

# The State of Organizing in California

CHALLENGES AND POSSIBILITIES

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SINCE THE MID-1990S THE U.S. LABOR MOVEMENT HAS BEEN INVOLVED in an enormous effort to reverse the decades-long downward trend in union organizing activity and union density. This is especially true in California, which has more union members than any other state and is one of a handful of states in which unions have made major organizing gains in recent years.

Still, union density averages only 18% in California, and increases in union membership lag far behind those in non-union employment. Furthermore, the bar keeps moving higher: job losses are increasing in industries that have traditionally been union strongholds, such as the airline transportation and motion picture and broadcasting industries, at the same time that most of the state's employment expansion has been concentrated in largely unorganized industries.

In this essay we assess the status of organizing in California and examine the challenges that must be overcome if unions are significantly to boost membership and realize the gains in political clout and bargaining power that those increases would engender. The first section examines organizing gains in the context of changes that have occurred in employment, union membership, density, and workforce and union demographics over the past six years. The second section provides an analysis of the nature, extent, and outcome of National Labor Relations Board (NLRB) certification election activity in the state since 1997. In the third section we explore the nature and extent of non-NLRB election and card check recognition campaigns in the state. Finally, we discuss the characteristics of organizing campaigns in the United States and their implications for unions in California.

## **UNIONS AND EMPLOYMENT IN CALIFORNIA, 1997–2002**

On the surface, the California employment landscape appears to be remarkably similar to that of the nation. As in the United States as a whole, the overwhelming majority of workers in California are employed in service industries (primarily in professional and business services and in health care), the public sector, or in retail

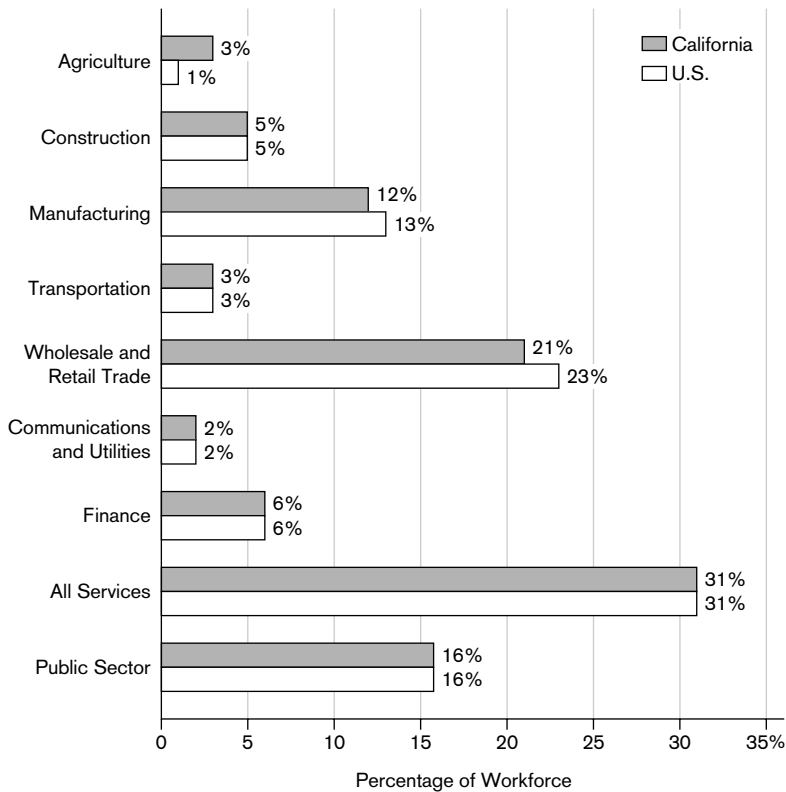


FIGURE 2.1. Employment, by Industry, California and U.S., 2002  
 SOURCES: BLS 2003a; EDD 2003.

and wholesale trade (Figure 2.1).<sup>1</sup> Not surprisingly, a slightly higher percentage of workers in California is employed in agriculture compared to the nation as a whole, while a slightly lower percentage is employed in manufacturing and wholesale and retail trade. For other industries, however, the percentages are the same for California and the nation.

California also reflected national trends in job growth and decline between 1997 and 2002 (Table 2.1). Employment in most industries grew during this period: the private sector sustained an increase of 8.8% in California and 6.2% nationwide, the public sector an increase of 14.4% in California and 8.7% nationwide. Nationally, employment in professional and business services grew by nearly 2.3 million jobs; 235,700 jobs were created in California alone. Gains also occurred in health care and retail trade.

In general, California's employment growth was stronger than the nation's. While the total civilian labor force increased by 9.7% in California, it grew by only 6.6%

1. Unless otherwise specified, throughout this chapter the term "health care" refers to both health care and social services; "communications and utilities" includes the sanitation industry.

TABLE 2.1. Employment, by Industry, California and U.S., 1997–2002

Industry	CALIFORNIA				UNITED STATES			
	Number Employed		Net Change	Percentage	Number Employed		Net Change	Percentage
	1997	2002	1997–2002	Change	1997	2002	1997–2002	Change
Private Sector	11,402,100	12,404,400	1,002,300	8.8%	103,133,000	109,531,000	6,398,000	6.2%
Agriculture	413,000	376,100	-36,900	-8.9	1,681,000	1,819,000	138,000	8.2
Construction	554,500	772,600	218,100	39.3	5,691,000	6,556,000	865,000	15.2
Manufacturing	1,953,000	1,775,200	-177,800	-9.1	19,271,000	17,281,000	-1,990,000	-10.3
Transportation	422,100	439,500	17,400	4.1	4,123,000	4,317,000	194,000	4.7
Retail trade	2,296,900	2,451,800	154,900	6.7	21,966,000	23,306,000	1,340,000	6.1
Wholesale trade	595,600	651,500	55,900	9.4	6,648,000	6,671,000	23,000	0.3
Communications	159,200	195,700	36,500	22.9	1,419,000	1,614,000	195,000	13.7
Utilities	89,100	90,900	1,800	2.0	866,000	842,000	-24,000	-2.8
Finance	744,300	849,900	105,600	14.2	7,109,000	7,760,000	651,000	9.2
Services	4,174,300	4,707,700	533,400	12.8	35,867,000	40,840,000	4,973,000	13.9
Professional and business services	1,855,600	2,091,300	235,700	12.7	12,598,000	14,883,000	2,285,000	18.1
Educational services	198,800	245,800	47,000	23.6	2,104,000	2,526,000	422,000	20.1
Health care	1,092,900	1,253,800	160,900	14.7	12,221,000	13,850,000	1,629,000	13.3
Entertainment	399,000	421,400	22,400	5.6	2,192,000	2,333,000	141,000	6.4
Motion picture and broadcasting	200,500	191,400	-9,100	-4.55	550,000	583,000	33,000	6.0
Other entertainment	198,500	245,700	47,000	23.6	1,642,000	1,750,000	108,000	6.6
Hotels and motels	182,800	189,700	6,900	3.8	1,746,000	1,798,000	52,000	3.0
Other services	445,200	505,700	60,500	13.6	5,006,000	5,450,000	444,000	8.9
Public Sector	2,140,700	2,448,100	307,400	14.4	19,557,000	21,260,000	1,703,000	8.7
All Industries	13,542,800	14,852,500	1,309,700	9.7	122,690,000	130,791,000	8,101,000	6.6

SOURCES: BLS 2003a; EDD 2003.

NOTE: Unless otherwise noted, "Manufacturing" includes mining, "Transportation" includes warehousing, "Retail" includes eating and drinking establishments, and "Health care" includes social services. "Other services" includes repair and maintenance services, personal and laundry services, religious services, labor organizations, and other similar civic organizations.

nationally. The rate of growth of construction jobs in California between 1997 and 2002, 39.3%, was over twice the national rate of 15.2%. Wholesale trade was nearly unchanged in the nation as a whole, but grew by 9.4% in California. Communications grew 22.9% in California, compared to 13.7% nationwide.

California employment trends diverged from the rest of the nation in agriculture and communications and utilities (Figure 2.2). Nationwide, employment in agriculture increased by 8.1% between 1997 and 2002, while in California it fell by 8.9%. Similarly, California employment in communications and utilities grew by 2.0%, while national employment in those industries fell by 2.8% over the period. Although overall employment growth in service industries was similar for California (12.8%) and the United States (13.9%), the growth rate was lower in California in several service industries, including entertainment and professional and business services. Employment in the motion picture, recording, and broadcasting portions of the entertainment industry in California fell by more than 9,000 jobs during this period, a drop of 4.5%, while nationally employment in motion picture, recording, and broadcasting grew by 6.0%, reflecting a continuing shift of film and television jobs out of California. Employment in the rest of California's entertainment industry, including arts and recreation, grew by 31,500 jobs, or 15.9%, between 1997 and 2002, for a net increase in employment in the entertainment industry of 5.6% (see Table 2.1).

Whereas most industries enjoyed employment growth during this period, manufacturing experienced massive job losses both in California and nationwide. All told, nearly two million jobs were lost in manufacturing in the United States between 1997 and 2002, reflecting a 10.3% loss in manufacturing employment nationwide. During this same period manufacturing employment declined by 9.1% in California, for a total loss of 177,800 manufacturing jobs.

Certain manufacturing industries in California were particularly hard hit by employment losses (Figure 2.3). Together, the apparel, leather, and textile industries lost nearly 25% of their employment base in California, falling from 178,800 jobs in 1997 to 134,800 jobs in 2002. Employment in the computer and electronic products industry dropped by more than 64,000 jobs, a 15% decline. Even with this drop, it employed more than 360,000 workers in California, or 20% of the total manufacturing workforce and 2% of the entire civilian workforce in the state.

Aerospace and fabricated metal products each lost around 20,000 workers in California between 1997 and 2002. The loss in aerospace followed a period in the mid-1990s when employment in the industry appeared to have stabilized after dropping by more than 50% between 1990 and 1995. By 2002 the total number of aerospace workers was only 80,100, a dramatic decrease from the 214,000 employed at the beginning of the 1990s.

The second largest manufacturing industry in California, food and tobacco products, remained relatively stable, going from 190,600 workers in 1997 to 190,500 in 2002. Three manufacturing industries—electrical equipment and appliances, furniture and related products, and metal production—all experienced slight increases in employment during this period.

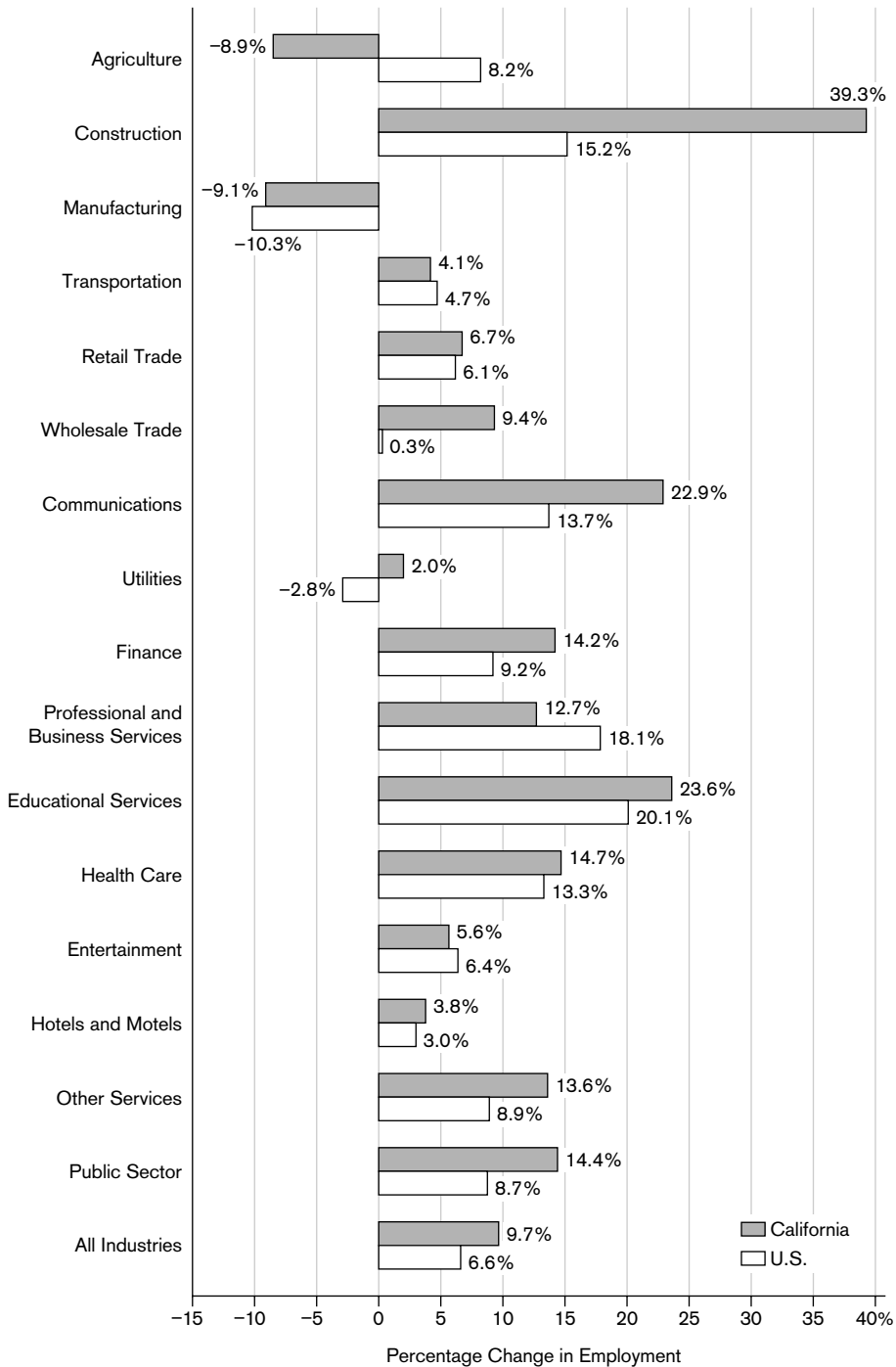


FIGURE 2.2. Change in Employment, by Industry, California and U.S., 1997–2002

SOURCES: BLS 2003a; EDD 2003.

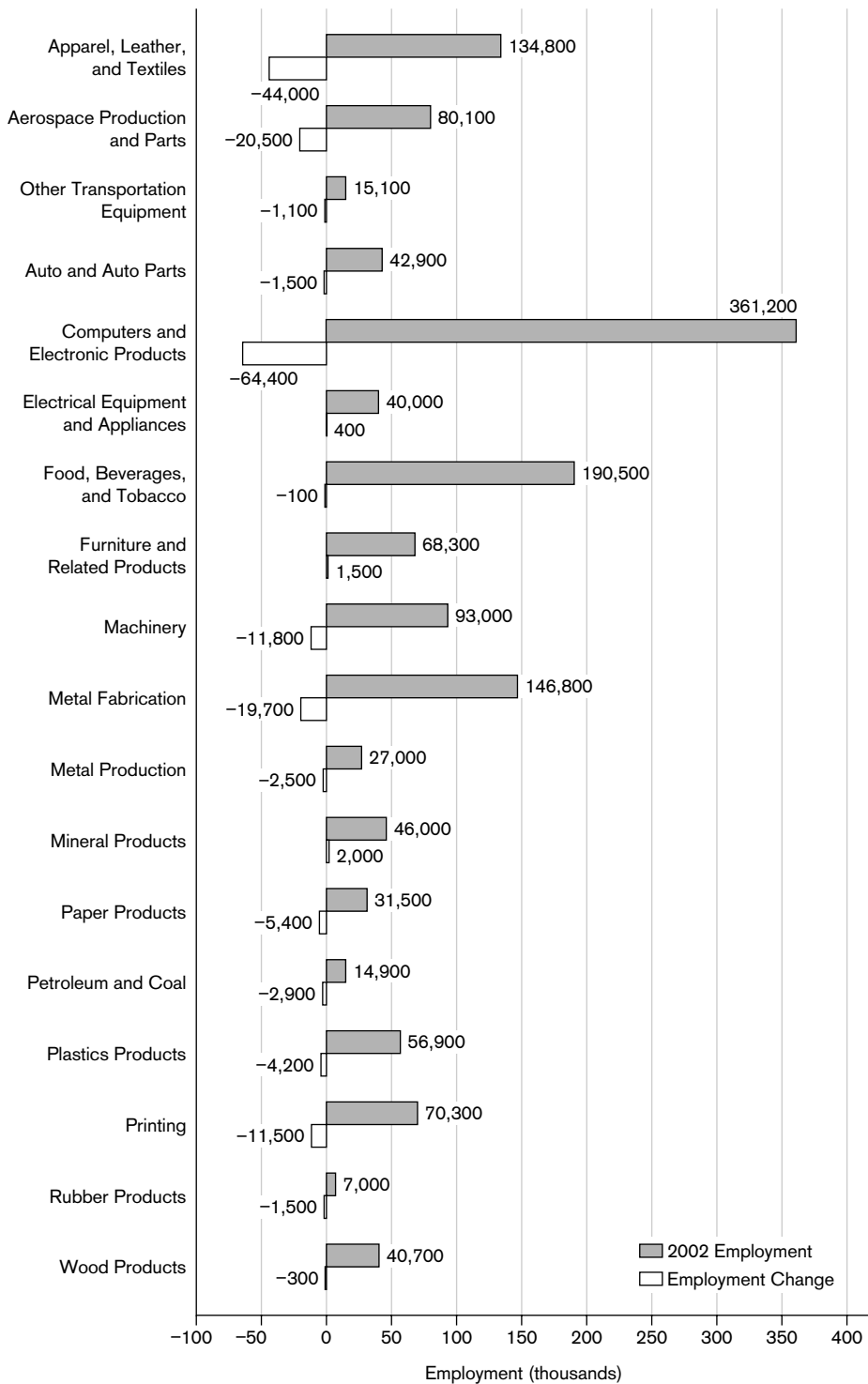


FIGURE 2.3. Manufacturing Employment, 2002, and Change in Manufacturing Employment, 1997–2002, by Industry, California  
 SOURCE: EDD 2003.

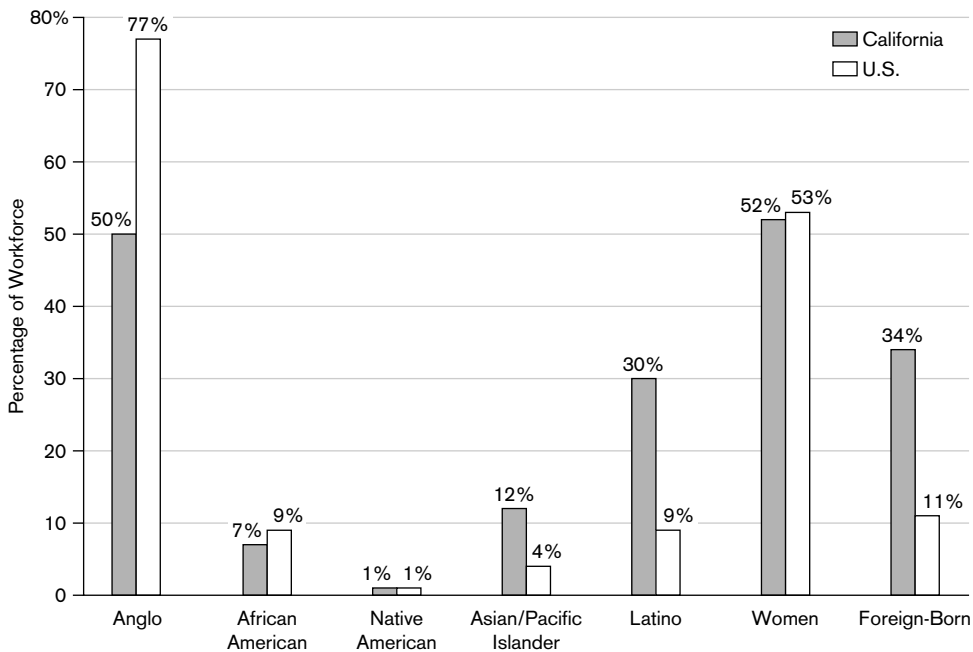


FIGURE 2.4. Selected Workforce Demographics, California and U.S., 2002  
SOURCE: BLS 2003b.

### Workforce Demographics

Unlike the industrial landscape, which is quite similar for California and the nation as a whole, the demographic makeup of the California workforce differs significantly from the nation's. California workers are much more likely to be non-Anglo and/or foreign born than their counterparts are in the United States as a whole (Figure 2.4). Overall, in 2002 77% of the U.S. workforce was Anglo, but in California half was non-Anglo. Most of this group was Latino (30% of the California workforce, compared to 9% nationwide) and Asian or Pacific Islander (12% of the California workforce, 4% nationwide). While the proportion of women in the workforce was fairly similar in California (52%) relative to the United States as a whole (53%), the percentage of foreign-born workers in California was more than three times higher (34%) than the national average (11%). The proportion of African American workers was, however, lower in California (7%) than nationwide (9%).

In California in 2002, workers who are Latino or Asian or Pacific Islander and/or foreign born were particularly concentrated in industries such as agriculture, hotels and motels, construction, and manufacturing (Table 2.2). The percentages for manufacturing workers were particularly striking, since nationwide a much lower proportion was identified as Latino, Asian or Pacific Islander, or foreign born. The percentage of Latino and of foreign-born workers employed in construction was also much higher in California than in the nation as a whole.

TABLE 2.2. Racial and Ethnic Composition of the Workforce, California and U.S., 2002

	PERCENTAGE		PERCENTAGE		PERCENTAGE		PERCENTAGE		PERCENTAGE	
	ALL		AFRICAN		ASIAN AND		LATINO		FOREIGN	
	NON-ANGLO	US	AMERICAN	US	ISLANDER	US	CA	US	CA	US
	CA	US	CA	US	CA	US	CA	US	CA	US
Private Sector	53%	24%	5%	9%	12%	4%	34%	10%	37%	12%
Agriculture	71	20	1	4	3	3	74	26	69	25
Construction	53	22	3	5	4	2	49	17	42	16
Manufacturing	59	23	3	8	16	4	40	11	48	14
Transportation	57	27	9	12	12	4	35	9	33	11
Retail trade	52	24	5	9	11	4	36	11	34	12
Wholesale trade	49	19	4	6	11	3	35	10	36	11
Communications	47	24	12	12	13	5	22	7	23	7
Utilities and sanitation	35	17	9	8	11	2	13	5	20	4
Finance	38	19	6	8	14	5	20	7	24	9
Health care	53	26	10	12	14	4	27	7	30	10
Entertainment	31	21	6	7	9	4	16	9	21	11
Hotels and motels	63	42	6	13	15	10	42	19	54	27
Business and other services	52	26	6	9	13	5	31	9	37	13
Public Sector	47	24	12	12	10	4	23	6	19	6
Public education	39	19	8	9	8	4	22	6	18	6
Other public sector	47	28	16	15	12	4	24	6	20	6
All Industries	50	24	7	9	12	4	30	9	34	11

SOURCE: BLS 2003b.

NOTE: "Business and other services" includes business services, professional and technical services, private sector educational services, and other services. "Other public sector" includes all public sector other than public education.

Just as they were nationwide, African American workers in California were most concentrated in non-education public-sector positions, particularly public transportation, health care, and communications and utilities. Compared to the nation as a whole, African American workers were particularly underrepresented in certain California industries: agriculture, construction, manufacturing, retail trade and wholesale trade, and hotels and motels.

### Union Workers in California

Although employment patterns in California are largely representative of the national employment picture, union membership and density patterns in California contrast with the rest of the nation in several respects (see Milkman and Rooks, this

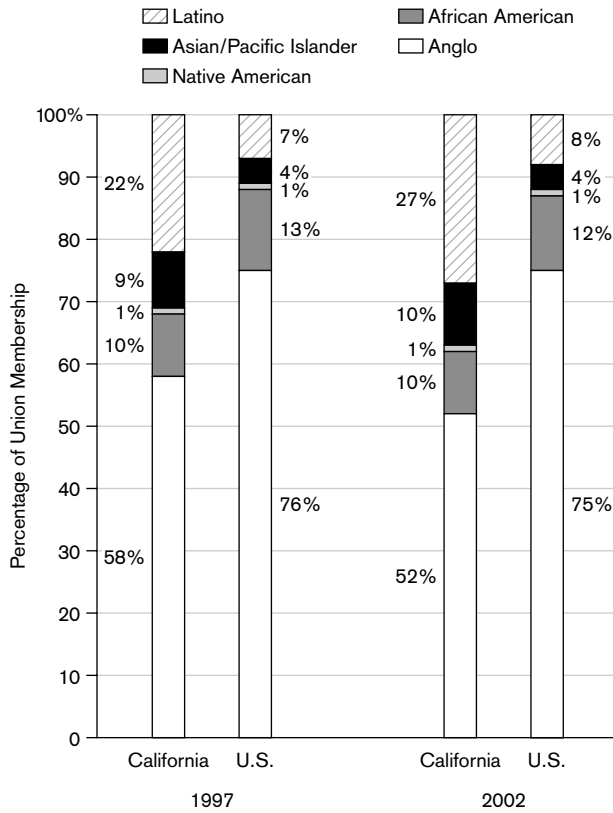


FIGURE 2.5. Union Membership, by Racial and Ethnic Background, California and U.S., 1997–2002  
SOURCE: BLS 2003b.

volume). California was one of only seven states in the country where union density increased in both the public and private sectors between 1997 and 2002, with an overall percentage increase in union density of 13.2%. Yet, because recent employment growth in California has been concentrated in traditionally less-unionized industries such as computers and electronics, union density in California, even at 18%, is lower than it is in New York, Hawaii, Alaska, Michigan, New Jersey, Illinois, and Washington (all between 18% and 26%) (Hirsch and MacPherson 2003).

Given the state’s increasingly diverse workforce, it is no surprise that the labor movement in California is also more diverse than it is nationwide, and that it is growing more diverse each year. For the six years from 1999 to 2002 the non-Anglo proportion of union members nationwide hovered around 25% (Figure 2.5). As early as 1997, however, 42% of all union members in California were non-Anglo, including 22% Latino, 9% Asian or Pacific Islander, 1% Native American, and 10% African American. By 2002 the proportion of union members who are Latino had increased to 27% and the overall proportion of non-Anglo workers had increased to

TABLE 2.3. Union Density, by Race and Ethnicity, Gender, and National Origin, California and U.S., 1997 and 2002

	PERCENTAGE UNIONIZED			
	1997		2002	
	<i>California</i>	<i>U.S.</i>	<i>California</i>	<i>U.S.</i>
Race or Ethnicity				
Anglo	18%	14%	19%	13%
African American	26	19	30	18
Native American	17	9	21	11
Asian and Pacific Islander	12	14	15	14
Latino	12	12	15	11
Gender				
Men	17	16	18	15
Women	15	12	18	12
National Origin				
U.S. born	19	14	21	14
Foreign born	10	12	12	11

SOURCE: BLS 2003b.

48%. The proportion of California union members who are foreign born also increased, from 20% in 1997 to 22% in 2002. In contrast, in 2002 only 9% of all union members nationwide were foreign born. The proportion of California union members who are female was 47% in 2002, compared to 43% in the United States.

Since 1997 union density in California has increased a few percentage points across every demographic group (Table 2.3). Most notably, union density in California increased from 12% to 15% for Asians and Pacific Islanders, 12% to 15% for Latinos, and from 26% to 30% for African Americans. In contrast, union density for the United States as a whole declined by approximately a percentage point in almost every demographic group, with the exception of density among Native Americans, which increased from 9% to 11%, and women, which remained stable at 12%.

Women and non-Anglos continue to be underrepresented by unions in many key industries in California (Figure 2.6). Union density is lowest in agriculture, finance, retail and wholesale trade, and most service industries—precisely the industries in which women and/or non-Anglos are most concentrated. In contrast, union density in the private sector is highest in communications and utilities, where women and non-Anglos are in the minority. Union density for these two groups is highest in the public sector, particularly in education, just as it is nationwide. This is a primarily a function of the greater organizing success achieved among teachers and city employees, the majority of whom are women and/or non-Anglos (see Juravich and Bronfenbrenner 1998).

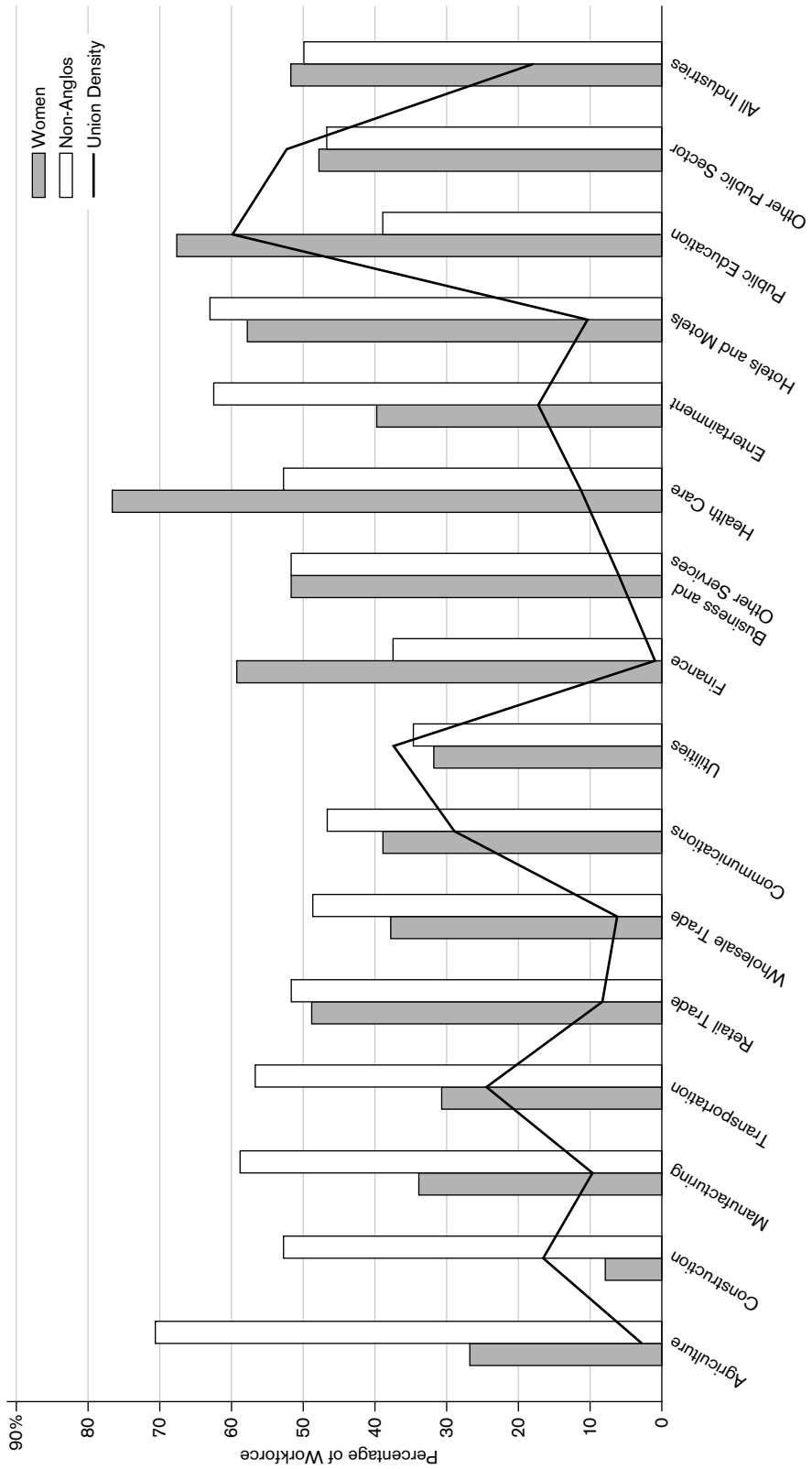


FIGURE 2.6. Women, Non-Anglos, and Union Density, by Industry, California, 2002

SOURCE: BLS 2003b.

Although the prospects for the labor movement seem brighter in California than in many other states, unions still face enormous challenges, particularly in the private sector. Unions in California still represent only 10% of the private workforce in the state. Despite a 56% union density rate in the state's public sector, public-sector jobs represent just 16% of all civilian employment (see Figure 2.1). Even if California unions were able to organize 100% of the public sector, 74% of the total workforce in the state would still be non-union. The greatest job growth has been in industries in which union density is relatively low, such as professional and business services, retail trade, and health care, or, in the case of the finance industry, virtually nonexistent. California unions will have to organize hundreds of thousands of new members a year just to keep pace with employment expansion, much less make significant gains in union density.

## **NLRB ELECTION ACTIVITY**

To gain a better understanding of the nature and extent of organizing in California we must move beyond employment, membership, and union density data to the organizing process itself. Unfortunately, it is not easy to compile a complete picture of organizing in California. NLRB regulates labor relations in the private sector, and the only reliable data come from NLRB elections. Unions in California, however, are increasingly attempting to organize outside of the NLRB process, both in the public sector and, through card checks and other voluntary recognition campaigns, in the private sector. This section summarizes all NLRB elections that took place in California from 1997 to 2002. In the section that follows we estimate organizing gains made outside the NLRB process, which, when combined with the NLRB data, provide a much clearer understanding of how successful California unions have been in meeting the organizing challenge.

Tables 2.4 and 2.5 compare NLRB election activity in California with that in the nine other states that had the largest number of NLRB elections between 1997 and 2002. With an average of just under 300 NLRB elections each year, and a total of 1,762 elections for the six-year period, California unions averaged more elections per year than unions in any other state and were responsible for approximately 10% of all NLRB election activity that took place nationwide. Election win rates also consistently averaged higher in California than in most other states, starting at 55% in 1997, and, after dropping to 53% in 1998, remaining steady at 55% until 2002, when the win rate increased to 58%.

The true measure of organizing success is not the election win rates, but rather the number of workers who were organized. In terms of the number of workers organized in NLRB elections during this period, California was second only to New York, with between 8,516 (1997) and 12,210 (1998) newly organized workers each year. For the six years combined, unions in California won elections involving 61,714

TABLE 2.4. Number of NLRB Elections and Win Rates in the Ten States with the Largest Number of Elections, 1997–2002

State	1997		1998		1999		2000		2001		2002		1997–2002	
	Number	Win Rate	Number	Win Rate	Number	Win Rate	Number	Win Rate	Number	Win Rate	Number	Win Rate	Number	Win Rate
<b>California</b>	<b>311</b>	<b>55%</b>	<b>350</b>	<b>53%</b>	<b>306</b>	<b>55%</b>	<b>310</b>	<b>55%</b>	<b>230</b>	<b>55%</b>	<b>255</b>	<b>58%</b>	<b>1,762</b>	<b>55%</b>
New York	301	56	302	62	316	64	272	58	227	59	243	57	1,661	59
Illinois	239	55	235	57	187	47	207	48	191	63	200	57	1,259	54
Pennsylvania	229	49	216	50	206	45	209	49	184	55	182	56	1,226	50
New Jersey	175	47	194	45	190	47	137	58	140	51	148	58	984	51
Michigan	167	50	190	47	181	48	149	54	110	53	158	56	955	51
Ohio	198	44	186	45	175	51	144	51	95	47	151	45	949	47
Washington	123	62	104	55	93	58	79	54	67	57	73	62	539	58
Missouri	117	51	90	56	99	54	80	54	72	50	73	40	531	51
Florida	98	56	73	47	95	60	79	43	95	59	74	55	514	54
All states	3,268	51	3,297	52	3,108	52	2,868	53	2,361	54	2,540	56	17,442	53

SOURCE: BNA PLUS 2002, 2003.

TABLE 2.5. Number of Voters in All NLRB Elections and in Elections Won for the Ten States with the Largest Number of Newly Organized Workers, 1997-2002

State	1997		1998		1999		2000		2001		2002		1997-2002	
	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won	Number of Voters	Voters in Elections Won
New York	20,659	10,582	20,553	14,719	18,569	11,608	23,626	14,178	19,532	11,495	23,383	11,733	126,322	74,315
California	20,051	8,516	23,705	12,210	20,809	8,825	25,675	11,690	18,170	9,190	20,841	11,283	129,315	61,714
Illinois	15,179	7,171	16,993	8,833	13,228	5,665	11,417	4,875	8,605	5,044	10,753	3,970	76,175	35,568
Pennsylvania	18,158	5,363	13,760	5,985	15,973	7,010	14,012	6,094	9,740	3,444	9,265	3,016	80,908	30,912
Michigan	9,101	3,973	13,467	5,447	16,511	6,114	14,448	8,247	6,073	2,571	7,949	3,750	67,549	30,102
Ohio	15,323	4,214	13,370	4,590	19,294	8,625	9,631	3,633	10,350	1,946	7,963	1,874	75,931	24,882
New Jersey	9,675	3,226	10,744	3,758	12,671	5,728	8,171	4,004	9,628	3,376	9,997	4,116	60,886	24,208
Florida	9,110	4,082	5,787	1,944	13,184	5,011	7,140	2,715	6,807	4,676	9,962	2,632	51,990	21,060
Washington	6,431	3,900	7,590	4,247	3,975	2,286	2,834	1,493	20,862	2,690	4,722	3,004	46,414	17,620
Massachusetts	5,241	1,876	6,801	4,057	6,074	2,560	3,509	1,535	5,685	3,260	2,110	890	29,420	14,178
All states	220,242	86,161	232,977	106,354	244,255	106,734	212,816	93,482	193,331	68,728	180,820	72,908	1,284,441	534,367

SOURCE: BNA PLUS 2002, 2003.

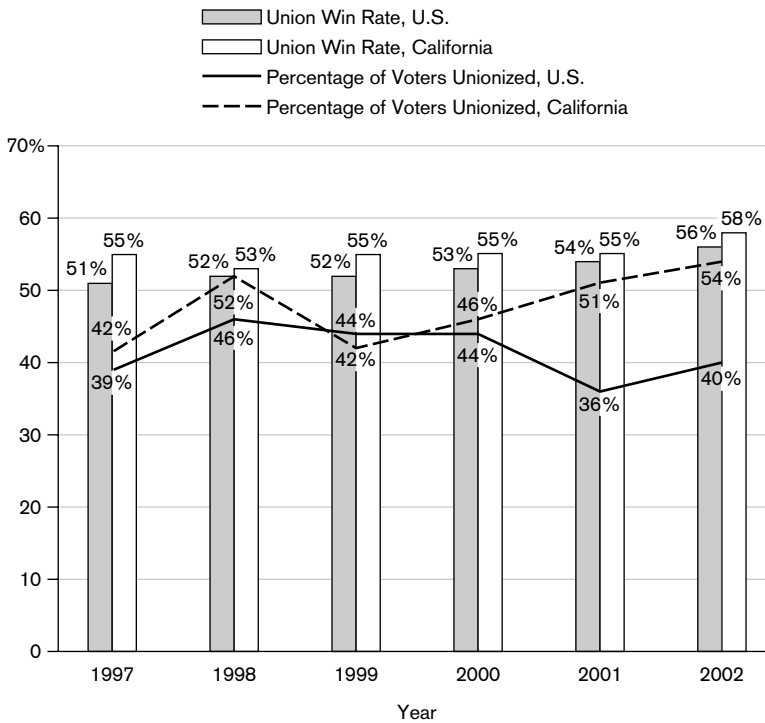


FIGURE 2.7. Union Win Rates and Percentage of Voters Unionized in NLRB Elections, California and U.S., 1997–2002

SOURCE: BNA PLUS 2002, 2003.

of the 129,315 eligible voters who participated in NLRB elections. In contrast, unions in New York won elections involving 74,315 of the 126,322 eligible voters. The number of workers organized then drops precipitously, to 35,558 in Illinois and 30,912 in Pennsylvania. Of the nearly 1.3 million voters who participated in NLRB certification elections nationwide between 1997 and 2002, only 42% of these voters were in units where the election was won. The figure was higher in California, with 48%.

Nationally, the gap has been widening between the number of NLRB elections won and the percentage of voters who were organized through NLRB elections (Figure 2.7). While the election win rate for all NLRB elections in the United States increased from 51% in 1997 to 56% in 2002, the percentage of voters won increased only 1% over the six-year span, from 39% in 1997 to 40% in 2002. In California, however, a very different pattern emerges. Although the percentage of eligible voters in elections won was only 42% in 1997, by 2002 it had increased to 54%, only four percentage points lower than the 2002 election win rate of 58%.

Election wins, both in California and the nation as a whole, were most frequent in elections with a relatively small number of eligible voters (Figure 2.8). In California 64% of all NLRB elections from 1997 to 2002 occurred in units with fewer than

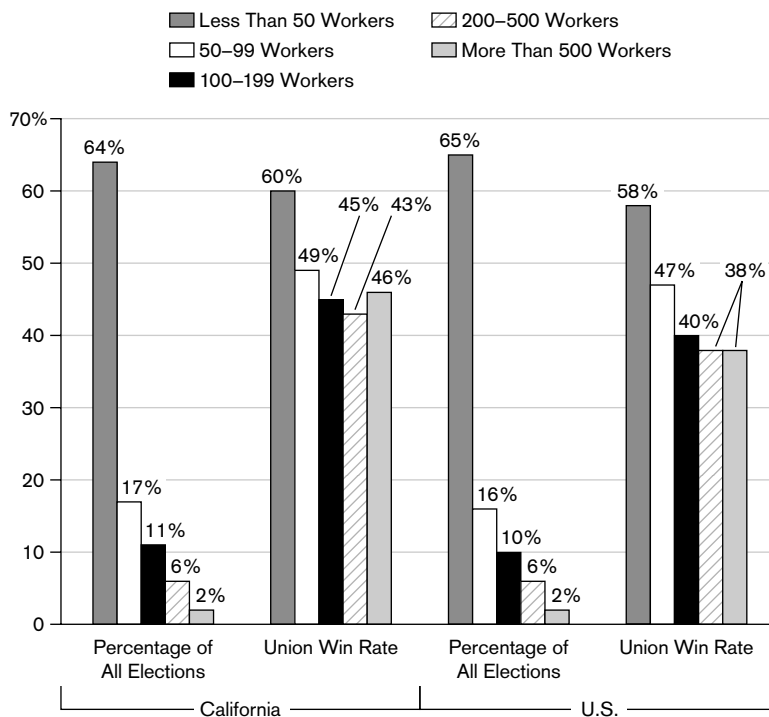


FIGURE 2.8. NLRB Elections and Union Win Rates, by Unit Size, California and U.S., 1997-2002  
SOURCE: BNA PLUS 2002, 2003.

fifty eligible voters; only 6% were in units with between 200 and 500 eligible voters and only 2% were in units with more than 500 voters. The national pattern is nearly identical. For the United States as a whole, win rates steadily declined as the number of eligible voters increased, from a high of 58% in units with fewer than 50 eligible voters down to 38% in units with more than 500 voters. In California win rates were 60% in the smallest units, dropping down to 43% in units with 200 to 500 eligible voters, and increasing slightly to 46% in units with more than 500 eligible voters.

This pattern reflects the tendency of unions to target small “hot shops” (where workers have already expressed an active interest in organizing) and their failure to take on and win the larger, more strategic, units in their industries. One win in a unit of 5,000 workers is far more significant than one hundred wins in units with fewer than 50 eligible voters, and it can take just as much time and just as many resources to bargain a contract for 5,000 workers as for 5. With 5,000 workers the union has the power and the dues to do what it takes to win a strong first contract, something that is greatly lacking in bargaining for small units (Bronfenbrenner 1996). Thus, if unions participating in NLRB elections in the private sector are committed to organizing new members on the scale necessary to significantly increase union density, they will have no choice but to target larger units.

## NLRB Election Activity by Industry

Figure 2.9 compares NLRB election activity and win rates for California and the United States for 1997 through 2002. Unions in California concentrated their NLRB election activity in different industries than their counterparts did nationwide, but there is little difference in industry win rates between California and the nation as a whole. California unions ran a higher percentage of elections in transportation (17% in California versus 13% nationwide), retail and wholesale trade (15% versus 12%), entertainment (5% versus 2%), hotels and motels (3% versus 2%), and communications and utilities (8% versus 6%). California unions ran a smaller percentage of elections in construction, manufacturing, and health care. Both nationally and within California, NLRB win rates were highest—above 60%—in service industries such as health care, entertainment, and business services. Win rates were lower in manufacturing, construction, and communications and utilities.

This election activity looks much less substantial when the number of elections in California is broken down by industry and year, as Table 2.6 reveals. Even in the most active areas of the economy—manufacturing, transportation, health care, and retail and wholesale trade—the average number of elections over the six-year span ranged from only 34 to 63. In other industries the number of elections was much lower, particularly in hotels and motels and communications, which both averaged under 8 elections a year, and in finance, with a total of only 7 elections during the entire six-year period.

The average number of eligible voters involved in NLRB elections in California for the six-year period was also quite small (Figure 2.10). With the exception of health care, which had an average of 158 eligible voters per election, the average number was fewer than 100. Averages were even lower for the number of workers who participated in winning elections, with retail and wholesale trade having the fewest, at 26. Once again, health care had not only the largest average number in this regard (153) but also the smallest drop (2%) between the average number of eligible voters and the average number of voters involved in a win.

Manufacturing and health care had by far the highest yearly average number of eligible voters (5,695 and 5,310, respectively) (Figure 2.11). In manufacturing, an average of 63 elections took place each year; the average unit size was 90 workers. In health care, an average of 34 elections took place each year; the average unit size was 158 (see Figure 2.10). However, because average NLRB win rates in California were so much lower in manufacturing (44%) than in health care (69%) (see Table 2.6), the average number of newly organized workers in manufacturing in California was only 2,189, compared to 3,549 workers organized in health care. Transportation also showed a significant drop: only 1,428 workers organized, although 2,953 participated in NLRB elections. The most dramatic difference was in retail and wholesale trade, where the majority of elections won were concentrated in small units. On average, only 524 of the 2,545 workers who participated in NLRB elections in the retail and

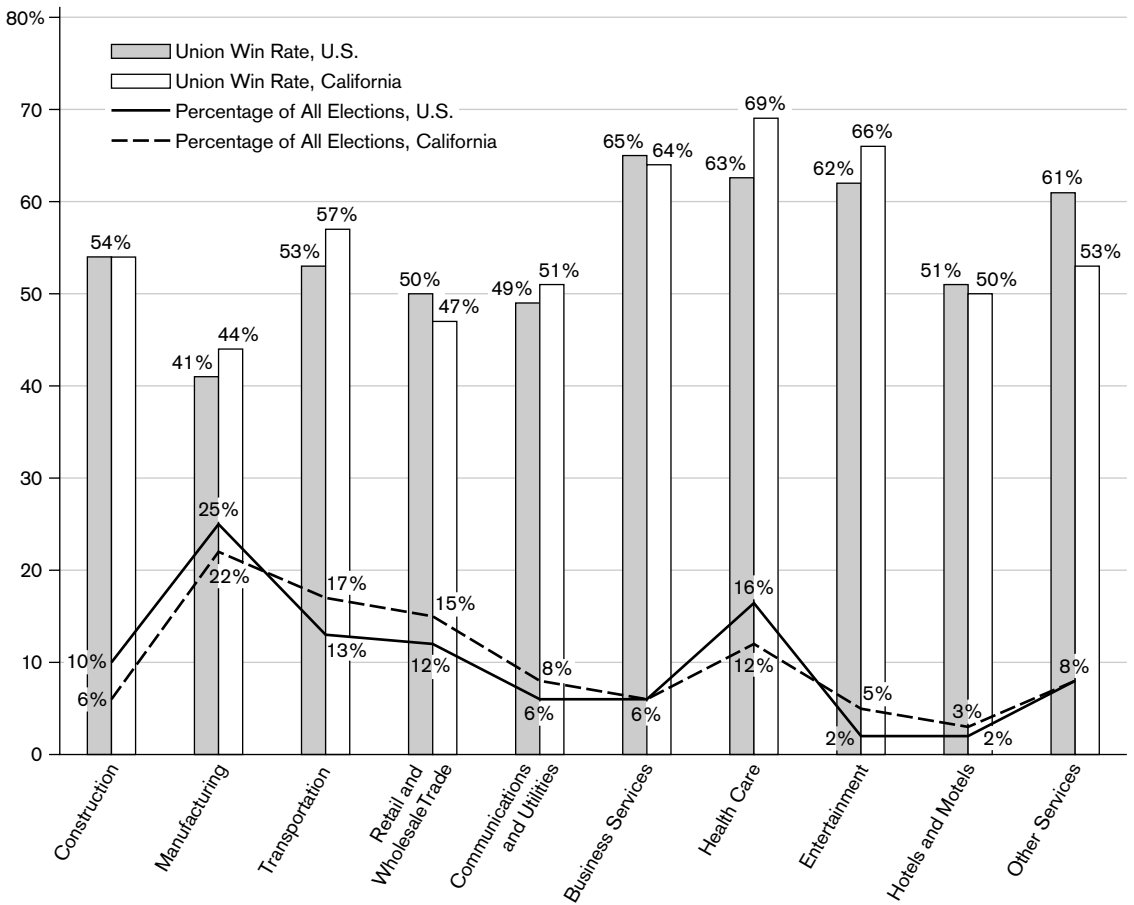


FIGURE 2.9. NLRB Elections and Union Win Rates, by Industry, California and U.S., 1997–2002

SOURCE: BNA PLUS 2002, 2003.

NOTE: “Other services” includes professional, educational, and other services.

wholesale industries each year were in units where the election was won. Gains were also small in construction and in communications and utilities.

Few differences were evident in win rates between NLRB elections in California and the United States as a whole, as noted above, but there were significant differences in regard to the type of industry in which election activity was concentrated and the average number of eligible voters participating in the elections (Figure 2.12). For example, only 21% of newly organized workers in California were in manufacturing, compared to 26% nationwide. They were also less concentrated in retail and wholesale trade, although only slightly: 5% in California versus 6% in the United States as a whole. On the other hand, newly organized workers in California were slightly more concentrated in health care, transportation, and communications and utilities.

TABLE 2.6. Number of NLRB Elections and Win Rates, by Industry, California, 1997–2002

Industry	1997		1998		1999		2000		2001		2002		1997–2002	
	Number of Elections	Win Rate	Number of Elections	Win Rate	Number of Elections	Win Rate	Number of Elections	Win Rate	Number of Elections	Win Rate	Number of Elections	Win Rate	Number of Elections	Win Rate
Construction	19	39%	37	62%	10	50%	21	43%	10	70%	16	63%	113	54%
Manufacturing	74	41	70	50	66	44	63	41	44	41	63	49	380	44
Transportation	57	63	51	47	54	63	60	57	40	50	34	62	296	57
Retail and wholesale trade	42	48	62	45	62	50	28	61	37	41	26	42	257	47
Communications	7	86	5	20	6	83	1	0	4	0	8	38	31	48
Utilities	13	62	26	58	14	43	17	35	17	76	19	42	106	53
Finance	0	—	0	—	0	—	3	100	1	0	3	67	7	71
Health care	31	55	27	70	29	76	49	61	30	73	36	81	202	69
Other services	68	71	72	54	65	55	68	66	47	66	50	68	370	63
Business and personal services	14	86	23	61	16	56	26	56	10	50	14	79	103	64
Hotels and motels	11	45	5	40	4	75	4	50	9	33	11	64	44	50
Entertainment	15	53	15	33	19	63	11	82	11	73	8	88	79	66
All private-sector industries	311	55	350	53	306	55	310	55	230	55	255	58	1762	55

SOURCE: BNA PLUS 2002, 2003.

NOTE: Other services includes all services other than health care.

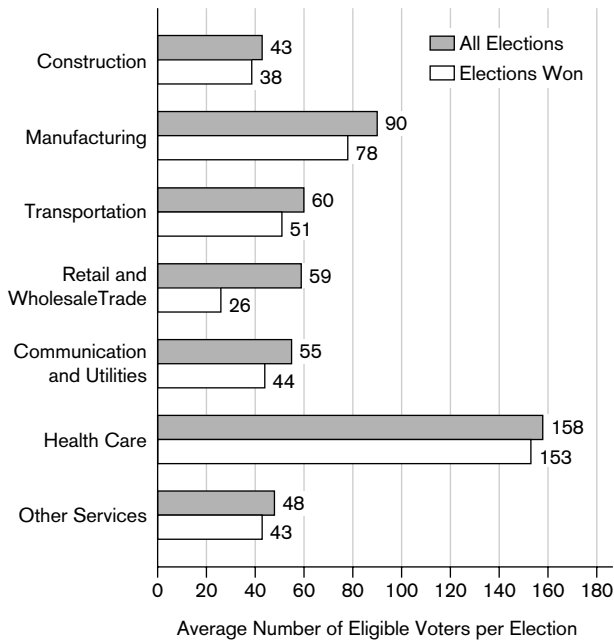


FIGURE 2.10. Average Number of Voters per NLRB Election, by Industry, California, 1997–2002

SOURCE: BNA PLUS 2002, 2003.

NOTE: “Other services” includes all services other than health care.

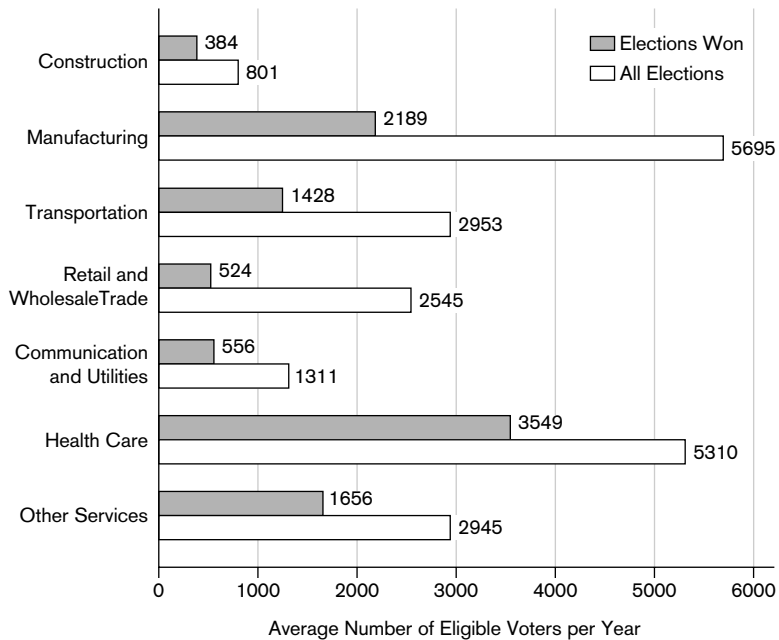


FIGURE 2.11. Average Number of Voters per Year in NLRB Elections, by Industry, California, 1997–2002

SOURCE: BNA PLUS 2002, 2003.

NOTE: “Other services” includes all services other than health care.

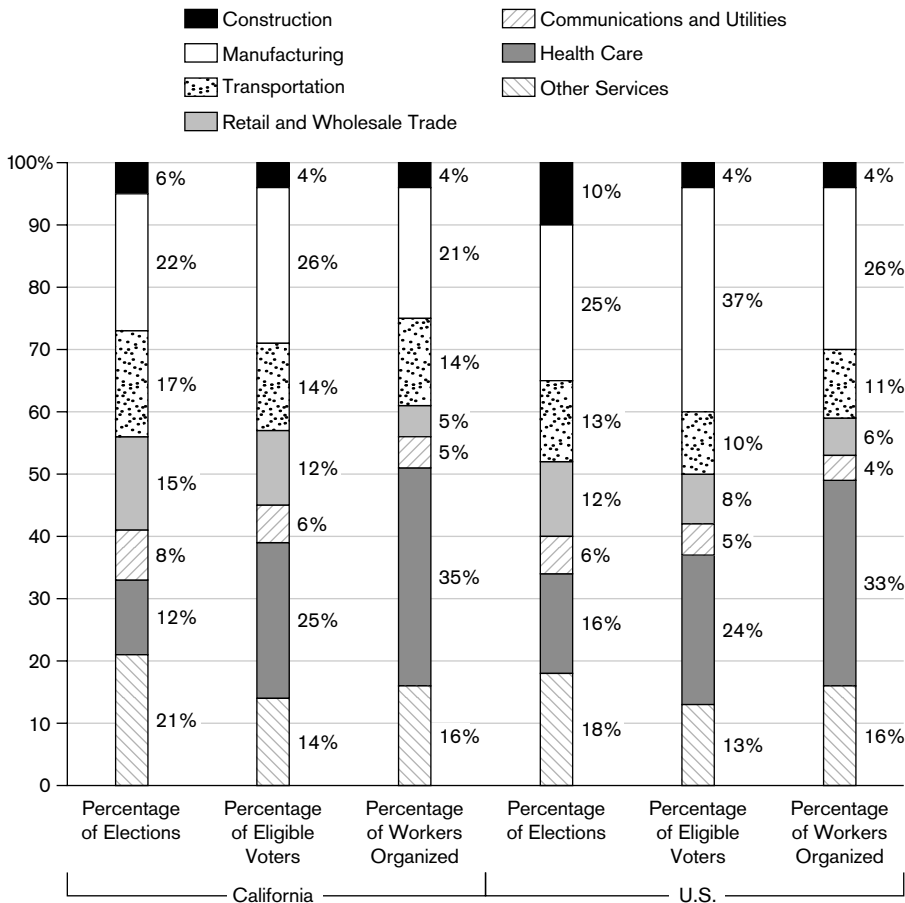


FIGURE 2.12. NLRB Elections, Voters, and Newly Organized Workers, by Industry, California and U.S., 1997–2002

SOURCE: BNA PLUS 2002, 2003.

NOTE: “Other services” includes all services other than health care.

### Unions and NLRB Activity in California

Table 2.7 provides summary data for the primary unions active in NLRB elections in California. As they are nationwide, the International Brotherhood of Teamsters (IBT) was involved in the greatest number of elections by far, participating in 693, or 39%, of the 1,762 NLRB elections that took place in California between 1997 and 2002 (Figure 2.13). With an average win rate over the six-year period of 50%, the Teamsters were able to gain representation for 14,062 workers during this period, representing 35% of all eligible voters participating in Teamsters elections and 23% of all workers organized under the NLRB in California for the six-year period (Figure 2.14). These figures compare favorably with the national

TABLE 2.7. NLRB Election Activity, by Union, California, 1997–2002

<i>Union</i>	<i>Total Number of Elections</i>	<i>Percentage of all Elections</i>	<i>Win Rate</i>	<i>Average Number of Voters per Year</i>	<i>Average Number of Voters Won per Year</i>	<i>Total Number of Voters Won</i>	<i>Percentage of Voters Won</i>	<i>Percentage of Total New Workers Organized</i>
IBT	693	39%	50%	6,725	2,344	14,062	35%	23%
SEIU	120	7	73	2,861	2,208	13,249	77	22
CNA	15	1	80	1,138	735	4,409	64	7
IAM	113	6	61	713	333	1,999	47	3
LIUNA	62	4	48	1,177	317	1,900	27	3
GCIU	29	2	52	692	302	1,813	44	3
UFCW	77	4	47	1,195	290	1,740	24	3
ILWU	63	4	62	505	257	1,542	51	3
IUOE	115	7	63	432	241	1,447	56	2
CWA	45	3	58	455	188	1,130	41	2
AFSCME	15	1	73	275	184	1,101	67	2
IBEW	47	3	57	366	166	996	45	2
UTU	8	0	88	143	127	764	89	1
UBC	26	1	46	428	110	662	26	1
UE	6	0	50	199	99	596	50	1
PAT	31	2	65	134	92	554	69	1
HERE	23	1	39	263	92	552	35	1
OPEIU	15	1	73	199	81	486	41	1
UAW	10	1	50	188	75	447	40	1
ATU	13	1	69	111	71	428	64	1
USWA	14	1	29	383	63	377	16	1
BCTGM	14	1	43	192	57	339	29	1
PACE	11	1	64	104	53	315	51	1
IATSE	26	1	50	190	47	279	24	1
UFW	2	0	100	41	41	243	100	0
AFTRA	9	1	78	33	32	191	96	0
BSOIW	14	1	29	71	32	191	45	0
AFT	5	0	80	38	30	177	77	0
SMW	30	2	17	185	20	118	11	0
IFPTE	2	0	50	35	17	100	48	0
UNITE	2	0	50	16	10	59	62	0
SIUNA	10	1	20	131	7	42	5	0
UWUA	2	0	50	11	6	33	49	0
GMPPAW	7	0	14	122	4	25	3	0
PPF	5	0	20	30	2	10	6	0
All unions	1,762	100	55	21,558	10,286	61,714	48	100

SOURCE: BNA PLUS 2002, 2003.

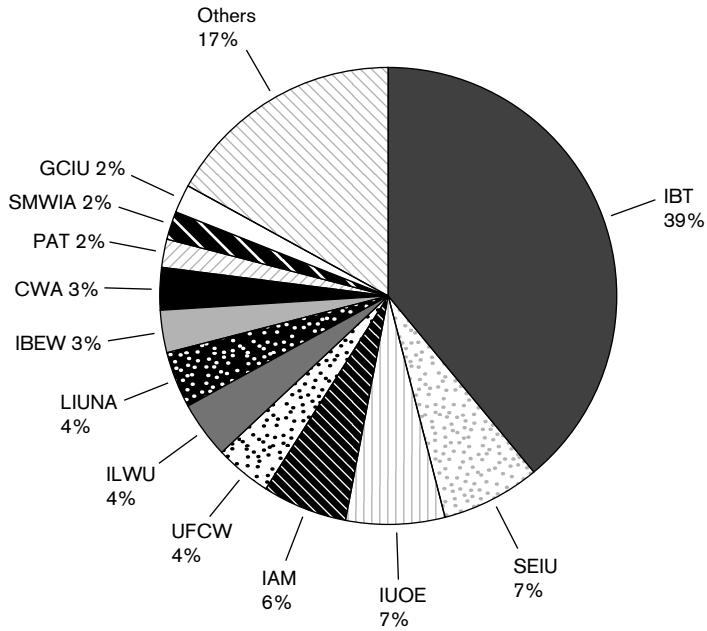


FIGURE 2.13. NLRB Elections, by International Union, California, 1997–2002  
SOURCE: BNA PLUS 2002, 2003.

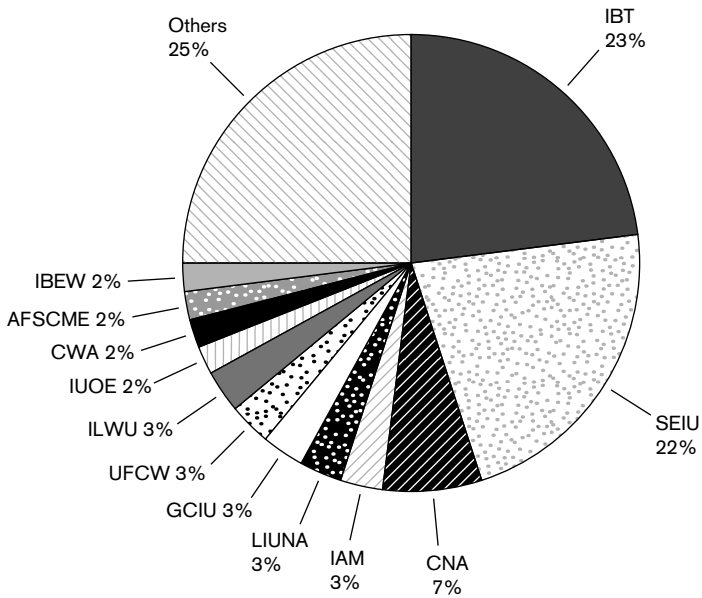


FIGURE 2.14. Workers Newly Organized through NLRB Elections, by International Union, California, 1997–2002  
SOURCE: BNA PLUS 2002, 2003.

data for the Teamsters. With an average win rate of 44% and an average unit size in elections won of only 36, the union was able to gain representation for only 30% of the workers who voted in the Teamsters's elections nationwide (Bronfenbrenner and Hickey 2002).

Following the Teamsters is the Service Employees International Union (SEIU). Despite participating in only 120 NLRB elections in the last six years, a combination of an extremely high win rate of 73% and a high percentage of victories in larger units enabled SEIU to gain representation for 13,249 workers, or 77% of all workers participating in SEIU's NLRB elections and 22% of all workers organized in California during this period. When these gains are combined with the even larger number of workers SEIU organized outside the traditional NLRB process (see the discussion below), SEIU moves far ahead of any other union in the state in terms of organizing gains between 1997 and 2002.

The Teamsters and the SEIU are responsible for 46% of all NLRB elections and 45% of all workers organized under the NLRB in California since 1997. In terms of the number of elections, they are followed by the International Union of Operating Engineers (IUOE), the International Association of Machinists (IAM), the United Food and Commercial Workers International Union (UFCW), the International Longshore and Warehouse Union (ILWU), and the Laborers' International Union of North America (LIUNA). Together these unions were responsible for 24% of all NLRB elections that took place in California between 1997 and 2002, but only 15% of all workers organized through these elections. LIUNA and the UFCW showed a significant difference between win rates and the percentage of voters in all elections won (48% versus 27% for LIUNA, 47% versus 24% for UFCW), which suggests that these unions have been unable to make significant gains in larger units. In this regard they contrast with the California Nurses Association (CNA) and the American Federation of State, County, and Municipal Employees (AFSCME), which, while they each only participated in 15 elections during this period, made more significant membership gains because of high win rates (80% for CNA, 73% for AFSCME) and a larger average unit size. CNA gained representation for 64% of its workers who participated in NLRB elections; for AFSCME that figure was 67%.

Unions in the United States are increasingly organizing workers outside of their traditional jurisdictions (see Bronfenbrenner and Hickey 2002), and, as Figure 2.15 shows, California is no exception. Although some unions continue to concentrate more than 75% of their organizing in one of their traditional jurisdictions, just as many are organizing across a variety of industries. For some unions, such as UFCW and CWA, this reflects the merger of unions from more than one area. Some unions have targeted two divergent industries; for example, UAW has organized workers in the auto and auto parts industry and in higher education. Other unions, such as the Teamsters, LIUNA, and IAM, have increasingly acted more like general unions, organizing across every industrial area. One trend, however, stands out: nearly every union, including industrial unions and those representing the building

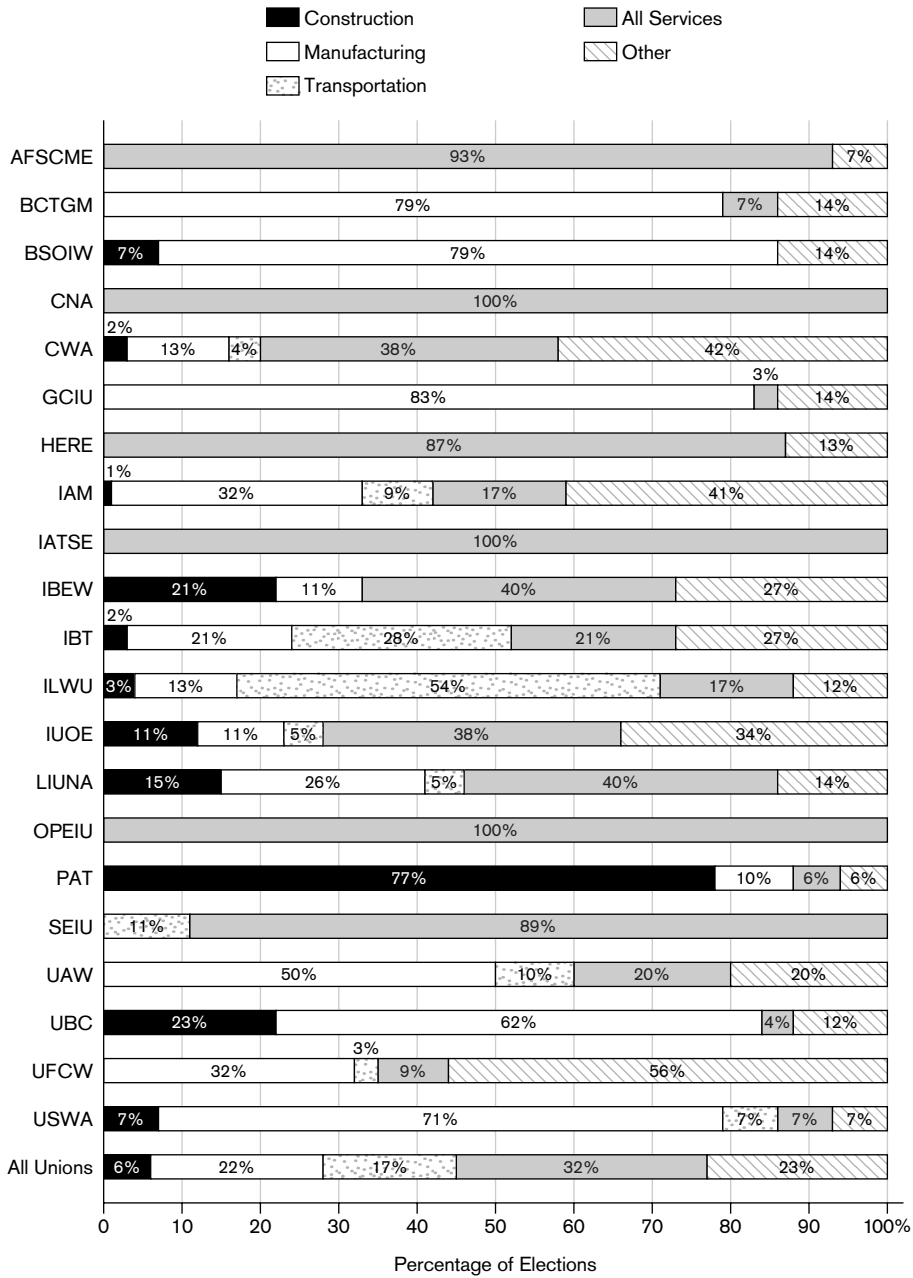


FIGURE 2.15. NLRB Election Activity, by International Union and Industry, U.S., 1997–2002

SOURCE: BNA PLUS 2002, 2003.

trades, is engaged in some organizing in the service industries, particularly in health care.

In Table 2.8 unions are distributed into six groups that indicate their primary jurisdiction: industrial, building trades, transportation (primarily the Teamsters and ILWU), service and public sector, independents (CNA, UE, and other unions not affiliated with the AFL-CIO), and “other,” which includes unions with primary jurisdiction in communications (CWA), utilities (UWUA), retail and wholesale trade (UFCW), and agriculture (UFW).<sup>2</sup> With the exception of transportation unions, all had average win rates of more than 60% in NLRB elections in service industries. Industrial unions had an average win rate only 40% in manufacturing but 66% in services; building trades unions averaged 44% in construction but 63% in services.

The attraction of service industries, particularly health care, is obvious. At a time when almost every area of the economy has been touched by globalization, capital mobility, and transnational ownership and investment structures that are large and diffuse, the majority of health care industries continue to be non-profit and thus cannot move out of the country, or credibly threaten to move out of the country, in response to unionization (Bronfenbrenner 2000). Still, if more and more industrial, building trades, and transportation unions shift their organizing efforts to target the service sector, who will organize in their traditional jurisdictions, and what will happen to the union’s bargaining power in those industries?

Although unions organizing in manufacturing, construction, transportation, and retail and wholesale trade may face employers that are more multinational, more mobile, and more aggressively anti-union, these industries have the density that is needed to bargain successfully and to build public and government support. Rather than using their power in traditional jurisdictions to run aggressive and comprehensive campaigns to gain more members, many unions have been seeking easier election wins in service-sector industries. It is in service industries in California that unions have been most innovative in their use of bargaining and community leverage in organizing campaigns.

## **ORGANIZING OUTSIDE THE NLRB**

NLRB elections do not offer the only path to organization in California and nationwide. Unions are also gaining new members through public-sector elections, card check and voluntary recognition campaigns in public and private sectors, and

2. Even though they are no longer affiliates of the AFL-CIO, we have not included either the UBC or the UTU under independents because for most of the years on which this study is focused they were still affiliated with the AFL-CIO. Thus the only major unions included in the independent group are CNA and UE. Most of the others are small independents, including many security guard unions, that have been organized in business services.

TABLE 2.8. NLRB Elections and Win Rates, by Primary Union Jurisdiction and Industry, U.S., 1997–2002

<i>Primary Jurisdiction</i>	CONSTRUCTION		MANUFACTURING		TRANSPORTATION		ALL SERVICES		OTHER INDUSTRIES	
	<i>Number of Elections</i>	<i>Win Rate</i>	<i>Number of Elections</i>	<i>Win Rate</i>	<i>Number of Elections</i>	<i>Win Rate</i>	<i>Number of Elections</i>	<i>Win Rate</i>	<i>Number of Elections</i>	<i>Win Rate</i>
Industrial unions	17	41%	12	40%	63	75%	12	66%	63	56%
Building trades unions	73	59	10	44	68	50	10	63	68	52
Transportation unions	18	39	160	46	199	57	160	55	199	47
Service and public-sector unions	0	—	14	—	5	64	14	68	5	60
Small independent unions	3	100	3	78	2	100	3	83	2	100
Other unions	2	50	4	45	64	100	4	61	64	47

SOURCE: BNA PLUS 2002, 2003.

NOTE: "Other unions" includes CWA, UFCW, UWUA, and UFW. The independent unions include CNA, UE, and other unions not affiliated with the AFL-CIO. "Other industries" includes retail and wholesale trade, utilities, and communications.

organizing under the Railway Labor Act. According to one AFL-CIO estimate, five times as many workers are being organized today outside the traditional NLRB process than through NLRB certification elections (AFL-CIO 2003).

It is extremely difficult to estimate the number of workers organized outside the NLRB process. The only systematic analysis of organizing activity and outcomes in the public sector was conducted in the early 1990s (Bronfenbrenner and Juravich 1995). The study examined all state and local certification election and voluntary recognition activity from the forty-three state agencies in thirty-four states and the District of Columbia that had collective bargaining legislation covering at least some public-sector workers in the state. The authors of the study found that approximately 45,000 workers had been organized in the public sector nationwide each year, including more than 6,000 workers in California alone. None of that data has been updated in the last decade, so we have no reliable or comprehensive data source on current public-sector organizing activity and outcomes.

Collecting accurate public-sector data is particularly difficult in California. Although election data can be obtained for state government and public education elections supervised by the State of California's Public Employment Relations Board (PERB), the majority of public-sector workers in the state, including all city and county employees, organize under a much more informal system under the jurisdiction of the California Board of Mediation and Conciliation, which has no reliable centralized data collection and reporting process.

Data on elections won under the Railway Labor Act (RLA) are available, but because most of these elections are in airline units that include workers from more than one state, there is no way of knowing, for example, how many of the 10,000 USAIRWAYS ticket agents organized by CWA, the 19,000 ticket agents organized by the IAM at United Airlines, or 5,000 mechanics organized by the Teamsters at Continental Airlines are based in California. California unions have also used other non-NLRB strategies in the private sector, particularly in the hotel and motel, building services, construction, and retail industries. Most such organizing involves a card check recognition procedure, where employers agree to recognize the union if a majority of the workers in the unit sign authorization cards. Some card check agreements further stipulate that the employer will remain neutral during the union's organizing campaign.

Data on the growing number of private-sector organizing gains from card check and voluntary recognition campaigns are even more difficult to find than data on public-sector campaigns, since no government body is responsible for collecting and reporting data on non-NLRB private-sector campaigns. The only sources of information are reports generated by AFL-CIO affiliates and sent to the national AFL-CIO; these reports are summarized each week in the AFL-CIO's *Work In Progress* reports (1997–2003). The data gleaned from these reports, supplemented with whatever organizing reports we were able to obtain from PERB, enable us to provide some rough estimates of the nature and extent of non-NLRB organizing in California between 1997 and 2002.

## **Organizing in California in the Public Sector, 1997–2002**

The AFL-CIO's *Works in Progress* (WIP) for 2003 reported that 188,737 public-sector workers organized in California between 1997 and 2002. PERB reported that an additional 2,919 employees organized in 2001 and 2002 (PERB 2001, 2002). Most of the workers participating in PERB elections were local school district employees who were forming independent associations. In combination, the PERB and WIP data suggest that more than 191,000 public-sector workers organized in California from 1997 to 2002. Because these data only include PERB figures from 2001 and 2002 and do not include any data on county and municipal elections, we estimate that the total number of public-sector workers organized in California during this period is closer to 200,000.

The vast majority of the newly organized public-sector workers, 148,600, were home care workers, who provide in-home services to the elderly and disabled (Table 2.9). In 1999, 75,000 home care workers in Los Angeles County joined SEIU. This was the largest successful organizing campaign in California since the recognition of the UAW at Ford's massive River Rouge automobile plant some sixty years earlier (Greenhouse 1999). The victory followed a decade-long campaign by the union for legislation that would create a public authority to serve as the employer of record for the home care workers in the county (AFL-CIO 2003). Between 1997 and 2002 California unions organized nearly 150,000 home care workers through similar legislation passed by county and municipal supervisory boards.

Another significant achievement in public-sector organizing took place when the UAW won representation rights for some 10,000 graduate student employees at the eight campuses in the University of California system. These employees work as readers, tutors, and teaching assistants (AFL-CIO 2003). This victory spurred UAW organizing efforts among graduate student employees in other states. In 2000 the UAW became the first union to successfully organize graduate student employees at a private university, New York University. Graduate student employees in the private sector had previously been barred from organizing under the National Labor Relations Act because they were classified as students, not employees.

## **Non-NLRB Organizing in the Private Sector**

According to WIP reports for 1997 through 2002, 25,374 workers were organized through card check procedures; 16,867 of these workers were in the private sector. In the private sector, the Hotel and Restaurant Employees International Union (HERE) was the union that used card check procedures most frequently, employing it to organize over 5,500 workers, particularly in the hotel and motel industry. The UFCW scored the single largest card check victory, organizing 4,600 retail employees at Thrifty Rite-Aid.

Despite the fact that the vast majority of organizing campaigns in the construc-

TABLE 2.9. Non-NLRB Organizing Reported in California, 1997–2002

	CARD CHECK		ELECTIONS		TOTAL	
	<i>Number of Bargaining Units</i>	<i>Number of Workers in Unit</i>	<i>Number of Bargaining Units</i>	<i>Number of Workers in Unit</i>	<i>Number of Bargaining Units</i>	<i>Number of Workers in Unit</i>
Public Sector	7	8,507	83	183,149	90	191,656
Education	3	6,327	38	18,855	41	25,182
Home care	4	2,180	18	148,600	22	150,780
Other public sector			26	15,681	26	15,681
Private Sector	43	16,867	3	849	46	17,716
Agriculture			3	849	3	849
Construction	2	23			2	23
Manufacturing	1	200			1	200
Communication	2	260			2	260
Retail and wholesale trade	7	5,600			7	5,600
Health care	6	1,745			6	1,745
Building services	2	1,600			2	1,600
Professional and business services	6	2,185			6	2,185
Entertainment	3	1,900			3	1,900
Hotels and motels	14	3,354			14	3,354
Total Non-NLRB	50	25,374	86	183,998	136	209,372

SOURCES: AFL-CIO 2003; PERB 2001, 2002.

NOTE: The number of workers in unit reflects the reported number of newly organized workers. The AFL-CIO reported 188,737 workers organized in California through non-NLRB procedures. PERB reported 2,919 workers organized through public-sector certification election procedures.

tion industry occur outside the NLRB process, only two small non-NLRB campaigns, covering a combined total of twenty-three workers, were included in the WIP data for 1997 through 2002. Absent these data there is no way to estimate reliably the number of construction workers who have been organized outside the NLRB process, although it is obviously substantially more than what has been reported. What we do know is that union membership in construction increased by more than 48,000 between 1997 and 2002, and a good portion of that was from new organizing (Hirsch and Macpherson 2003).

The California labor movement also pushed for political legislation to support card check recognition procedures in the private sector. In 1998 San Francisco Mayor Willie Brown signed legislation that requires restaurants and hotels on city property or in which the city has a financial interest to grant card check recognition to unions for which a majority of workers sign authorization cards (AFL-CIO 2003; see also Logan, this volume). As part of that initiative, the San Francisco Airport Com-

mission passed the “Labor Peace/Card Check Rule,” under which the airport agreed to card check recognition procedures. The Machinists, the SEIU, and the Teamsters organized over 2,000 workers at the San Francisco airport under those procedures. Some of their organizing gains were eliminated by changes in airport security and the removal of union representation rights for thousands of federal workers following passage of the Homeland Security Act.

In combination, the WIP and PERB data suggest that more than 209,000 workers organized in California outside the NLRB process between 1997 and 2002. It is also apparent, however, that many newly organized California workers are missing from these data, particularly workers in city and county government and the construction industry and those who organized under the RLA. If those workers are added, even our most conservative estimates of the total number of workers organized outside of the NLRB in California between 1997 and 2002 would be 230,000 workers. That, with the 61,579 organized through NLRB elections, brings the total number of newly organized workers statewide close to 300,000.

## **COMPANY CHARACTERISTICS AND UNION ORGANIZING STRATEGIES**

The national data on NLRB elections and non-NLRB campaigns provide an overview of the industries in which unions are organizing and the win rates across unions and industries. The changing nature of the organizing environment and the employer and union response to those changes are further illuminated by our microlevel survey research on NLRB certification election campaigns that took place in 1998 and 1999 (Bronfenbrenner 2000; Bronfenbrenner and Hickey 2003a, forthcoming).<sup>3</sup>

The survey data suggest that unions organizing today are operating in a much more global, mobile, and rapidly changing corporate environment (Figure 2.16).<sup>4</sup> Although most private-sector organizing campaigns continue to be concentrated in

3. Our study was based on a random sample of 600 elections in units with fifty or more eligible voters that took place in 1998 and 1999. For each case in the sample we conducted in-depth surveys of the lead organizer for the campaign by mail and phone. We were able to complete surveys for 412 of the 600 cases in our sample for a response rate of 68%. We also conducted computerized corporate, media, legal, and union database searches, reviewed Securities and Exchange Commission filings, IRS 9909s forms, and NLRB documents to collect data on company ownership, structure and operations, employment, financial condition, and unionization, and data on employer characteristics and practices.
4. Although our sample was representative across industry, union, region, and bargaining unit, the total number of cases for California, 34, is too small for us to provide any detailed analysis of the California data. Thus, in this section we primarily use national-level data to gain a better understanding of the current nature of organizing campaigns.

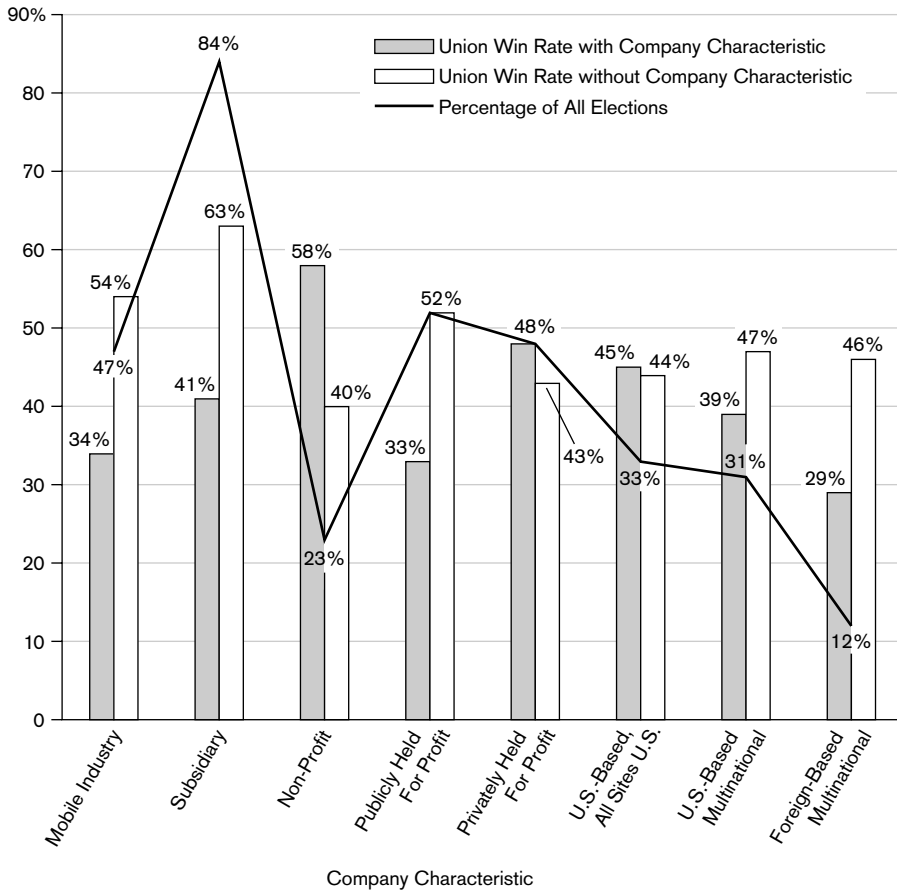


FIGURE 2.16. NLRB Elections, Union Win Rates, and Corporate Structure, National Sample, 1998–1999

SOURCE: Bronfenbrenner and Hickey, forthcoming.

relatively small units in U.S.-owned for-profit companies, these companies are increasingly subsidiaries of larger parent companies, including many multinationals. This is not because unions are targeting large multinational companies, but because the U.S. private sector is increasingly dominated by multinational firms. Nationwide, only one-third of all campaigns occur in for-profit companies with all sites and operations based in the United States, while 23% take place in non-profit companies such as hospitals, social service agencies, or educational institutions (Bronfenbrenner and Hickey, forthcoming).

Fifty-four percent of all NLRB elections are concentrated in mobile industries—those for which production can easily be shifted out of state or out of the country. Not surprisingly, win rates average just 34% in campaigns conducted in mobile industries compared to 54% in immobile industries. Organizing win rates average as high as 58% in non-profit companies, compared to 40% in for-profit companies.

Among for-profit companies, win rates are highest for U.S.-based companies with all sites in the U.S. (45%) and lower for foreign-based multinationals (29%) and U.S.-based multinationals (39%). Win rates are also much higher (63%) in the 16% of the companies that are not subsidiaries of larger parent companies; the win rate for companies that are subsidiaries is 41%.

An analysis of the national data on NLRB elections and non-NLRB campaigns reveals that unions in California are conducting a higher percentage of their organizing activity in service industries and the public sector than are unions in most other states. Thirty-seven states (74%) have a higher percentage of NLRB elections in manufacturing industries than California does (21%), whereas California's percentage of elections in service industries (33%) is greater than the percentage of service industry elections in thirty other states. This suggests that unions organizing in California are less likely to confront large multinationals with sites and operations around the globe, and more likely to organize among non-profits and other less mobile service industries.

### **Bargaining Unit Demographics**

Our earlier discussion of demographic data reveals that California unions are organizing a more diverse workforce and are much more diverse than their counterparts are across the nation. According to our survey data, win rates increase substantially as the proportion of women and non-Anglo workers increase (Figure 2.17). Although win rates average only 35% in units with a majority of Anglo men, they average 53% in units with a majority of non-Anglo workers, 56% in units with at least 75% non-Anglo workers, 58% in units with a majority of women, and 62% in units with at least 75% women. The highest win rate, 82%, is in units with 75% or more non-Anglo women. The higher win rates in these units indicate that, first, women and non-Anglos—particularly non-Anglo women—are participating in union elections in ever increasing numbers, and, second, the vast majority of new workers coming into the labor movement today are women and non-Anglos. This is particularly true in California, especially in the areas of the economy where California unions have been concentrating their organizing efforts.

Figure 2.17 also provides data on organizing activity among recent immigrants and undocumented workers. Nationwide, immigrants have played a major role in many of the largest organizing victories in the last six years, which have occurred in industries such as home care, hotel, laundry, building services, drywall, and asbestos removal. Most of those campaigns were not conducted within the NLRB process (AFL-CIO 2003). Only 8% of all of the elections in our survey were in units with 25% or more recent immigrants, and only 7% of the campaigns had undocumented workers in the unit. Win rates are 58% in units with at least 25% recent immigrants. In units with undocumented workers the win rate drops to 36%, which reflects the ability and willingness of employers to use the threat of deportation to thwart organizing efforts among these workers. The limited success of

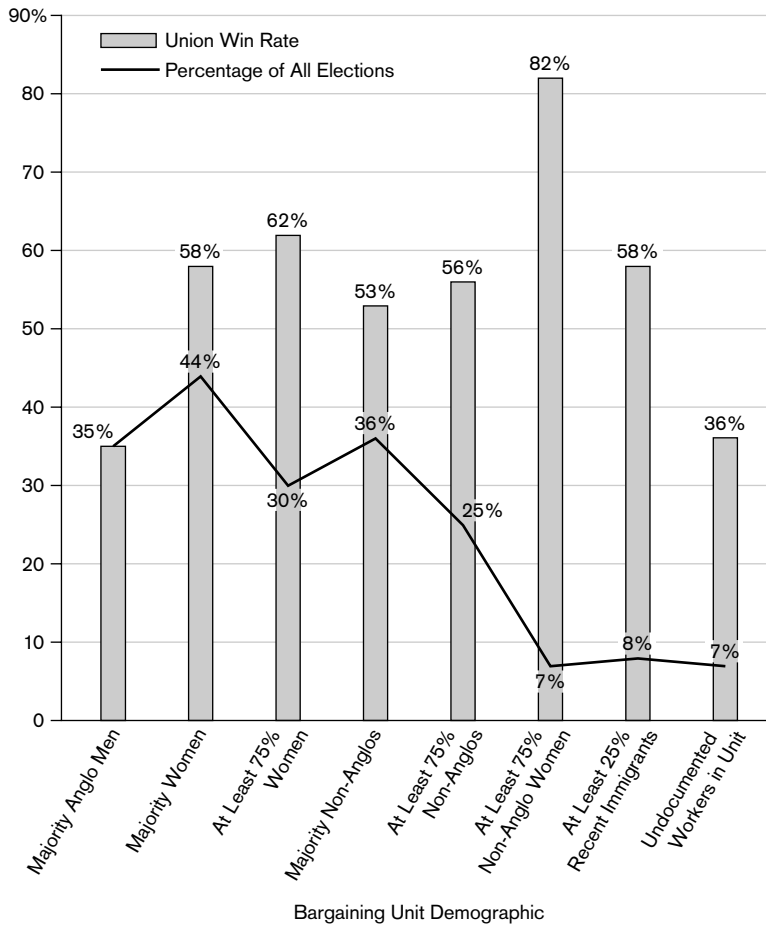


FIGURE 2.17. NLRB Elections and Union Win Rates, by Selected Demographics, National Sample, 1998–1999  
 SOURCE: Bronfenbrenner and Hickey, forthcoming.

NLRB elections in these units suggests that card check neutrality campaigns have become important in California because, in part, of the large numbers of undocumented workers in the state.

### Employer Behavior

Not only are unions organizing in a corporate environment that has become much more complex and diverse in recent years, they are also facing extremely sophisticated and aggressive employer opposition. According to our survey, the overwhelming majority of employers aggressively oppose union organizing efforts through a combination of threats, discharges, promises of improvements, unscheduled unilateral changes

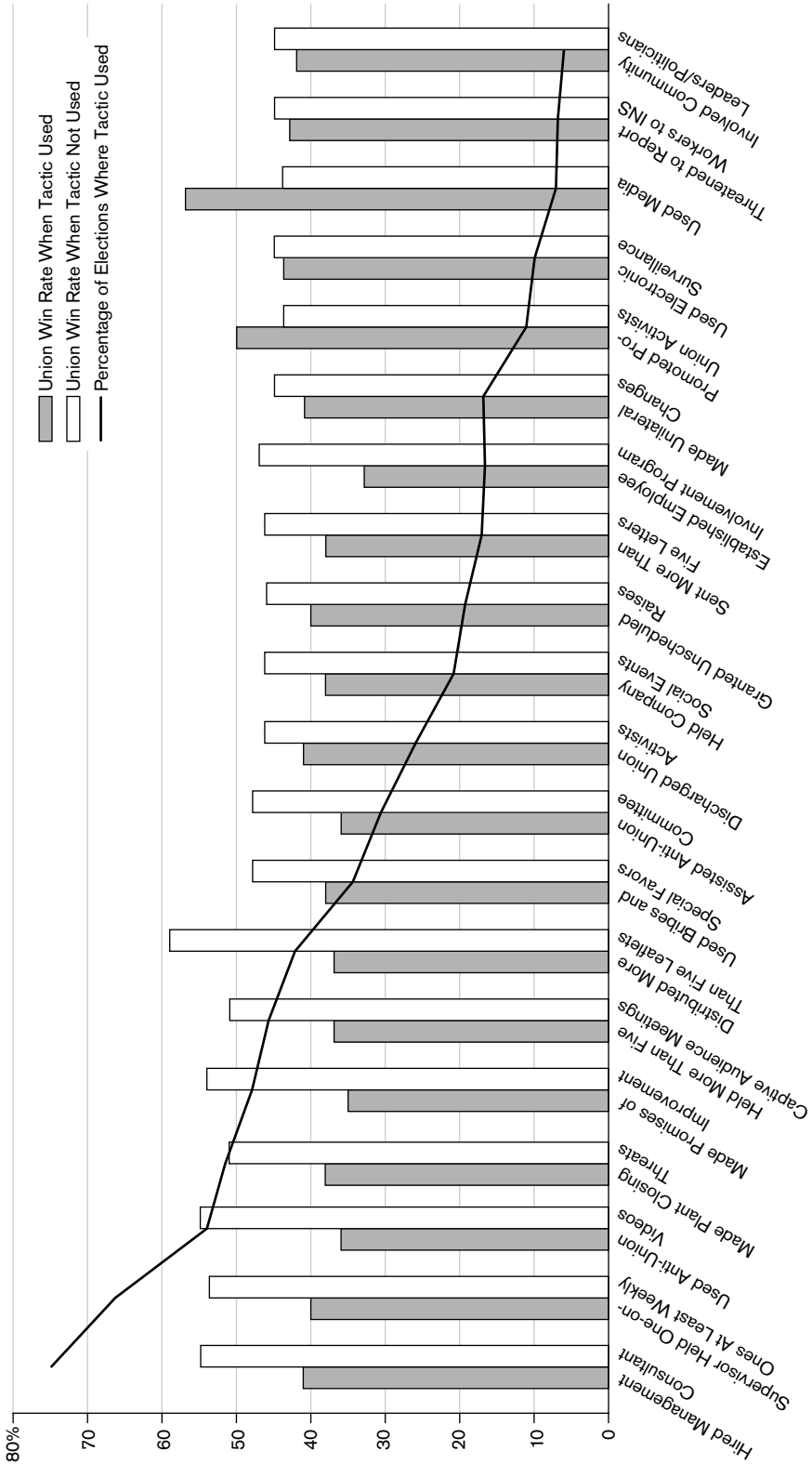


FIGURE 2.18. NLRB Elections and Union Win Rates, by Employer Tactic, National Sample, 1998–1999  
 SOURCE: Bronfenbrenner and Hickey, forthcoming.

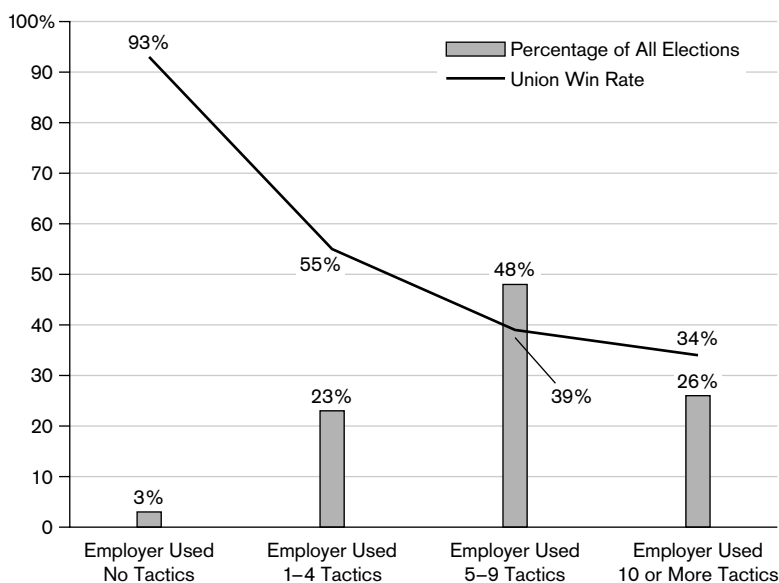


FIGURE 2.19. NLRB Elections and Union Win Rates, by Intensity of Employer Campaign, National Sample, 1998–1999

SOURCE: Bronfenbrenner and Hickey, forthcoming.

in wages and benefits, bribes, and surveillance (Bronfenbrenner 2000). Figure 2.18 presents the employer anti-union tactics that are most commonly used in NLRB elections, listed by frequency of use. As the survey data show, the use of many such tactics has become pervasive. Moreover, these tactics, whether used individually or in combination, are extremely effective in reducing union election win rates.

Fifty-two percent of all employers and 68% of those in mobile industries make threats of full or partial plant closure during the organizing drive. Approximately one in every four (26%) discharge workers for union activity, 48% make promises of improvement, 20% give unscheduled wage increases, and 17% make unilateral changes in benefits and working conditions. Sixty-seven percent of the employers hold one-on-one meetings between supervisors and employees at least weekly, 34% give bribes or special favors to those who oppose the union, 31% assist the anti-union committee, and 10% use electronic surveillance of union activists during the organizing campaign. Employers threaten to refer undocumented workers to the Immigration and Naturalization Service (INS) in 7% of all campaigns and in 52% of cases where undocumented workers are present. For the most aggressive employer tactics, win rates average ten to twenty percentage points lower when an anti-union tactic is used than when it is not.

Most employers use a combination of tactics (Figure 2.19). Forty-eight percent of the employers ran moderately aggressive anti-union campaigns, using five to nine tactics, and 26% of the employers ran extremely aggressive campaigns, using more

than ten tactics. Twenty-three percent ran weak campaigns, using one to five anti-union tactics. Employers ran no campaign whatsoever against the union in only 3% of the cases in our survey—and unions won each of these elections. Overall, the win rate drops to 55% for units where employers use one to five tactics, 39% where they use five to nine tactics, and 34% where they use ten or more. The fact that only a slight drop occurs between moderately aggressive and extremely aggressive employer campaigns suggests that aggressive anti-union behavior by employers may reach a point of diminishing returns, particularly at a time when unions are running more aggressive and sophisticated campaigns and workers' trust in corporations is declining.

## **COMPREHENSIVE UNION ORGANIZING STRATEGIES**

Increasing organizing activity and success is extremely difficult in the face of employers' increasingly sophisticated opposition and the dramatic growth of corporate restructuring and capital mobility. Still, it is too easy to blame employer opposition alone for the labor movement's failure to organize. As we have seen, some unions are making significant organizing gains even in extremely hostile climates. The difficulty lies in the fact that the majority of unions continue to run relatively weak, non-strategic campaigns (Bronfenbrenner and Hickey 2003). They have invested some money in organizing, recruited more organizers, and added one or two new tactics to their arsenal, but they have not made the wholesale strategic, structural, and cultural changes required to take on the diffuse, globally connected, and extremely mobile corporate structures that dominate America today.

To make significant gains in the private sector, unions have to mount organizing campaigns that are more aggressive, creative, and strategic, and they need to recruit and train enough organizers to effectively mount them. Our analysis suggests that a comprehensive union-building strategy incorporates the following ten elements, each of which is a cluster of key union tactics critical to union organizing success:

1. Adequate and appropriate staff and financial resources.
2. Strategic targeting and research.
3. Active and representative rank-and-file organizing committees.
4. Active participation of member volunteer organizers.
5. Person-to-person contact inside and outside the workplace.
6. Benchmarks and assessments to monitor union support and set thresholds for moving ahead with the campaign.
7. Issues that resonate in the workplace and in the community.
8. Creative, escalating internal pressure tactics involving members in the workplace.
9. Creative, escalating external pressure tactics involving members outside the workplace at local, national, and/or international levels.
10. Building for the first contract during the organizing campaign.

TABLE 2.10. Union Use of Comprehensive Organizing Strategies, National Sample, 1998–1999

	<i>Percentage of NLRB Elections</i>	<i>Percentage of NLRB Elections Won</i>	<i>Percentage of NLRB Elections Lost</i>	<i>Win Rate</i>
Adequate and appropriate staff and financial resources	14%	21%	9%	64%
Strategic targeting	39	45	34	51
Active representative rank-and-file committee	26	33	21	56
Effectively utilized member volunteer organizers	27	31	23	52
Person-to-person contact inside and outside the workplace	19	23	16	53
Benchmarks and assessments	24	35	14	66
Issues that resonate in the workplace and community	23	25	21	49
Escalating pressure tactics in the workplace	37	42	33	50
Escalating pressure tactics outside the workplace	17	18	16	48
Building for the first contract before the election	35	39	31	50

SOURCE: Bronfenbrenner and Hickey, forthcoming.

Table 2.10 presents summary statistics for these comprehensive organizing tactics, showing how extensively unions use them in NLRB elections. Overall, only 14% of all the union campaigns devote adequate and appropriate resources to the campaign, only 19% engage in person-to-person contact inside and outside the workplace, and only 17% engage in escalating pressure tactics outside the workplace such as rallies, community forums, stockholder actions, and pressure on customers, suppliers, and investors. Fewer than 30% have active representative committees or effectively utilize member volunteer organizers, while fewer than 25% use benchmarks and assessments or focus on issues that resonate in the workplace and broader community. The highest percentages are found for strategic targeting (39%), escalating pressure tactics inside the workplace (37%), and building for the first contract before the election is held (35%).

All the organizing tactics are more likely to be used in winning campaigns than in losing ones. The results are particularly striking for adequate and appropriate resources (used in 21% of winning campaigns but 9% of losing campaigns), active

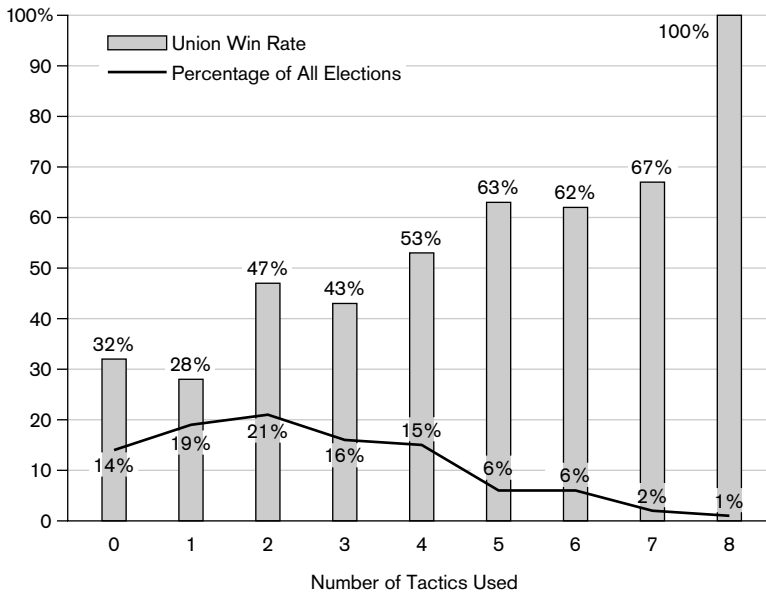


FIGURE: 2.20. NLRB Elections and Union Win Rates, by Number of Comprehensive Organizing Tactics Used, National Sample, 1998–1999  
 SOURCE: Bronfenbrenner and Hickey, forthcoming.

representative committees (33% of winning campaigns compared to 21% of losing campaigns), and benchmarks and assessments (35% of winning campaigns compared to 14% of losing campaigns). Each of the individual elements are associated with win rates that average between 4 to 28 percentage points higher when unions use the tactic than when they do not. Once again, the most dramatic differences in win rates are associated with adequate and appropriate resources (64% when present, 41% when not present), active representative committee (56% when present, 41% when not present), and benchmarks and assessments (66% when present, 38% when not present).

It is in combination that these tactics are most effective. As Figure 2.20 shows, the win rate increases dramatically for each additional tactic used. Win rates start at 32% for no organizing tactics, and then increase to 63% when five tactics are used, and 100% for the 1% of the campaigns in which unions use eight tactics. These data also suggest that only a very small number of unions are using more than a few of these tactics. Fourteen percent of all campaigns use no organizing tactics and 56% use between one and three, but only 15% of all campaigns use five or more tactics. None use more than eight.

Across all industrial sectors, win rates are much higher in elections where unions use a comprehensive organizing strategy incorporating more than five comprehensive tactics, compared to campaigns in which they use five or fewer tactics (Figure

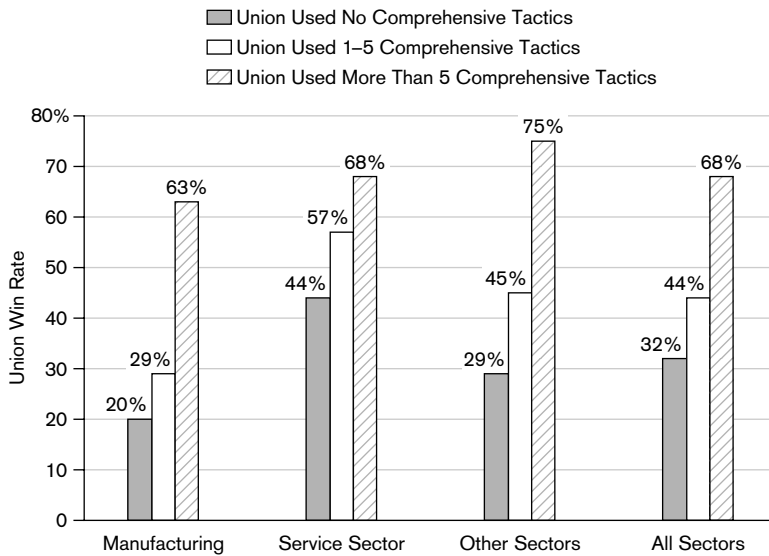


FIGURE 2.21. Union Win Rates, by Sector and Number of Comprehensive Organizing Tactics Used, National Sample, 1998–1999  
SOURCE: Bronfenbrenner and Hickey, forthcoming.

2.21). In manufacturing, the win rate averages only 20% in campaigns in which unions use no comprehensive organizing tactics, increasing only slightly to 29% when they use between one and five tactics, but then jumps to 63% in the campaigns in which they use more than five tactics. In the service sector the unions win 44% of campaigns when no tactics are used, 57% when one to five tactics are used, and 68% when more than five comprehensive tactics are used. In all other sectors combined (communications, construction, transportation, retail and wholesale trade, and utilities) the win rate associated with campaigns in which unions use no comprehensive tactics is 29%, increasing to 45% when one to five tactics are used, and 75% when more than five comprehensive tactics are used. Thus, we find that a comprehensive organizing strategy improves election outcomes substantially, across all sectors of the economy, even in the most mobile and global industries.

The importance of comprehensive organizing campaigns is most evident in the context of employer behavior (Figure 2.22). Win rates average 93% when the union runs a comprehensive campaign while the employer mounts a moderately aggressive campaign against it, but drop to 35% when the union’s campaign is not comprehensive. Even in campaigns with aggressive employer opposition, win rates average 52% overall with a comprehensive campaign, compared to only 29% without. Our research finds that these trends hold true not only across all sectors but also across company characteristics and bargaining unit demographics. Even first contract rates are higher when unions use five or more tactics during the organizing phase of the campaign (Bronfenbrenner and Hickey, forthcoming). Although the majority of

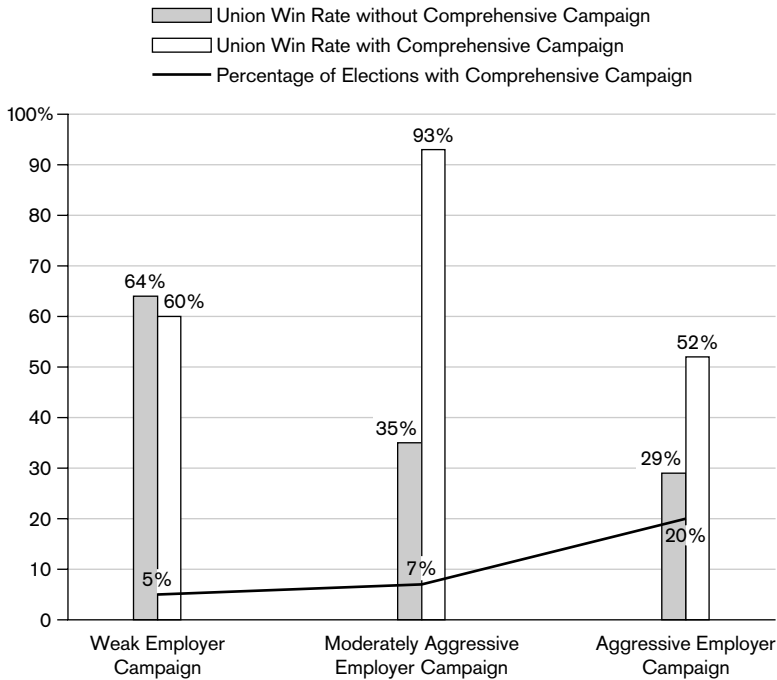


FIGURE 2.22. Comprehensive Campaigns and Union Win Rates, by Intensity of Employer Opposition, National Sample, 1998–1999

SOURCE: Bronfenbrenner and Hickey, forthcoming.

NOTE: “Comprehensive campaigns” includes all campaigns in which the union used five or more comprehensive organizing tactics.

employers run aggressive campaigns, taking full strategic advantage of a broad range of anti-union tactics, the majority of unions continue to run fairly weak campaigns, even when faced with aggressive employer opposition. Indeed, in only two campaigns in our sample did unions use more than six comprehensive organizing tactics when they faced aggressive employer opposition—both elections were won. Thus, although employer anti-union campaigns can and often do have a devastating impact on union attempts to organize workers, unions can increase their win rates, even in the face of the most aggressive employer opposition, if they run comprehensive campaigns.

## CALIFORNIA UNIONS AND COMPREHENSIVE CAMPAIGNS

Our survey findings suggest that California unions are no exception to the national pattern: they use only a limited number of organizing tactics during NLRB campaigns (Figure 2.23). Use of these tactics by most unions in California is similar to that of unions nationwide, which explains why NLRB win rates continue to average

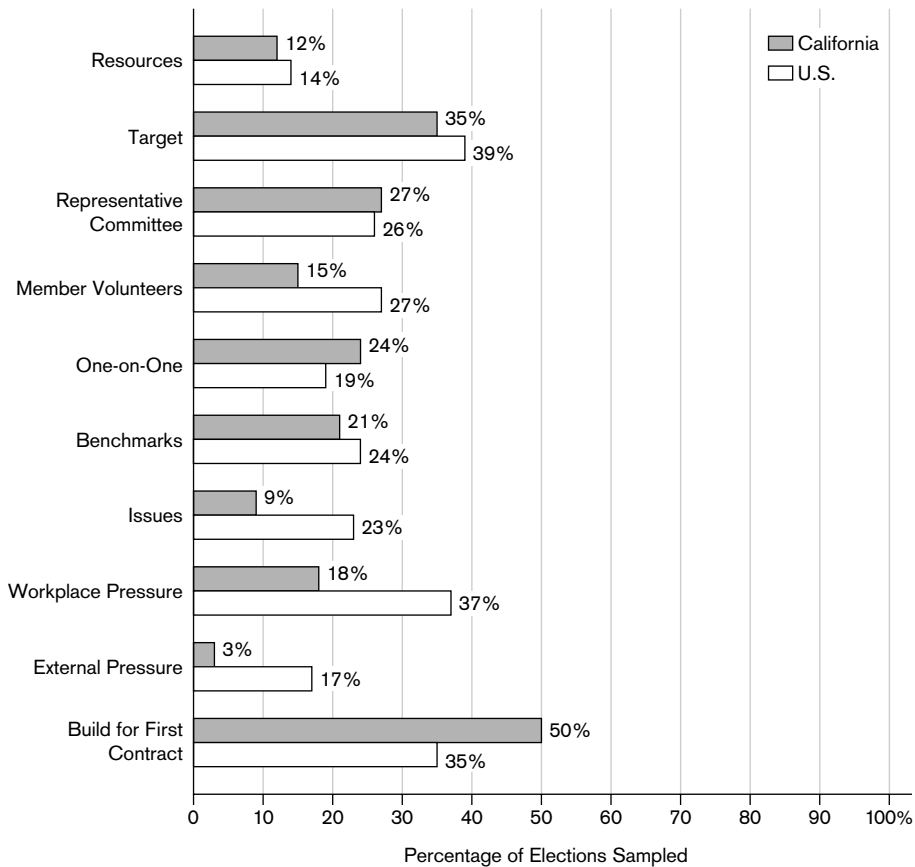


FIGURE 2.23. Use of Selected Organizing Tactics in California and U.S. National Sample, 1998–1999

SOURCE: Bronfenbrenner and Hickey, forthcoming.

between 55% to 58% a year and why the number of workers gained through NLRB elections in California has had a limited impact on union density in the state.

Unions have seen more dramatic gains in non-NLRB campaigns in California, especially in card check neutrality agreements, where we have found the most comprehensive use of organizing strategies. Although our survey data are limited to NLRB campaigns, interviews with organizers and union leaders who have successfully employed card check neutrality agreements suggest that organizing strategies are critical to the success of non-NLRB strategies. The unions that have brought in the most new members through organizing outside the traditional NLRB process (SEIU in building services and homecare, CWA in wireless technologies, HERE in hotels, and UNITE in laundries) have succeeded in these endeavors because they have been following a more comprehensive organizing strategy. Those that have been least successful in winning non-NLRB campaigns have focused on external leverage and have

neglected to develop an active representative committee, person-to-person contact in the workplace and community, and escalating internal pressure tactics. Often they have also failed to do strategic research or to commit sufficient resources to mount the kind of campaign necessary to make the cost of fighting the union greater than the cost of voluntarily recognizing the union and bargaining for a first agreement.

## **CONCLUSION**

Our analysis of union organizing activity shows that unions in California have been more successful than the U.S. labor movement as a whole in reversing the decline of union density: the California labor movement has increased union density in both the private and the public sectors. In contrast to losses in union membership nationwide between 1997 and 2002, California unions gained more than 500,000 members during that period (Hirsch and Macpherson 2003). The size and diversity of the California labor movement further suggests that unions could substantially increase union membership and density and build the bargaining power and political influence that results from a large and expanding labor movement.

Despite these encouraging trends, the record of organizing success in California remains modest, particularly within the NLRB framework. Union win rates in NLRB certification elections are only slightly higher in California than in the nation as a whole. California unions added just over 61,500 new members from 1997 to 2002 through NLRB elections. This pales in comparison to California's employment growth during the same period: over one million people began working in private-sector industries. Organizing activity outside the NLRB process has shown much greater promise, adding more than three times the number of new union members gained under the NLRB. This non-NLRB organizing activity, however, has been concentrated in a limited number of unions and industries. California unions have scored their greatest organizing successes when they have wielded their political influence and bargaining power in combination, as they have in the home care industry. The historic victories among home care workers in the last six years have transformed organizing activity in the state. Private-sector organizing outside the NLRB has been far more modest.

The labor movement has tremendous potential in California, for unions could organize at a scale much larger than is possible in most other states. To tap that potential, California unions, like the U.S. labor movement in general, will have to run more comprehensive organizing campaigns both within and outside the NLRB process. But unlike the labor movement in other states, unions in California have a solid foundation upon which to build and a diverse workforce that is ripe for organizing.

## REFERENCES

- AFL-CIO. 2003. *Work in Progress*. Newsletters dated 6 January 1997–6 January 2003. Paged electronic document. Retrieved 10 June 2003 from <http://aflcio.org/aboutaflcio/wip/>.
- BLS (U.S. Bureau of Labor Statistics). 2003a. *Current Population Survey: Merged Outgoing Rotation Groups with Earnings Data*. Washington, D.C.: Bureau of Labor Statistics. Available online from <http://www.ciser.cornell.edu>.
- . 2003b. Online database for the current employment statistics from the monthly establishment survey. Unpaged electronic document. Retrieved 10 June 2003 from <http://data.bls.gov/labjava/outside.jsp?survey=ce>.
- BNA PLUS. 2002. Database of NLRB certification elections 1997–2001. Prepared specifically for the Cornell Office of Labor Education Research by BNA PLUS, the research division of The Bureau of National Affairs, Inc., Washington, D.C.
- . 2003. Database of NLRB elections 2002. Prepared specifically for the Cornell Office of Labor Education Research by BNA PLUS, the research division of The Bureau of National Affairs, Inc., Washington, DC.
- Bronfenbrenner, Kate. 1996. “Lasting Victories: Successful Union Strategies for Winning First Contracts.” In *Proceedings of the Forty-Eighth Annual Meeting*. Madison, Wisconsin: Industrial Relations Research Association.
- . 2000. *Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing*. Washington, D.C.: U.S. Trade Deficit Review Commission. Available online from <http://www.usdtrc.gov/research/bronfenbrenner.pdf>.
- Bronfenbrenner, Kate, and Robert Hickey. 2002. “Overcoming the Challenges to Organizing in the Manufacturing Sector.” Unpublished report submitted to the AFL-CIO.
- . 2003a. *Blueprint for Change: A National Assessment of Winning Union Organizing Strategies*. Ithaca, N.Y.: Office of Labor Education Research, Cornell University.
- . Forthcoming. “Changing to Organize: A National Assessment of Union Organizing Strategies.” In *Rebuilding Labor: Organizing and Organizers in the New Union Movement*, edited by Ruth Milkman and Kim Voss. Ithaca, N.Y.: Cornell University Press.
- Bronfenbrenner, Kate, and Tom Juravich. 1995. *Union Organizing in the Public Sector: An Analysis of State and Local Elections*. Ithaca, N.Y.: ILR Press.
- EDD (State of California, Employment Development Department). 2003. “California Industry Employment and Labor Force, by Annual Averages. March 2002 Benchmark.” Spreadsheet. (Updated on 7 May 2003.) Paged electronic document. Retrieved 10 June 2003 from [http://www.calmis.ca.gov/file/indhist/cal\\$haw.xls](http://www.calmis.ca.gov/file/indhist/cal$haw.xls).
- Greenhouse, Steven. 1999. “In Biggest Drive since 1937, Union Gains a Victory.” *The New York Times* 1(3) February 25.
- Hirsch, Barry T., and David A. Macpherson. 2003. “Union Membership and Coverage Database from the Current Population Survey: Note.” *Industrial and Labor Relations Review* 56(2): 349–354.
- Juravich, Tom, and Kate Bronfenbrenner. 1998. “Preparing for the Worst: Organizing and Saying Organized in the Public Sector.” In *Organizing to Win: New Research on Union Strategies*, edited by Kate Bronfenbrenner, Sheldon Friedman, Richard W. Hurd, Rudolph A. Oswald, and Ronald L. Seeber. Ithaca, N.Y.: ILR Press.
- PERB (State of California, Public Employment Relations Board). 2001. *2000–2001 Annual Report*. Paged electronic document. Retrieved 10 June 2003 from [http://www.perb.ca.gov/pdfs/annual\\_report\\_2001.pdf](http://www.perb.ca.gov/pdfs/annual_report_2001.pdf).
- . 2002. *2001–2002 Annual Report*. Paged electronic document. Retrieved 10 June 2003 from [http://www.perb.ca.gov/pdfs/annual\\_report\\_2002.pdf](http://www.perb.ca.gov/pdfs/annual_report_2002.pdf).

## APPENDIX. Method and Sources

We used a combination of data sources for this study. Our primary source for national employment data was the Bureau of Labor Statistics (BLS) online data from the monthly establishment survey (BLS 2003a). Our primary source for California employment data was the State of California Employment Development Department (2003) website. We created aggregate industry totals from these two data sources. Union density and demographic information for California and the United States were derived from Current Population Survey (CPS) data compiled from the BLS “Current Population Survey: Merged Outgoing Rotation Groups with Earnings Data” (Bureau of Labor Statistics 2003b).

The CPS data files for 1997 and 2002 are from the Cornell Institute for Social and Economic Research. We created new aggregate industry variables based on the existing industry classification to ensure adequate response levels for California industry data, but no other manipulations or weighting schemes were used to alter the existing data. Union density and demographic estimates include all respondents employed in the industry, including those not currently working, but exclude those not in the labor force or self-employed. CPS uses an industrial classification system equivalent to the Standard Industrial Classification (SIC). We again derived broader industrial categories from the detailed industrial classifications.

The NLRB statistics were compiled from specialized databases, prepared by BNA Plus, that cover all NLRB certification elections from 1 January 1997 through 31 December 2002. These databases include election information on company name, petitioning union, number of eligible voters, election type, vote count, outcome, and certification date (BNA Plus 2002, 2003). For the elections in which the bargaining unit’s industrial classification was not recorded in the BNA database, the authors used online data sources, such as LexisNexis and Hoovers Online, to identify the proper industrial classification for the company and bargaining unit listed. These data were supplemented by information on non-NLRB campaigns compiled through a search for California cases in the AFL-CIO *Work in Progress* reports from 1997–2002 (AFL-CIO 2003). Informal interviews with union organizing directors and staff provided additional information on non-NLRB organizing activity.

Annual reports compiled by the State of California’s Public Employment Relations Board (PERB) for the state legislature provided additional information on public-sector organizing activity (PERB 2002). PERB supervises certification elections only for state employees and school district employees, including community colleges. Organizing among county and city government employees occurs under the jurisdiction of the California Mediation and Conciliation Service; however, the elections themselves are supervised by a diversity of officials and agencies such as the American Arbitration Association. Thus there is no centralized data collection authority for union organizing among county and municipal employees in California.

Additional data on NLRB campaign characteristics were based on findings from a survey commissioned in May 2000 by the United States Trade Deficit Review Commission to update previous research on the impact of capital mobility on union organizing and first contract campaigns in the U.S. private sector (Bronfenbrenner 2002; Bronfenbrenner and Hickey 2002, 2003a, 2003b).

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