

## **Alternatives to the Strike: Case Studies and Theory Building**

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### **Introduction**

Against the backdrop of the 104th Congress, an extraordinary press briefing was given in Washington by trucking industry executives. At this public meeting, corporate witnesses fulminated on the diabolical nature of some union practices. Industry leaders were demanding that Congress hold hearings on the contemporary efforts of union workers to pressure their employers to do things they were otherwise unprepared to do. At the close of the briefing, one executive appealed to Congressional leaders to outlaw the “strong-arm, coercive tactics” used by some unions.<sup>1</sup>

What industry executives were referring to was a collection of ubiquitous union practices (ex. media campaigns, community coalition building, stockholder resolutions, political actions, inter-union solidarity committees, and retail forms of shopfloor resistance) sharing principally the common characteristic that they occur away from the bargaining table. The growing vulnerability of striking workers brought on by an employer anti-union offensive in the late 1970s’ stimulated a new set of union strategies that congeal under the rubric of “alternatives to the strike” (*ATS*).

Despite the currentness of corporate campaigns they can be easily misunderstood as a disparate collection of tactics. In a modest attempt at correcting the impression that campaigns are a “type of cafeteria plan,” this paper examines *ATS* as a model of

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<sup>1</sup>. Thomas Donohue, president of the American Trucking Association quoted in UNION Labor Report, October 5, 1995, 313.

employee resistance.<sup>2</sup> My analysis will be drawn from three case studies of union campaigns successfully utilized to win a collective bargaining agreement. After a brief summary of each labor-management conflict, the remainder of the paper focuses on analyzing the *ATS* model.

## **CASES**

### *The UE-Steeltech Campaign*

The United Electrical Radio and Machine Workers (UE) adopted a multi-faceted campaign to win a first contract for the mostly African-American employees of Milwaukee based Steeltech Manufacturing. In 1994 after a NLRB ordered second certification election, the UE narrowly won representation rights for over 200 employees. In anticipation of winning the second election the union began developing a supportive environment in which bargaining would occur. The company, however, decided to appeal the results of the second election and to continue firing union organizers.

In response, the UE put together a public campaign framed as a “civil rights” struggle and predicated on the broad support of Milwaukee’s African-American and labor community. Approximately seven months after the campaign began, Steeltech agreed to negotiate and subsequently, two weeks later signed a contract incorporating nearly all of the workers’ demands.<sup>3</sup>

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<sup>2</sup>. Quote from Charles Perry’s Union Corporate Campaigns (Philadelphia: University of Pennsylvania, 1987).

<sup>3</sup>. Material on Steeltech is taken from author’s research and oral interview with Terry Davis, UE International Representative, Chicago District 11, on

### *UWUA, Local 1-2-Consolidated Edison Campaign*

After repeated efforts by the Utility Workers Union of America (UWUA), Local 1-2 to persuade the Consolidated Edison Company of New York to negotiate a fair settlement, the union imposed an shopfloor and public campaign to pressure the utility giant. ConEd responded by indicating that unless the union unconditionally accepted a particularly harsh contract, it was prepared to lockout its 13,000 strong unionized workforce and to operate its facilities with management personnel.

Despite a hostile and powerful employer, and two prior concessionary contracts, in June of 1992, Local 1-2 won a contract that was arguably one of the best to be negotiated in over two decades. The campaign combined a well targeted set of shopfloor actions and political maneuvers that exploited the company's vulnerabilities.

### *SEIU-Michael Reese Campaign*

For approximately 30 years the health care employees at Chicago's renown Michael Reese (MR) Hospital had quietly negotiated successive labor agreements. But in 1991, MR was sold to the for-profit Humana Company and then later merged with anti-union medical chain Columbia/HCA. Unlike the contracts signed with the local Jewish Federation, negotiations in 1994 with the Kentucky based conglomerate got real noisy.

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March 25, 1996. Additional information taken from Katherine Schiacchitano's "Finding the Community in the Union, and the Union in the Community: The First Contract Campaign at Steeltech," AFL-CIO/Cornell University Conference on Union Organizing, paper revised may 1, 1996.

Local 73 of the Service Employees International Union (SEIU), representing 800 hospital employees waged a public campaign against HCA's plans to eliminate all benefits to part-timers, to downsize the number of full-time workers and to gradually convert all Chicago's nonprofit hospitals to profit driven medical mills. After five months of constant media attention, public rallies and escalating union threats HCA signed a contract without the draconian concessions first demanded.<sup>4</sup>

### ***ATS AS A MODEL***

Herb Northrup has written that "inside games" and corporate campaigns are "in fact forms of strikes and should be treated under the law and public policy as such."<sup>5</sup> While his argument seems predicated on a peculiar equivalency for all types of worker resistance, it does point to the paradigmatic quality of campaigns. As a model, *ATS* refers to a theoretical construction designed to reveal and explain the chief elements of a particular form of employee resistance. This form, like its strike counterpart, is governed by particular ideas and procedural rules, but what that model is exactly can not be known outside of an actual campaign. In the following section I will illustrate how the referenced cases demonstrate four essential *ATS* principles.

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<sup>4</sup> . Material on SEIU campaign taken from author's research and interviews with Local 73 President Tom Balanoff, Vice-President Pia Davis and Communication Coordinator, Suzan Erem on March 22, 1996, Chicago.

<sup>5</sup> . Herb Northrup, "Union Corporate Campaigns and Inside Games as a Strike Form," Employee Relations, L. J. vol. 19, no. 4 (Spring, 1994), 507-538.

***(1) ATS is grounded in the idea that normal collective bargaining procedures are counter-productive against a hostile employer.***

In all three cases union officers approached negotiations recognizing that the past would not be prologue. The leadership of Local 1-2 offered to open negotiations six months before the contract expired in 1992, but ConEd spurned the gesture by stating that “it makes no sense for the company to become locked into such a procedure in January when it is not required by our Contract or the law.”<sup>6</sup> ConEds’ unwillingness to talk before they had to was a bad sign, but it was less hostile than what the medical staff at HCA faced. SEIU members had their dues checkoff rescinded just four days after the old contract had expired. Finally, while the hospital’s action on dues collection was a threat to the union’s existence, it was not as defiant as the position Steeltech management took. The newly organized members of UE Local 1127 had their opening efforts at bargaining answered by a company legal challenge to the certification election’s validity.

In each case the company’s intentions to oppose bargaining were obvious and bold. In response, each union prepared to confront their employer in a different and unexpected manner. For example, Local 1-2 conducted advanced stewards’ training sessions to construct a worksite plan for pressuring the company and educated its members on the “Showdown With Con Edison” through regular *Bargaining Bulletin* flyers. Anticipating a recalcitrant employer stance, local SEIU leaders decided, according to President Tom Balanoff, to “use bargaining as a tactic.” The idea was to do “enough real bargaining to avoid impasse at all cost.” In addition, SEIU leaders used informational bargaining updates to negotiate the contract on the stage of public opinion.

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<sup>6</sup>. Local 1-2 publication The Record, February, 1992, 6-7.

UE organizers at Steeltech also began a massive community outreach program to educate Milwaukee residents as to the true nature of the workers' struggle. Prior to the company's refusal to bargain, the union had already laid plans for a community meeting to address the company's promise to create "family supporting jobs." Along with public coalition building, the union also commissioned an intensive analysis of the company's financial investors. In summary, all of the unions' preparatory actions were guided by the principle that what happened away from the bargaining table was the key to negotiating a good contract.

***(2) ATS depends on an advanced level of rank-and-file mobilization that legitimizes workers' opposition to their employer.***

Local 1-2 officials brought its membership into the process by publishing regular negotiation updates, holding job site lunch "talk sessions," and conducting a rank-and-file bargaining survey. Along with providing opportunities for membership input and feedback, the union also asked its members to sign a "Strikers Activity Pledge Sheet" and on two separate occasions held public demonstrations.

SEIU issued flyers that reminded its stewards "Do Not Come Alone! Bring A Member" to regular meetings and "Be Prepared !!" about a possible breakdown in negotiations. Members were also countenanced that "If you're not part of the solution, you're part of the problem." But the union's biggest mobilization effort unfolded not through the urgings of informational flyers but in the cramped quarters of a small church. The leadership called a membership meeting to consider a strike authorization vote at Christ the Mediator Lutheran Church.<sup>7</sup> The session was scheduled to be conducted in the

church's sanctuary. However, attendance was so large that after the strike vote was affirmed by a 10 to 1 margin, the meeting turned into a rally and spilled into the street before the local media.

SEIU also strengthened their members resolve by demonstrating power at the point of production. When HCA voided all dues collection with the termination of the previous contract the union was cut off from its financial life-line. In a brilliant act of psychological warfare and membership empowerment, SEIU officers coordinated a simultaneous, early morning storming of the hospital to personally collect union dues. Union officers defied management's threats of police arrests to disrupt normal work activity, collect 90 percent of dues and stick neon green stickers on all union members in good standing. The act of paying dues in front of your supervisor, according to President Balanoff, "was a courageous thing for workers to do." It had the effect of telling management that "this struggle involved the members."<sup>8</sup>

UE organizers at Steeltech understood that while their members were committed to winning a first-contract, the margin of victory in the representation election was razor thin. Workers had little union experience, turnover in the plant was near 50 percent and the company was firing activists. To fight against a creeping loss of faith, a union local newsletter written by members was regularly distributed inside the plant with messages

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<sup>7</sup> . SEIU, Local 73 flyers dated December 13, 1994 January 3 and January 24, 1995.

<sup>8</sup> . Workers also wore stickers protesting management bargaining positions and technical workers joined the bargaining team at one negotiation session (*Bargaining Bulletin*, #4, November 14, 1994).

like, “The More They [company] Lie, The Stronger We Get.”<sup>9</sup> More critically, the union made the necessary decision to connect the shopfloor struggle of low wage minority workers to the larger social justice concerns of the Milwaukee community. The principal form of linkage was made through the “Committee for Justice at Steeltech” (CJS). CJS was a coalition of individuals, union members and community groups who came together to apply moral and political pressure on the company.

The committee’s most effective action was a public hearing held to expose the injustices committed at Steeltech. Hearing witnesses included local and state representatives, officers from different local unions, UE international staff, labor and industrial relation experts, and most importantly, fired and active Steeltech workers.<sup>10</sup> The positive public action, according to UE staff representative, Terri Davis, had an electrifying effect on the workers because they knew that “whenever they defended themselves they were not alone.”

***(3) ATS is based on applying political, economic and social pressure through leverage opportunities against their targets.***

What distinguishes striking from on-the-job models of resistance is that the locus of power shifts away from production to the financial, social, political, and moral infrastructure of production. Local 1-2 for example, could never have beaten ConEd

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<sup>9</sup> . UE Steeltech FLASH, UE Local 1127, April 13, 1995.

<sup>10</sup> . Program on Public Hearing On Steeltech, “Workers Rights Violations and Public Accountability,” January 31, 1995. CJT published “A Call to Action; The Public’s Interest is at Risk at Steeltech” and “Private Greed and the Betrayal of the Public Interest at Steeltech.

without taking advantage of the political context in which the contract dispute took place. In the summer of 1992 the Democratic Party was convening its' National Convention in New York City. The Democrats sensing a chance to regain the White House badly wanted a trouble-free week of political platitudes and pronouncements. But Local 1-2 threatened to crash the party. John Goodman, Local 1-2 Business Director, sent a letter to local, state and national party chiefs warning that a picket line could await them if the company refused to bargain in good faith.

Local 1-2 also persuaded the city's Democratic mayor and governor to pressure the company into a contract. Mayor Dinkins notified ConEd that in case of a strike city police would not be dispatched to protect company property. Governor Cuomo firmly recommended that the company accept his offer of mediation, publicly condemned ConEd's threat to lockout union workers and threatened to oppose a utility rate hike.<sup>11</sup>

SEIU's leverage against HCA was based on consumer fears and confusion buffeting the health care industry. Radical national structural changes in health care delivery had sensitized Chicago's lower income community to the possible risks of a for-profit "invasion" in their community. Union leaders took advantage of this instability by using the following thinly disguised epidemic threat to frame the struggle: "We will not let Columbia - one of the biggest healthcare corporations in the world - undermine our community and workforce. If they can do it here, not a city in this country will be safe."<sup>12</sup>

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<sup>11</sup> . See Kenneth Crowe, *New York Newsday* (June 11, 1992), and Claire Serrant *Daily News* (June 20, 1992).

<sup>12</sup> . "A Letter from the President," *Bargaining Bulletin*, #5, November 30, 1994.

The union's campaign leveraged the moral and social authority of different community actors. Neighborhood African-American political and civic leaders were recruited for support, as well as a large list of Jewish rabbis and black clergy. In more daring and flamboyant fashion, the union staged an early morning public relations action by draping a huge banner across Lake Shore Drive announcing, "Columbia/HCA-Bad For Chicago's Health." The union also issued press releases pointing out how a "For-Profit Healthcare Giant to eat Away at Chicago's Living Standard" and explaining the company's plans "to do in the hospital business what McDonalds has done in the fast food business."<sup>13</sup>

Where Local 1-2 and SEIU 73 exploited external factors to pressure their respective employers, UE 1127 leveraged the very company itself. Steeltech was vulnerable to public pressure because it was heavily subsidized by federal, state, county and local taxpayers' dollars. With the largess of public financing came contractual obligations to provide a certain number of jobs at livable wages. When those jobs and good wages failed to materialize the CJS put the company's public investors on notice. They brought to public attention not only the company's "failure to live up to its promises" but in a smart bit of leverage coupling, criticized city officials for the "lack of

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<sup>13</sup> . Press Release, Tuesday, January 31, 1995 and February 1, 1995, prepared by Suzan Erem, Communication Coordinator.

oversight [which has] allowed private interests to divert the public's investment to a short term windfall for a few business interests.”<sup>14</sup>

The union also used a more conventional tactic to supplement their unconventional resistance to the company. In the course of the organizing and contract campaign UE Local 1127 filed over 70 unfair labor practices against Steeltech with the National Labor Relations Board.<sup>15</sup> If the NLRB issued charges against the company on each complaint the possible costs in back-pay could amount to \$1 million. A hearing on the case was scheduled for early spring, but a short period before the date Steeltech contacted the union about a settlement and commencement of contract talks.

***(4) ATS transforms bargaining issues into community concerns.***

In pursuing collective bargaining objectives, *ATS* negatively impacts shopfloor efficiency and productivity through apparatuses (i.e., laws, regulatory policies, and public reputation) which support the production process. In other words, a *politics of production* shapes the bargaining context. Foremost to this politics is the peculiar synergy that evolves between workplace and worker identity. To the employer, work sites are temporary locations for production. But to the workers they are “places in

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<sup>14</sup> . 80% of Steeltech's \$19.7 million investment was public. The public investment per job (208) created was a luxurious \$75,877.88. See CJT published, “Private Greed and the Betrayal of the Public Interest at Steeltech.”

<sup>15</sup> . Steeltech Manufacturing, Inc. and United Electrical, Radio & Machine Workers of America and Robert B. Ramsay, United States Of America, National Labor Relations Board, Thirtieth Region, May 1, 1995.

which to live; places in which they have considerable individual and collective investment; places to which they are often deeply attached.”<sup>16</sup> The community focus then subsequently shifts the contested terrain away from the work site.

Local 1-2 brought the community into the fight by using a phone survey to alert the public to the issues in dispute. The union also went before the state’s utility board to oppose the company’s request for a steep rate increase. SEIU 73 built their entire campaign around a larger community concern about health care delivery. Local clergy were recruited to sign a full page newspaper ad condemning HCA for their avaricious approach to providing medical care.<sup>17</sup> Finally, state and local political officials were drawn in to defend the union on the grounds that the medical conglomerate was bad for the health of Chicago’s residents.

While the utility and medical workers were aided by a crafty public campaign, the workers at Steeltech were wholly dependent on community support for their survival. According to Davis, “an in-pant strategy was impossible.” Many workers feared for their jobs and few of them had any union background. Prompted by the courage of union activists, the CSJ created a synergy among different social groups which exposed the company as a public outlaw. Everything from marches to city hall and lobbying in

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<sup>16</sup> . Jamie Peck, WorkPlace: The Social Regulation Of Labor Markets (New York: Guilford Press, 1996), 15.

<sup>17</sup> . The ad was never purchased but the names of the signatories were passed on to Columbia.

Washington, to “road warriors” speaking to church groups and a Job With Justice pledge campaign situated the struggle in the heart of the community.<sup>18</sup>

## **CONCLUSION**

What the above cases illustrate is that *ATS* is not a random untheoretical approach to fighting an employer. Campaigns, whether inside or outside the companies, are not structureless and are guided by a theory of how to resist management. *ATS* is not, as Northrup contends, “a strike in fact” but instead something more radical and threatening to capital. Campaigns are a contextual and normative reordering of labor-management relations. They challenge management’s comfort with a stable, predictable, limited and status quo model of power relations with one based in disorder, unpredictability and unlimited points of contention.

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<sup>18</sup> . List compiled from Sciacchitano paper and my own research of UE files.