

# WHAT THIRTY MILLION WORKERS WANT—BUT CAN'T HAVE

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## I. INTRODUCTION

The Worker Representation and Participation Study (“WRPS”), which forms the basis of *WHAT WORKERS WANT*, was perhaps the most empirically careful piece of opinion research on workplace issues in the latter part of the twentieth century. The authors’ basic approach of “ask the workers”<sup>1</sup> helped ground the study in the attitudes, hopes, and fears of ordinary workers. For this reason, the study hit the nail squarely on the head on some significant workplace dynamics.

Employers have effective hegemony over workplaces in our society.<sup>2</sup> They want to keep it that way.<sup>3</sup> Workers (both nonunion and union) understand both these things,<sup>4</sup> so they see cooperation with management as a *sine qua non* of workplace organization.<sup>5</sup> But if they had their druthers, the largest plurality—or even a majority—of workers would prefer an organization that features both cooperation and worker power (an independent voice).<sup>6</sup> These workers’ ideal workplace arrangement involves: mutual agenda setting; mutual agreement on decisions; the resolution of difficult disputes by outside arbitration; and employee election of their own representatives or acceptance of volunteers from their ranks.<sup>7</sup> This is a union, or “a union in all but name.”<sup>8</sup>

Freeman and Rogers find that, under perfect market conditions, the

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1. RICHARD B. FREEMAN & JOEL ROGERS, *WHAT WORKERS WANT* 2 (1999).

2. *Id.* at 63.

3. *Id.* at 88-89.

4. *Id.* at 62.

5. *Id.* at 58.

6. *Id.* at 151.

7. *Id.* at 59.

8. *Id.* at 150.

union representation rate in the private sector would be forty-four percent,<sup>9</sup> which is nearly a four-fold increase over current levels<sup>10</sup> and a tripling of the rate among those surveyed.<sup>11</sup>

Consider just two implications of these findings. First, far from being outmoded or “old economy,”<sup>12</sup> unions should be far more widespread than they actually are. As Freeman and Rogers put it, “*looking upon unionization as a good produced by the market, the United States is producing too little.*”<sup>13</sup> If we had a perfect market for union representation, unions would represent a higher percentage of the workforce than they did even at their high water mark in 1945 and 1954, which was thirty-five percent.<sup>14</sup>

Second, the United States is probably a far more stratified society because of the suppression of independent worker organizations. Freeman and Rogers point out that “[t]he United States is . . . three time[s] more unequal than the world’s other great centers of capitalism.”<sup>15</sup> Providing a free market in union representation is a highly efficient way for the government to reduce income inequality. Overall, union members make 28.4% more per week than nonunion workers.<sup>16</sup> The union difference is even greater for members of traditionally excluded groups. Thus, female union members make 30.5% more per week than nonunion female workers,<sup>17</sup> and the wage premium is even greater for African Americans (36.7%)<sup>18</sup> and Latinos (54.9%).<sup>19</sup>

The decline of unionization has contributed significantly to declining

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9. *Id.* at 89.

10. In 2000, nine percent of private sector workers were union members. BUREAU OF LABOR STATISTICS, U.S. DEP’T OF LABOR, UNION MEMBERSHIP (2001), at <http://stats.bls.gov/news.release/union2.nr0.htm>.

11. FREEMAN & ROGERS, *supra* note 1, at 6.

12. Steven Greenhouse, *The First Unionization Vote by Dot-Com Workers is Set*, N.Y. TIMES, Jan. 9, 2001, at C4; see also Troy Wolverton, *Will High-Tech Chaos Finally Give Birth to Unions?*, CNET News.com, at <http://news.cnet.com/news/0-1007-201-4385393-0.html> (Jan. 16, 2001). While reporters trade on stereotypes of unions as predominantly the domain of blue collar industrial workers, in fact unions represent thousands of workers in such high technology sectors as wireless, telecommunications, engineering, health care, and graduate education. The current growth of unions is concentrated in these sectors and the growing service economy.

13. FREEMAN & ROGERS, *supra* note 1, at 89.

14. UNITED STATES BUREAU OF THE CENSUS, *Labor Union Membership as Percent of Total Labor Force and of Nonagricultural Employment: 1930 to 1970*, THE STATISTICAL HISTORY OF THE UNITED STATES 178 (1976).

15. FREEMAN & ROGERS, *supra* note 1, at 13.

16. BUREAU OF LABOR STATISTICS, U.S. DEP’T OF LABOR, UNION MEMBERSHIP (2001), at <http://stats.bls.gov/news.release/union2.nr0.htm>.

17. *Id.*

18. *Id.*

19. *Id.*

medical insurance coverage<sup>20</sup> and declining pension coverage.<sup>21</sup> Increased inequality in the distribution of income is also closely related to declining unionization.<sup>22</sup> Any president interested in spreading the American dream would do well to afford workers true freedom to form unions.

## II. EMPLOYER INTERFERENCE WITH WORKER RIGHTS

Freeman and Rogers find that management opposition is the principal reason that workers who say they want a union do not have one, and also the main impediment to employee participation in general.<sup>23</sup> On the question of workers' ability to unionize, the WRPS provides ample evidence to support this view of the overwhelming importance of fierce management opposition in frustrating employee wishes. The authors asked those workers who said that a majority of their coworkers would vote to form a union why they do not have one. Fifty-five percent said the reason was management resistance.<sup>24</sup> Further, the study demonstrated that workers are sufficiently influenced by management resistance to determine the outcome of many National Labor Relations Board ("NLRB") elections. Twelve percent of people who said they would vote against a union would switch if management was not hostile to the idea, and eight percent of affirmative voters said they would vote against unionization if management opposed it.<sup>25</sup>

Given the closeness of many NLRB elections, this finding is highly significant. Other researchers have found even larger impacts: Comstock and Fox summarized the attitudes of voters in union certification elections, based on 150,000 in-depth telephone interviews that were part of 360 organizing-related polls over fourteen years, conducted on behalf of more than fifty unions.<sup>26</sup> They estimated that thirty-six percent of "no" voters in

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20. THOMAS C. BUCHMUELLER ET AL., UNION EFFECTS ON HEALTH INSURANCE PROVISION AND COVERAGE IN THE UNITED STATES 6 (Fed. Res. Bank of S.F., Working Paper No. 2000-04, 2000).

21. William J. Wiatrowski, *Employee Benefits for Union and Nonunion Workers*, MONTHLY LAB. REV., Feb. 1994, at 34-38; William J. Wiatrowski, *Factors Affecting Retirement Income*, MONTHLY LAB. REV., Mar. 1993, at 25-35.

22. DAVID CARD, FALLING UNION MEMBERSHIP AND RISING WAGE INEQUALITY: WHAT'S THE CONNECTION? 1, 19-20 (Nat'l Bureau of Econ. Research, Working Paper 6520, 1998); David Card, *The Effect of Unions on the Structure of Wages: A Longitudinal Analysis*, 64 ECONOMETRICA 957 (1996).1

23. FREEMAN & ROGERS, *supra* note 1, at 60-62, 154-55.

24. *Id.* at 86. Management resistance was by far the most common answer given to this question. The next most popular answer was lack of union interest in organizing workers like them (twenty-two percent). *Id.*

25. *Id.* at 87.

26. Phil Comstock & Maier B. Fox, *Employer Tactics and Labor Law Reform*, in RESTORING THE PROMISE OF AMERICAN LABOR LAW 98 (Sheldon Friedman, et al. eds.,

union representation elections attributed their vote to management pressure.<sup>27</sup> Among this group, eighty-six percent specifically mentioned fear of job loss.<sup>28</sup> Since the outcome of a high percentage of representation elections is quite close, this large group of “no” voters often spelled the difference between union victory and union defeat.

Comstock and Fox found that aggressive anti-union tactics are used especially often, and with the most powerful impact, to frustrate organizing in workplaces where workers want and need unions the most—in firms where job satisfaction is low, the desire for unionization is high, and a high concentration of women, minority, or less skilled workers exists.<sup>29</sup>

Of course, in real life, strenuous management opposition is the norm. “[I]n the vast majority of NLRB representation elections, management not only gives its opinion that unionization is not in the workers’ interest but also conducts an aggressive expensive campaign to convince workers that they should vote against the union.”<sup>30</sup> Freeman and Rogers have little trouble concluding that management opposition is the “main reason” that only fourteen percent of the private sector was unionized at the time of their study, instead of the forty-four percent one would expect under perfect market conditions.<sup>31</sup>

Other sources confirm this conclusion. In recent decades, the United States has witnessed an ever-growing epidemic of employer violations of the basic rights of freedom of association, which are guaranteed to most private sector workers by section seven of the National Labor Relations Act (“NLRA”).<sup>32</sup> To get a sense of the proportions of this epidemic, and of its effects on workers’ organizing activity, compare how many workers’ rights were violated and how many workers organized over a forty year period.

Consider the number of employees offered back pay by employers after NLRB officers concluded that the workers’ rights had been violated, usually in lengthy proceedings. In the last forty years, the number of workers offered back pay in such circumstances increased 1600%, from 1,368 in 1958<sup>33</sup> to 23,682 in 1998,<sup>34</sup> the most recent year for which NLRB statistics are available. During this period in which employer abuses grew

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1994).

27. *Id.*

28. *Id.*

29. *Id.* at 99-101.

30. FREEMAN & ROGERS, *supra* note 1, at 88.

31. *Id.* at 89. Since the WRPS was completed, the private sector unionization rate has continued to decline, to nine percent in 2000. BUREAU OF LABOR STATISTICS, U.S. DEP’T OF LABOR, UNION MEMBERSHIP (2001), at <http://stats.bls.gov/news.release/union2.nr0.htm>.

32. Charles J. Morris, *A Tale of Two Statutes: Discrimination for Union Activity Under the NLRA and RLA*, 2 EMPLOYEE RTS. & EMP. POL’Y J. 317 (1998).

33. 23 NLRB ANN. REP. 146 tbl. 4 (1958).

34. 63 NLRB ANN. REP. 137 tbl. 4 (1998).

by 1600%, the private sector workforce only grew by 144%, from 43.5 million to 106 million.<sup>35</sup> Faced with such an onslaught of employer interference with their rights, many workers have simply stopped organizing. Thus, while 351,217 workers participated in NLRB elections in 1958,<sup>36</sup> only 227,390 participated in 1998.<sup>37</sup> That's a drop of thirty-five percent in simple terms, but is much larger when you consider the growth of the workforce. The percentage of private sector workers participating in NLRB elections in 1998 was just one-quarter of what it was four decades earlier. 0.8% of private sector workers participated in NLRB elections in 1958, compared to just 0.2% in 1998.<sup>38</sup>

These figures cover all employer violations, not just those that occur during union organizing campaigns. However, researchers have found the same trend of increased employer interference with employee rights during such campaigns as well. Thus, the Commission on the Future of Worker-Management Relations found that while only one in 689 workers voting for unions was fired illegally and offered reinstatement after NLRB proceedings in the early 1950s, over one in fifty union supporters was illegally fired throughout the 1980s.<sup>39</sup> While illegal firings occurred on average in less than five percent of NLRB elections in the 1950s, they infected twenty-five percent of elections held between 1986 and 1990. An updating of the Commission's statistics reveals that illegal firings occurred in thirty-one percent of NLRB elections in 1998.<sup>40</sup>

While such lawlessness has grown exponentially, it would be a mistake to conclude that employer interference with worker organization is simply a matter of employers violating the law. Given Freeman and Rogers' impressive demonstration of employee sensitivity to employer pressure, it is worth understanding how extensively employers use legal as well as illegal pressure tactics to prevent workers from organizing freely. In 1998 and 1999 NLRB elections, ninety-two percent of employers convened anti-union propaganda meetings, which employees were required to attend and from which union organizers were barred.<sup>41</sup> In seventy-eight

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35. U.S. Government Printing Office, *Economic Report of the President* 328-29 (2001).

36. 23 NLRB ANN. REP. 154 tbl. 13 (1958).

37. 63 NLRB ANN. REP. 161 tbl. 13 (1998).

38. *Id.*; 23 NLRB ANN. REP. 154 tbl. 13 (1958); U.S. GOVERNMENT PRINTING OFFICE, *ECONOMIC REPORT OF THE PRESIDENT* 328-29 (2001).

39. Commission on the Future of Worker-Management Relations, *Fact Finding Report*, May 1994, at 84. The Commission's figures for illegal terminations are extremely conservative because they include only cases where workers went through the entire NLRB process, which usually takes one to two years, and then agreed to reinstatement. Thus, for example, neither a worker who chose not to pursue a case with the NLRB nor a worker who agreed to back pay but not reinstatement would be included. *Id.* at 84 n.2.

40. *Id.* at 85 n.4. Calculations performed by the author.

41. KATE BRONFENBRENNER, *UNEASY TERRAIN: THE IMPACT OF CAPITAL MOBILITY ON WORKERS, WAGES, AND UNION ORGANIZING* 73 tbl. 8 (2000).

percent of campaigns, employers had supervisors conduct one-on-one persuasion sessions with employees.<sup>42</sup> Two-thirds of the time, these sessions were held at least weekly.<sup>43</sup> Employers showed anti-union videos in fifty-five percent of campaigns.<sup>44</sup> In seventy-one percent of campaigns in the manufacturing sector, employers illegally threatened or legally “predicted” that the facility would close or move if the workers voted to unionize.<sup>45</sup> Sixty-three percent of the time, employers used more than five of these types of anti-union tactics.<sup>46</sup> Perhaps that is because the employers hired anti-union consultants to orchestrate an anti-union campaign in seventy-five percent of all elections in this two-year period.<sup>47</sup> In a powerful memoir by a consultant who spent twenty years as a union buster before he saw the light, Martin Levitt describes in detail the strategies and tactics that enabled him to defeat the union in all but four of the 200 certification election campaigns in which he was paid to call the shots for anti-union employers.<sup>48</sup> Even one of the four elections he “lost” was not a defeat for Levitt ultimately, since the employer retained him to orchestrate a successful campaign to prevent the achievement of a collective bargaining agreement for its employees.<sup>49</sup>

### III. POWER AND COOPERATION

Freeman and Rogers have difficulty grappling with the tension between worker power or independent voice, on the one hand, and employer-employee cooperation, on the other. To an unfortunate extent, they frame key questions in the WRPS so as to portray these two factors as mutually exclusive alternatives. Thus, for example, they “asked employees to choose between two hypothetical organizations, ‘one that management cooperated with in discussing issues, but had no power to make decisions,’ and ‘one that had more power, but management opposed.’”<sup>50</sup>

Clearly, most workers understand that employee organizations can “only be effective with management cooperation.”<sup>51</sup> But including only these two alternatives in the survey narrows the authors’ field of vision. By treating worker power and management cooperation as two sides of a zero sum equation, Freeman and Rogers simply reproduce the prevailing

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42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

48. MARTIN JAY LEVITT & TERRY CONROW, *CONFESSIONS OF A UNION BUSTER* (1993).

49. *Id.* at 201-03.

50. FREEMAN & ROGERS, *supra* note 1, at 56.

51. *Id.* at 58.

understanding of labor relations among United States employers. Offering workers a third choice—a strong organization with which management cooperates—would point the way toward meaningful reform.

The either-or attitude towards cooperation and power causes Freeman and Rogers the most trouble when they attempt to explain the large gap between union members and nonunion workers on the question of unionization.<sup>52</sup> Ninety percent of union members would vote to retain their union,<sup>53</sup> whereas thirty-two percent of nonunion workers would vote to form a union at their workplace,<sup>54</sup> a fifty-eight percent gap.<sup>55</sup> The authors consider and then reject three explanations for the differences between union and nonunion workers regarding the desirability of unionization,<sup>56</sup> before they settle on what they call “the endowment effect,” meaning that people pretty much stick with what they have.<sup>57</sup> However, as the authors themselves point out, the endowment effect is a highly imperfect explanation, since one-third of nonunion workers do not want to stick with what they have at all—they want a union.<sup>58</sup>

The data contained in WRPS suggest there are several reasons for this gap, rather than a single, overarching one, but the principal reason is one that the authors do not mention: the distortions caused by employer intransigence in the face of workers’ desire for both power and cooperation. Part of the gap comes from worker attitudes grounded in ideology and the variety of workplace arrangements. Some workers simply do not believe in collective problem solving.<sup>59</sup> Others are happy with their situation and see no reason to organize.<sup>60</sup>

However, as the authors point out, these explanations only go so far.<sup>61</sup> In my view, much of the gap can be explained by employer intransigence in the face of workers’ desire for a meaningful voice. Such intransigence is not only the main reason why millions of workers who clearly want unions cannot have them. It also helps to explain why many millions of workers who want both a meaningful voice and a cooperative relationship with employers do not see unions as a vehicle to achieve those goals.

The data to prove this point are present in the WRPS. First, as we

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52. *Id.* at 68-77.

53. *Id.* at 69 (exhibit 4.1), 70.

54. *Id.* at 68, 69 (exhibit 4.1).

55. *Id.*

56. *Id.* at 71-74. The authors reject, in turn, explanations based on: (1) demographics and economic characteristics; (2) differences in preferences between union members and others; and (3) a selectivity or sorting argument.

57. *Id.* at 75.

58. *Id.* at 77.

59. *Id.* at 55.

60. *Id.* at 81.

61. *Id.* at 71-74.

have seen, the study makes clear that *most workers want both cooperation and power*.<sup>62</sup> Second, the unionized workplace offers both of these goods—not just power, but labor-management cooperation, as well. Unionized workers, as we have observed, value cooperation—or see it as a necessity—just as much as nonunion workers.<sup>63</sup> For their part, “the vast majority” of managers in unionized workplaces “reported that top management in their firm accepted the union as a partner in workplace decisions,” and sixty-four percent “thought unions made the lives of workers in their firm better.”<sup>64</sup>

Beyond worker and employer attitudes, Freeman and Rogers find that actual workplace programs designed to involve employees in decision-making are both more prevalent and deeper at unionized firms than at nonunion ones.<sup>65</sup> Thus, fifty-five percent of union workplaces utilize employee involvement (“EI”) schemes, as opposed to forty-nine percent of nonunion workplaces.<sup>66</sup> Thirty-three percent of unionized workers with EI programs participate in them, as opposed to twenty-eight percent of workers at nonunion workplaces with EI programs.<sup>67</sup> What is more, while Freeman and Rogers believe that various EI efforts have a modestly positive effect on overall productivity,<sup>68</sup> they conclude that such programs “produce[] greater gains in union settings.”<sup>69</sup> This finding has been documented by other researchers, including Sandra Black and Lisa Lynch.<sup>70</sup>

Third, union members understand that they have both power and cooperation. They inhabit a verdant valley of workplace organization, where cooperation and power coexist. While they do not see their unions as perfect,<sup>71</sup> only eight percent would want to live without them.<sup>72</sup>

Finally, many nonunion workers do not want to form or join unions precisely because they do not see the cooperation side of the union-management equation. And with good reason. They realize that management will go to war to prevent them from forming a union. When an employer fires an employee-union activist during an organizing campaign, her goal is not to eliminate one vote for the union, but rather to

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62. *Id.* at 59 (emphasis added).

63. *Id.* at 56-58.

64. *Id.* at 88 (citation omitted).

65. *Id.* at 114.

66. *Id.* at 115.

67. *Id.*

68. *Id.* at 105.

69. *Id.* at 115.

70. SANDRA E. BLACK & LISA M. LYNCH, HOW TO COMPETE: THE IMPACT OF WORKPLACE PRACTICES AND INFORMATION TECHNOLOGY ON PRODUCTIVITY 3 (Nat'l Bureau of Econ. Research, Working Paper W6120, 1997).

71. FREEMAN & ROGERS, *supra* note 1, at 77-81.

72. *Id.* at 70.



break the will of the workforce as a whole. In the words of former anti-union consultant Marty Levitt, “[t]he enemy was the collective spirit. I got hold of that spirit while it was still a seedling; I poisoned it, choked it, bludgeoned it if I had to, anything to be sure it would never blossom into a united workforce, the dreaded foe of any corporate tyrant.”<sup>73</sup> In the same way, when employers crush union drives and generally strive to maintain a “union-free” environment, they send a signal to all nonunion employees that unions cannot lead to cooperative relations. In focus groups conducted for the AFL-CIO in 1999, panels of nonunion workers were better acquainted with the war workers face if they attempt to unionize than panels of supposedly more sophisticated groups, including civic leaders, religious leaders, political professionals, and labor journalists.<sup>74</sup>

Under such circumstances, it is hard to see organizing a union leading to cooperation. When all that workers can see are the forbidding, jagged peaks of management’s antagonism to unionization, it is hard for them to imagine that there is a verdant valley of cooperation and worker voice on the other side.

#### IV. CONCLUSION

In the end, explaining the “desire-for-unionization” gap between union and nonunion workers may only mask the most important finding of the study. True, an appreciation of how employer intransigence suppresses nonunion workers’ desire to form unions may help explain the gap. But the more fundamental point is that despite the fact that the freedom to form unions is considered a fundamental human right under international law,<sup>75</sup>

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73. LEVITT & CONROW, *supra* note 48, at 2.

74. Peter D. Hart Research Associates, Union Message Focus Groups Conducted for the AFL-CIO between April 14 and April 22, 1999 with religious leaders (Chicago, IL), civic leaders (Chicago, IL), political professionals (Washington, DC), labor journalists (Washington, DC), nonunion white collar workers (Cleveland, OH), and nonunion blue collar workers (Cleveland, OH). Unpublished materials on file with author.

75. See, e.g., *Universal Declaration of Human Rights*, G.A. Res. 217A, U.N. GAOR, 3d Sess., pt. 1, Supp. No. 23(4), at 71, U.N. Doc. A/810 (1948) (“[e]veryone has the right to form and join trade unions for the protection of his interests”); *International Covenant on Civil and Political Rights*, G.A. Res. 2200A, U.N. GAOR (1966) (“[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”); *International Covenant on Economic, Social and Cultural Rights* (1966) (governments must “ensure the right of everyone to form trade unions and join the trade union of his choice. . . ; the right of trade unions to function freely. . . ; the right to strike. . . .”); *International Labor Organization Declaration of Fundamental Principles and Rights at Work* (“All members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization, to respect, to promote, and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the

and is supposedly guaranteed by United States federal law,<sup>76</sup> workers in the United States are not free to form unions. There are thirty to forty million Americans who would like to join one but cannot do so. Can you imagine any other fundamental right being denied to tens of millions of Americans with so little public outcry? What if twenty percent of the adult population was prevented from joining the church, synagogue, or mosque of their choice? Would we spend much time analyzing why some others remained atheists? The political disenfranchisement of a small fraction of the citizenry in the 2000 presidential elections justly caused a national outcry, and may lead to major policy changes. Analogous changes to enfranchise citizens in the workplace are needed just as urgently.

However, the kind of labor law reform that would allow workers to form unions without employer intimidation or coercion will only come about as the result of a major campaign to educate elected officials and opinion makers. Scholars interested in workplace human rights have begun to take notice. A number have concluded that the United States labor law regime fails to protect our citizens' fundamental human rights of freedom of association in the workplace—the rights to organize, bargain, and strike—because the government abets widespread, systematic employer interference with worker self-organization.<sup>77</sup>

Interestingly, human rights advocates point out that greater adherence to current United States law would be insufficient, both because a wide range of currently legal employer activity interferes with workers' ability to organize freely, as required by international human rights instruments, and because millions of workers are not covered by these inadequate laws at all. In 2000, Human Rights Watch released an historic report that forcefully advocated this position. The result of a year-long field study by a leading

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right to collective bargaining . . ."). See also UNFAIR ADVANTAGE: WORKERS' FREEDOM OF ASSOCIATION IN THE UNITED STATES UNDER INTERNATIONAL HUMAN RIGHTS STANDARDS, 40-50 (2000).

76. The rights of most private sector workers are covered by the National Labor Relations Act (or Wagner Act) of 1935. 29 U.S.C. § 151 et seq (1994). Workers in the airline and railway industries are covered by the Railway Labor Act of 1926. 45 U.S.C. § 151 et seq (1994). Many public sector workers are covered by various state and federal labor statutes. However, millions of United States workers have no meaningful government-protected rights at all, including domestic employees, independent contractors, most agricultural workers, temporary agency employees, and state and local government employees in states with no public employee collective bargaining laws.

77. See Virginia A. Leary, *The Paradox of Workers' Rights as Human Rights*, in HUMAN RIGHTS, LABOR RIGHTS AND INTERNATIONAL TRADE 22, 23 (Lance A. Compa & Stephen F. Diamond eds., 1996); Roy J. Adams, *Labor Rights Are Human Rights*, WORKING USA, July/Aug. 1999, at 74 Roy J. Adams & Sheldon Friedman, *The Emerging International Consensus on Human Rights in Employment*, 2 PERSP. ON WORK 24 (1998); Hoyt N. Wheeler, *Viewpoint: Collective Bargaining Is a Fundamental Human Right*, 39 INDUS. REL. 535 (2000).

expert in international labor rights, this report concluded that fundamental changes in both the United States labor laws and employer practices would be necessary for our country to come into compliance with the requirements of the International Labor Organization's 1998 Declaration of Fundamental Principles and other human rights instruments.<sup>78</sup>

For its part, the AFL-CIO has responded to the widespread violation of employees' organizing rights by launching the Voice@Work campaign.<sup>79</sup> Through Voice@Work, the Federation is helping workers reach out to a wide range of community leaders to support their right to organize free from employer intimidation and coercion. Across the nation, an increasing number of unions are turning organizing campaigns into community-wide efforts to ensure workers' rights. When clergy, elected officials, and other leaders roll up their sleeves to deal with the violation of their own constituents' rights, they both help workers vindicate their rights in the present and become advocates for legal change in the future.<sup>80</sup> As Voice@Work spreads, we can begin to envision a day when workers will be able to join unions as freely as they join a political party or the local PTA.

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78. *Id.* at 17-39.

79. Paul Buhle & Steve Fraser, *Labor's Days of Action*, THE NATION, July 5, 1999, at 88; *see also* <http://www.aflcio.org/voiceatwork/index.htm>.

80. Steve Early, *Organizing Efforts Get Some Nonunion Help*, BOSTON SUNDAY GLOBE, June 27, 1999, at 42; *Outside Support Crucial to Labor Win*, SEATTLE TIMES, Feb. 12, 2001, at A8; Tom Heinen, *Religion, Labor Find Common Interests in Working Together*, MILWAUKEE J. SENTINEL, Mar. 25, 2000, available at <http://www.jsonline.com/news/metro/mar00/labor25032400a.asp>.