU began laying plans for a big contract fight that loomed two years later. From the outset the CTU focused on developing strong alliances with community groups and parents as it crafted its bargaining demands. The CTU's



campaign involved groups like Stand Up! Chicago, a union-sponsored coalition of community and labor organizations that specialized in direct action protests; the Grassroots Collaborative, a network of eleven membership organizations; Parents 4 Teachers, and other community groups interested in defending the integrity of Chicago schools. In February 2012 the CTU published a report called *The Schools Chicago's Students Deserve*, which laid out demands for smaller class sizes, improved facilities, and a host of other items that went beyond the confines of wages, hours, and other narrowly defined work issues about which the union was legally permitted to bargain. The report also documented the costs of the school district's poor financial administration. It showed how tax-increment funding that could have helped schools was being squandered on private entities such as the Chicago Mercantile Exchange. The CTU also questioned risky interest-rate swap deals, in which Chicago's school system paid investment banks a fixed rate that was supposed to smooth out variable rate payments on its bonds, but which ended up bringing a windfall to the banks and costing the school district more than \$100 million. By making the financial industry's exploitation of the school district an issue, the CTU earned added public support for its demands for adequate school funding.

The CTU's successful campaign was the most visible of a cluster of developments that signaled the onset of a new moment of experimentation for labor and its allies. In retrospect, it seems clear that the disastrous 2010 congressional midterms and the election of a gang of anti-union Republican governors, typified by Wisconsin's belligerent Scott Walker, was a catalyst for this experimentation. Those elections placed Congress in the hands of labor's enemies and inaugurated a series of battles in Wisconsin, Ohio, and elsewhere that threatened to accelerate labor's deepening crisis. This created an environment where union leaders were more prepared than ever before to "think outside the box."

By January 2011 signs of new developments were visible. At its winter meeting the executive board of SEIU approved an ambitious campaign proposed by the union's president, Mary Kay Henry, called the Fight for a Fair Economy. SEIU committed tens of millions of dollars to fostering organizing projects among low-wage workers in multiple cities, an effort that would soon give birth to the Fight for \$15 agitation of fast food workers and to the group that would later convene the People's Congress, Minnesotans for a Fair Economy (MFE). Later that year, the spontaneous eruption of the Occupy movement fed this spirit of experimentation. It seeded new and unexpected alliances in many cities and spurred a discussion of inequality and post-modern capitalism that resonated with surprising force.

Although many unions focused their energies on electoral politics in 2012, once they had secured President Obama's reelection, the experimental spirit revived. On the national level in 2013 President Larry Cohen of the Communications Workers of America helped launch the Democracy Initiative, an alliance with civil rights and environmental groups to counter the corrosive influence of corporate money on politics, fight voter suppression, and address other obstacles to significant reform. Meanwhile, AFL-CIO president Richard Trumka moved to involve worker centers and other non-union worker organizations in the planning for the 2013 AFL-CIO convention.

While labor's top leaders indicated a new openness to experimentation on the national level, more examples of community-labor alignment began cropping up around the country. As with the Chicago teachers in 2012, public-sector workers often

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led the way. In Oregon, SEIU Local 503, which represents homecare, childcare, and university and state workers inaugurated a campaign called “In It Together” prior to their 2013 contract negotiations. Their demands extended well beyond pay and benefits for their members. Local 503 built community alliances by calling for a broad investigation into the ways in which banks were ripping off Oregonians, and demanding a state lawsuit against banks to recoup millions that were lost from retirement funds due to the secret manipulation of the LIBOR rate. Meanwhile, across the country in Minnesota, the St. Paul Federation of Teachers (SPFT) patiently built an alliance with parents and community groups in preparation for its 2013 contract fight. As former SPFT president and current vice president of the American Federation of Teachers (AFT) Mary Cathryn Ricker recently recounted in these pages (*Dissent*, Summer 2015), the union and its community allies jointly drew up twenty-nine demands. They would not back down when the school district refused to negotiate over twenty of these demands and, after rallying broad community support behind them, the teachers won most of what they sought. “I had negotiated almost a dozen previous contracts for the SPFT,” explained Ricker. “But, for the first time, I felt that signing a contract was just one step in building a larger movement.”

A new style of bargaining and alliance building was beginning to emerge in such conflicts. By the spring of 2014, this style came to Los Angeles through the launching of the Fix L.A. Coalition. Instigated by the city’s leading public-sector unions, SEIU Local 721 and District Council 36 of the American Federation of State, County, and Municipal Employees (AFSCME), this group formed a year in advance of an anticipated municipal labor contract fight. It brought SEIU, AFSCME, and other public-sector unions together with community groups, and faith-based organizations to demand that city leaders free L.A. from exploitative relationships with Wall Street firms, hold the financial industry accountable for the ways in which it had weakened the city’s finances, and restore vital city programs and services that had been severely cut in recent years.

In March 2014, Fix L.A. released a report titled *No Small Fees*, which revealed that in the previous year Los Angeles spent far more taxpayer money paying fees to the private firms that marketed its municipal bonds and other financial services (\$290 million) than it did on maintaining that auto-dependent city’s streets (\$163 million). The report laid the blame on the financial industry for the austerity that L.A. had endured since the Great Recession and documented the extent to which commercial property owners had shifted the city’s tax burden to residential property owners since the 1970s. The report also demanded that L.A. use its \$106 billion worth of assets, payments, and debt issuance as leverage to “demand better deals with Wall Street, so that it can invest more in our communities.”

Framing its vision in this way helped cement a diverse alliance that included twenty organizations such as the Los Angeles Federation of Labor, the Alliance of Californians for Community Empowerment, the Coalition for Humane Immigrant Rights of Los Angeles, the National Action Network, and the Koreatown Immigrant Workers Alliance. Over a period of months, Fix L.A. publicized its issues by holding rallies and direct actions. In 2015 it was able to use the bargaining process between the city and its unions to secure a study of the city’s finances that should provide the departure point for future campaigns. The city also agreed to hire 5,000 new workers, raise wages and benefits, and restore city services to pre-austerity levels.

By 2014 participants in these community-labor efforts began networking across the

nation. In May of that year more than one hundred leaders from public-sector unions and community organizations convened in Washington, D.C. for a conference hosted by Georgetown University's Kalmanovitz Initiative for Labor and the Working Poor. Entitled "Bargaining for the Common Good," the conference gave representatives from the CTU, the SPFT, and the Fix L.A. Coalition an opportunity to compare notes and strategize with state and local activists from seven states and national union staffers from SEIU, AFSCME, AFT, and the National Education Association (NEA) about how to develop similar initiatives. The Georgetown conference crystallized a Bargaining for the Common Good network that has continued to share ideas, work cooperatively, and reach out to expand its ranks, which now also include the New Jersey state employees' union, an affiliate of the Communications Workers of America.

Three principles have characterized the Bargaining for the Common Good approach so far. First, participants are consciously attempting to transcend the traditional bargaining frameworks that are written into law. In doing so, they are trying to force the powerful financial entities that dominate their local economies to the bargaining table in some fashion—whether they are direct employers or not—by highlighting the extent to which these entities control the true allocation of power and resources in their community. Participants thus seek to use the bargaining process as a lever to challenge the relationships between government and the private-sector entities that often drive public policy, extract profits from government, and set the parameters for government activity.

Second, unions and community allies are jointly crafting bargaining demands and are thinking of individual campaigns as steps in a long-term strategy of worker and citizen empowerment. Rather than *coalitions* in which unions recruit community allies to support their pre-formulated demands in a transactional relationship that usually dissolves at the end of a campaign, these allies seek something different. They try to build enduring *alignments* that accumulate lasting power over time through campaign victories, a shared and increasingly fleshed out infrastructure, and a common vision and narrative.

Third, these efforts have proceeded on the assumption that collective action and occasionally, even civil disobedience, will likely be necessary if workers and citizens are to reverse the powerful trends that have been promoting inequality and undermining democracy. Traditional political action and bargaining strategies are no longer sufficient. At the same time these efforts have recognized that militancy and collective action are most likely to succeed when their practitioners can credibly claim that they are advancing the common good rather than their own special interests.

The People's Congress that convened in Minneapolis this past December shows how these community-labor alignments are becoming more sophisticated with each iteration. That gathering helped create an "infrastructure for alignment," including a mobile team sharing responsibility for communications, logistics, the development of a common vision and narrative, and conducting research. Research will prove crucial, as uncovering, mapping, and documenting the self-serving relationships among Minnesota's financial titans is a prerequisite to effectively bargaining with them. Before decamping, the People's Congress also set out an agenda and timeline, which included preparations for a week-long set of rolling strikes, street actions, and leadership trainings intended to escalate this multi-organization campaign. The

vision clearly excited participants. “What if, instead of Minnesota Nice, they called us Minnesota Powerful, Minnesota Equitable, Minnesota the Worker’s Paradise?” asked the First United Church of Christ from Northfield, Minnesota, which sent twenty members to the gathering.

It would be premature to conclude that the kind of community-labor alignments that have taken shape over the past few years in places like Minnesota, Los Angeles, and Chicago and through collaborations like Bargaining for the Common Good hold the key to labor’s future. These are still experimental initiatives. Yet these experiments might get an unanticipated boost from recent events.

As experimental community-labor alignments arose, so did an ominous development that threatened to slow their spread: a sustained legal attack on public-sector unions’ right to collect “agency” or “fair-share” fees from the non-members they are required to represent in collective bargaining and grievance procedures. In June 2012, just as Chicago teachers were preparing for their strike, the U.S. Supreme Court issued a stunning decision in the case of *Knox, et al. v. Service Employees International Union, Local 1000*. In what one observer called the court’s “Scott Walker moment,” Associate Justice Samuel Alito signaled that the time had come to revisit the precedent set in *Abood v. Detroit Board of Education*, the 1977 case that judged fair-share fees to be constitutional. In *Harris v. Quinn* (2014), Alito authored an opinion that brought the reversal of *Abood* one step closer. That momentous reversal was expected to take place this term in the case of *Friedrichs v. California Teachers Association*, in which the plaintiffs argued that being forced to pay fair-share fees to the union that bargained on their behalf infringed on their rights to free speech. Everything indicated that a majority supported Alito in this case, ready to finish the task he first laid out in 2012.

The sudden death of Associate Justice Antonin Scalia on February 13, however, has scuttled *Friedrichs* due to the near certainty that the court is now evenly divided on the case. If Republicans keep their vow to block any Obama nominee, we are at least a year away from having a nine-justice court capable of granting *certiorari* on another *Friedrichs*-like case, and it likely would be another year beyond that point before Alito will have a chance to reassemble a majority in favor of overturning *Abood*. Of course, *Abood* could live on much longer if President Obama or a Democratic successor appoints Scalia’s replacement.


This turn of events has created a window of opportunity. Like all big institutions, U.S. unions have historically been subject to forces of inertia that discourage experimentation and change. In recent years, fear of losing fair-share fees had reinforced the movement’s most cautious instincts. Once Justice Alito indicated his desire to overturn the *Abood* precedent, labor dropped into a defensive crouch, girding against the expected loss of revenue by strengthening union ranks internally. But it is vital that unions not remain in that inward-focused posture.

With its unexpected reprieve, labor has the chance to seize the initiative. It should do so.

Fair-share fees aside, unions will not rebound unless they begin to confront the forces that are driving inequality and worker disempowerment more directly than they have done to date. To do that, they will need new models of organization and bargaining. Fortunately, as the recent Minneapolis People’s Congress suggests, one such model

might already be at hand.

Joseph A. McCartin is Professor of History and Director of the Kalmanovitz Initiative for Labor and the Working Poor at Georgetown University. He is the author of *Collision Course: Ronald Reagan, the Air Traffic Controllers, and the Strike that Changed America* (Oxford University Press, 2011).



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