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Communications Workers of America

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Comments

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INDUSTRIAL AND LABOR RELATIONS
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EMPLOYEE OWNED ORGANIZATIONS
VS.
EMPLOYER DOMINATED ORGANIZATIONS

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Communications Workers of America
January 19, 1994

US employers routinely interfere in employee efforts to establish independent workplace organizations. Yet many of these same employers toss around concepts such as worker empowerment and workplace participation as if there was no relationship to organizational rights. In our union alone, in the past five years, we have supported more than 200 worker led organizational efforts involving more than 200,000 employees. In a few instances, employers negotiated neutrality agreements. In every other case, management conducted total war in the workplace, sparing no expense, and often blatantly violating the law to ensure that their employees had no organization to represent them. Effective representation implies an organization that is both employee led and self-sustaining.

It is in that context that we believe the ban on employer dominated organizations must be viewed. These are not partial steps towards representation, but at best paternalistic efforts to increase compliance and raise productivity. Those who would measure such efforts by only examining productivity and efficiency are effectively holding fundamental workers' rights hostage to short term profits. More often, employer dominated organizations are cynical efforts to enforce loyalty to management and prevent real organization.

We would argue that Section 8(a)(2) of the National Labor Relations Act needs to be strengthened, not weakened or abandoned. The current test for employer domination already

permits most employers to ignore the law. In a recent case involving CWA supported organizing at a newspaper in Spokane, the NLRB region ruled that the organization in question was not employer dominated even though there were no officers, no independent funding, no election of representatives, no mechanism for employees to initiate or adopt policy positions, or to file grievances. The Regional Director found that employee representatives volunteered and therefore were not company selected, and that a form of "bargaining" did occur. Other cases follow a similar line.

Earlier, we have presented to this commission a series of case studies, demonstrating the wide variety of employer abuses prevalent throughout our nation. Similarly, our education department presented a paper entitled, "Heroines and Hurdles: A Look at Women's Struggle for a Voice in the Workplace..." at a recent conference of the Department of Labor Women's Bureau. Today I will focus on two case studies, both involving employee efforts to organize in spite of the presence of employer dominated organizations. These cases involve AT&T/NCR and Sprint. Both are large multinational corporations, and leaders in their field. Both involve current efforts by employees struggling against enormous odds to build an organization that is truly their own.

AT&T/NCR

The NCR case study is unusual only in that we are able to view in detail the systematic abuse of workers' rights, particularly organizational rights at one of our nation's largest corporations over a long period of time. Our union's own experience with Sprint, TCI, MCI, to name a few, clearly indicates that the venal and illegal record of NCR is regrettably accepted corporate behavior. NCR is also important because the "Satisfaction Councils" established by the corporation provide an excellent example as to why protection against company-domination of employee organizations should be extended rather than curtailed.

We would argue that it would be a serious omission if this Commission were to avoid detailed descriptions of the terror unleashed at its workplaces by NCR and many, if not most, other American firms over the last several decades. The truth cries out to be told, not only by workers fired and discriminated against in their efforts to organize, but now by this very Commission.

We have distributed packets that detail key aspects of the NCR case study. First, there is a series of slides used to train company supervisors as they created what they called a "Union Free Organization (UFO)". As indicated in the material, NCR was once a primarily union company, and the UFO campaign was designed

to eliminate union representation, plant by plant. In fact, this material was provided to us by managers at the last remaining union plant in Cambridge, Ohio, about 5 years ago. When that plant could not be de-unionized, it was closed, despite its well-known profitability.

Next in the packet are the two complaints issued thus far by two regions of the National Labor Relations Board, charging NCR with violations of Section 8(a)(2). Additional charges have been filed with other regions and we are now seeking a national complaint. Complaints were issued since the "Satisfaction Councils" did discuss terms and conditions of employment, and were in fact, dominated and controlled by the company, including the agenda of the meetings.

Next, we have presented a series of documents describing the National Association of NCR Employees (NANE). This organization, which now has more than 400 members in 20 different chapters around the country, is composed of employees who are openly demanding change at NCR. Average NCR service of the membership is more than 20 years. Most of the members are field engineers who install and repair computer and other equipment sold by the company. They are highly educated, receiving several months of training per year. Compared to the average American worker, they are well-paid. Andrew Rivers already testified before this Commission at hearings in Lansing, Michigan, and stated quite

clearly that NANE members are insisting on, and working for a real voice for themselves and other employees in the future of their company.

The contrast here is striking. On the one-hand, "Satisfaction Councils", dominated by the employer, and on the other hand, hundreds of employees establishing their own organization at great risk. These employees could participate with no pain, and probably significant personal gain in the company's "Satisfaction Councils." Yet, their own pride and self-esteem has encouraged many of them to fight for their organization for a long period of time. The only minimal support they have received from the NLRB are the complaints against the "Satisfaction Councils." It would be wrong and insulting to the courage of these workers to change the law and legitimize such entities. Instead, we should toughen up the law and protect organizations such as NANE that are owned by workers and work for workers.

SPRINT

The Sprint case study follows much the same pattern. First, we have provided a copy of the "US Sprint Union Free Management Guide." Again, the boldness of this material, attests to the confidence with which US managers openly attack self organization by their employees. Sprint's Human Resource Department develops

this type of material on a regular basis, also including several anti-union video productions.

The remainder of the Sprint material details the activities of the Sprint Employee Network (SEN). SEN has been led by courageous women and men despite continuing and intense intimidation and hostility from management. For example, in the packet, is a reprint of a headline from a Kansas City newspaper the day after the Sprint stockholders' meeting in Kansas City. The article entitled "Quizzing the Chief" describes questions by SEN activists at the stockholders' meeting regarding electronic surveillance at the workplace and office closings.

On the day after the stockholders' meeting, when several of the workers returned to Dallas, where they are employed as Sprint Service Representatives, supervisors presented them with their pictures at the meeting. The supervisors indicated that these pictures had been faxed on the afternoon of the meeting for identification purposes. The supervisors had been instructed to interrogate the employees on their return.

The other Sprint materials in the packet are examples of SEN newsletters, with articles written by employees, and distributed both nationally and locally. This "underground" distribution of information stands in stark contrast to the company propaganda channeled by sprint through it's "Sprint Quality" network.

"Sprint Quality" committees, like the "Satisfaction Councils" at NCR are totally company controlled and dominated. These committees, up until now, have not focused on terms and conditions of employment largely because our union would obviously support the workers in SEN by filing charges. If our government were to relax prohibitions on company-dominated organizations, "Sprint Quality" would be expanded.

In the enclosed paper, "Heroines and Hurdles," we detail the organizing efforts of Tunja Gardner, who appeared last Fall before this Commission. Employees like Tunja are building their own organization. The challenge for us, this Commission, and our nation, is how to preserve and increase their ability to build such an independent organization.

At a recent "Workplace of the Future" session with top management of an AT&T business unit, union represented workers argued that management was short-sighted, not growth oriented, and simply sought to maximize profits by cutting costs which all too often meant jobs. The employees produced information to support this position, also demonstrating that managers didn't remain long enough in any one position to produce real change, but quickly left for a higher paying position elsewhere in the firm or in another firm whenever possible.

Could a conversation like that ever occur at an NCR

"Satisfaction Council" meeting? Would Sprint employees feel free to raise such concerns during a "Sprint Quality" session? If we encourage workplace participation, it should be based on employee groups that are confident that they can be agents for real change. Such groups need to be independent from management control, self-sustaining and able to negotiate their future as well as discuss it.

We can best support real workplace participation not by weakening section 8(a)(2), but by strengthening real protection for the right to organize. As many previous participants in this Commission's deliberations have expressed, we need only look to other industrial democracies for the answers. In Canada and much of Europe, recognition of independent employee organizations, or unions, is expected, and not exceptional.

Statutory reforms providing for card check recognition based on clear majority support, and when necessary, representation elections held within a few weeks of petitioning are the single most needed changes. Second, we need real penalties such as debarment from government contracts when employers violate labor laws. Third, workers need speedy relief at the National Labor Relations Board, not endless delays that force abused workers to accept cash settlements instead of justice.

American exceptionalism does not explain the low rates of organization in this country. We need to confront and prevent employer abuse of their own workers, and support the right of workers to build their own organizations without fear.