

# Engaging the Academy

The New Labor Landscape & Higher Education



# Renewing Focus on Membership Engagement in the Wake of Janus

## What is *Janus v. AFSCME* case about?

- Illinois Governor Bruce Rauner (R) initially filed the suit, claiming that fair-share agreements are unconstitutional and a violation of the First Amendment.
- Mark Janus, an Illinois social worker covered by a collective agreement, also claimed that he should not need to pay fair share fees to AFSCME Council 31 because he is not a member of the union.
- Under Illinois law, AFSCME and other unions are allowed to charge workers minimum fees for the service of collective bargaining since any union has to represent *all* workers in the bargaining unit during this process. This practice was confirmed in *Abod v. Detroit Board of Education* (1977).



# A Note About the First Amendment

- There is a common misconception that the First Amendment protects free speech in *any and all* contexts with exceptions - *Schenck v. United States* (1919)
- The problem with this reasoning is that the Amendment only applies to speech exchanged with the state and *not* with private persons. If you read the first Amendment carefully, it limits the powers of the U.S. Government (Congress) and does not attempt to place any control on private conversations.
- Janus and his allies argue that every act of the state (e.g. paying fair share dues) is a control on the First Amendment.
- The AFT, NEA and other public sector unions have vowed to use Janus's argument against the right wing by fight public sector regulation (e.g. Scott Walker's law in WI that constrains union collective bargaining rights, laws that prevent police, firefighters and teachers from striking) because they are an attempt by the government to control free speech.

# So What Does the Janus Case Have To Do With Me?

- Because *Janus v. AFSCME* is an incarnation of the *Friedrichs v. California Teachers Association* (2016), most legal scholars expect the case to be in favor of Janus (i.e. fair share will go away).
- If you *do* collect fair share dues, then (1) those members will stop paying and (2) “on the fence” full members may consider dropping their membership as well.
- If you *don't* collect fair share, nothing in the immediate future changes, but AFT, NEA and other labor unions will likely see their financial and political strength weaken, which has implications in terms of support.



**Whether or not you collect fair share dues, make no mistake about it – the Janus case is not about protecting free speech, it's about weakening the labor movement and worker rights.**

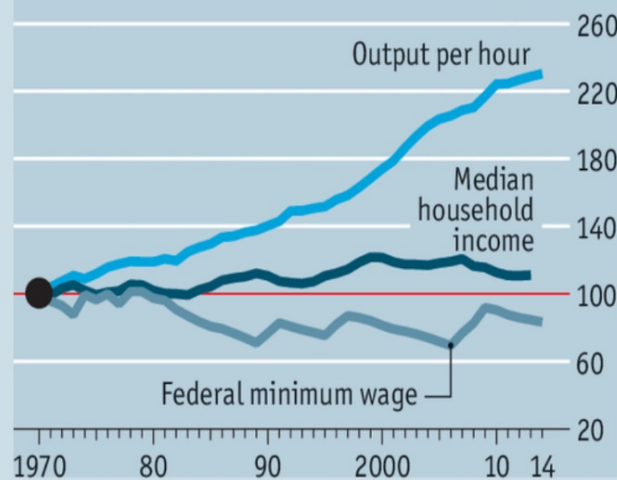
# Janus Means Membership Engagement is More Important Than Ever

- As Randi Weingarten mentioned, a major mistake in the labor movement has been taking fair share members for granted. Now we must earn our keep.
- While this definitely means as labor leaders we need to double down on our fundamentals, Janus actually presents an **opportunity** for labor to gain control of the narrative and fight for relevance.

## Left behind

United States

Real terms\*, 1970=100



Sources: BLS; Department of Labour; Census Bureau; BEA

Employee compensation, % of total national income



\*Adjusted by CPI-U-RS

- Given the political and economic instability in the country, **voters on both sides of the political spectrum** are realizing the importance of a fair wage, better healthcare/retirement benefits and the need for a safer and fairer workplace.

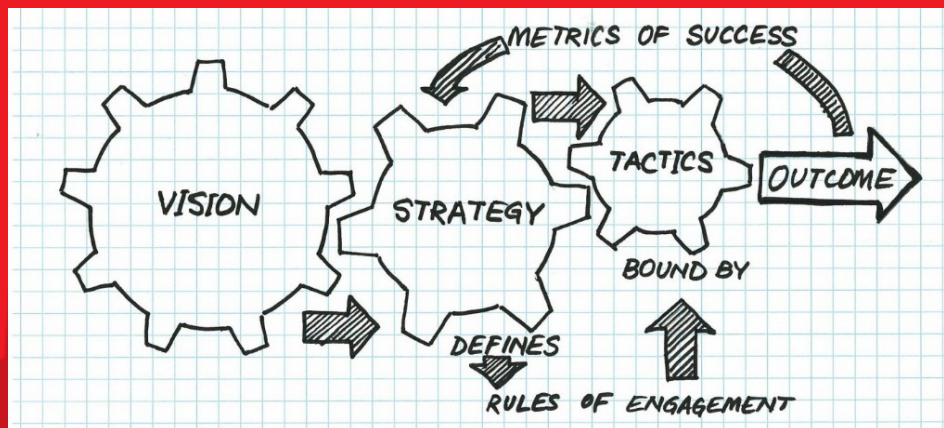
# It's Not Easy Organizing Higher Education

- **Traditional public sector union employees see themselves as traditional employees first.** Academics tend to see themselves as anything *but* an employee - faculty are self governing professionals, graduate employees are students first or adjuncts may work in multiple locations.
- **Traditional public sector unions have relatively low turnover.** With graduate employees and adjuncts, the investment in terms of organizing time and energy is higher compared to a lower payoff.
- **Traditional public sector unions tend to be less ideologically driven.** Political engagement can be a double edge sword – it may entice potential members to become involved (arts, humanities, social sciences) or lead to alienation (STEM). With younger bargaining unit members overcoming a sense of detachment can be difficult to overcome.



# What Does Successful Labor Organizing in Higher Education Look Like?

- **It's important to know there is a difference between strategy and tactics.** When we think of organizing, we think of rallies, marches and protests but these are tactics that should in service of a strategy shaped by a vision.



Email Address	First Name	Member Rating
<input type="checkbox"/> koko@mailchimp.com >	koko	★★★★☆ VIP
<input type="checkbox"/> freddie@mailchimp.com >		★★★★★ VIP
<input type="checkbox"/> allen@doubledoublerecords... >		★★★★★ VIP

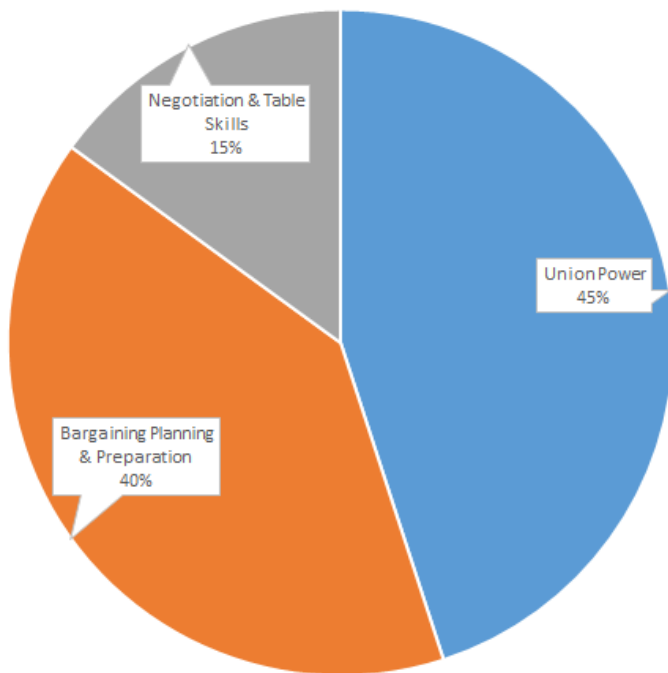
- **There is no substitute for 1:1 conversation.** Since the union is you and me, people need to know the union understands their concerns and is willing to engage with others who do not readily share their views/politics (e.g. non U.S. citizens, those in STEM)
- **Use data to help you maximize your time, energy and resources.** As academics, we are always imploring *others* to be data informed but labor organizing requires well good organization.

# The Sexy (and Not So Sexy) Parts of Labor Organizing



# Labor Organizing: It's More than Just Numbers, it's About Power!

Collective bargaining is the hallmark of the labor movement and it is all about **POWER!**



**Having power at the negotiation table means being able push the other side to accepting your demands.** Without power,

- ✓ Management can argue that the union does not represent the bargaining unit because the latter is not interested in becoming part of the union.
- ✓ Management will aggressively pursue cornering the union at the negotiation table (i.e. chipping away at any gains the union has made)
- ✓ The union has no power to strike (the most serious of all contract actions) or any serious disruptive action since the majority of the bargaining unit would not engage.

# Lessons Learned from TUGSA: Strategies for Building Union Infrastructure & Order

- **Continuous weekly engagement with the bargaining unit.** TUGSA sends out a [weekly digest \(newsletter\)](#) of events, reminders and meeting information and we are in the process of developing a smartphone application.
- **Pairing social events with membership drives.** We hosted monthly happy hours, parties and even a bowling tournament. At every event, we make sure to talk with attendees about the important of membership and followup afterwards.
- **Amended the TUGSA Constitution.** TUGSA leadership adopted two amendments – Contract Negotiation Team and Contract Action Team – to lay the groundwork for the next negotiation.
- **Introduced two new positions for 2018-19: Office Organizer and Sexual Harassment Officer.** Labor organizing is an art and science and good record management is necessary for data informed practice.



# Group Exercise

If you haven't done so already, please sit with your local. Each local will divide the sticky note paper into three parts labelled **VISION, STRATEGY, TACTICS**. With the members of your local you will write down:

- (1) your long term vision for your local.
- (2) At least one strategy you plan to employ next year to help make that vision a reality.
- (3) At least one tactic for each strategy you plan to use next year to make that strategy meaningful.

After the 20min. brainstorming period, we will spend the last 15mins. reporting and sharing you findings for the benefit of everyone.



# Some Sample Strategies & Tactics

STRATEGY	TACTIC
Raise awareness to management about an untenable workplace situation	File workplace complaints/grievances
Force management to act on lax or poorly enforced standards	Write a letter/provide data to certification body outlining concerns
Rally community support for a cause or against a policy	Contact local news media (newspaper, TV, etc.)
Demonstrate the seriousness of the situation or an unpopular policy	Hold a rally or protest (e.g. the infamous inflatable rat)
Need to appeal to outside leaders to intervene	Call/visit your local politician, hold a letter writing campaign



# Discussion and Q&A

## Contact Information:

Ethan S. Ake-Little

President, TUGSA AFT

Local #6290

Address: 1816 Chestnut  
Street,

Philadelphia, PA 19103

Email Address:

[ethanake@gmail.com](mailto:ethanake@gmail.com)

Cell: (773) 340-3424



*Thank You!*