

SPECIAL EDITION

STEWARD UPDATE

WHAT TO EXPECT AFTER JANUS

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**THE DAY WILL COME WHEN OUR RESISTANCE WILL BE MORE
POWERFUL THAN THE VOICES YOU ARE THROTTLING TODAY**

With *Janus*, everything – or, almost everything — old is new again.

For most of US history, unions were against the law. That didn't change until 1935, with the National Labor Relations Act, and key constituencies were left out of even that: people – usually Black, often women, who worked in agriculture, in domestic work (then about half the economy). And, of course, in the public sector.

Though public-sector unions existed in the big industrial-organizing heyday of the 1930s and 40s, it wasn't until the 1960s – as the civil rights, women's movements, and other movements for freedom began picking up – that we saw people working in the public sector organize into unions. They organized then, as they do now, for respect and a voice on the job, as well as their own protections: security, wages, benefits, retirement, anti-discrimination language. Not least, they organized to protect the people they serve: us.

The people known as “public workers” make so much possible: they teach our kids (and our adults); they clean our streets; they drive, maintain, and clean up after us on our bus and train systems; they keep us healthy; they ensure that poor and other struggling people in our community get the support they need; and so much more. (If you want a refresher, there's always this satirical not-safe-for-work video.) https://www.youtube.com/watch?v=_3mw49mk_x0

Big business and other anti-union forces have targeted these people – our people – the ones who, organized into unions, for many reasons. They hate that we stand opposed to budget cuts for schools, for transit, and for help for the

most vulnerable. They hate that there are more of us than there are of them, and that together, when we fight, we can win. Anti-union efforts aren't only about the people in unions, they're about the people in the communities we serve, and the universal, popular values we, as unionists, stand for:

Everyone's life has value. Everyone should have clean water, access to the fire department or parks, a good education, streets without potholes or garbage strewn about. And if you're struggling, our community should make sure you can eat, have a roof over your head, are safe. Everyone's community should have good work to do, and people should have enough to live. And we can and should ensure that happens, through democracy – where each adult has one vote, no less, and no more.

All this, and more, is worth paying for. And the idea that the people, and businesses, who make the most money should pay their fair share to make sure we all have enough? Unions stand, and fight, for that too.

In this Special Edition of *Steward Update*, we've pulled together some of our best *Janus* coverage to help you – whether you're a union steward, an

organizer, a member, or a pro-union person without a union yet – understand who's behind this decision, what they want, and how we can organize to have the kind of community we want.

In 1893, Sam Gompers – first president of the American Federation of Labor, and a complicated, imperfect leader – gave a once-famous speech answering the question, “What Does Labor Want?” In this beautiful art by Ricardo Levins Morales, you can read what, at our best, our movement is for:

We at Union Communication Services stand with all workers fighting for justice; we hope this special edition of *Steward Update* helps your fight. At UCS, we promote “old-fashioned solidarity for new-fangled times.” President Gompers didn't always extend this vision to every worker, but in these new-fangled times, we do. We are going to need everyone

working together for *more leisure and more justice*. The stakes are higher than we've seen in my lifetime, and probably yours, too. But here at UCS, we are optimistic, despite this decision and all it means about the power of big business in our country today. We believe in the power of people organizing for more fairness. We're glad to be in this fight with you, and we hope this – and the resources on our website – can help us all win more opportunities to cultivate our better nature.



In solidarity,
Dania Rajendra
Director, *Steward Update* and unionist.com

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“They (unions) won’t go away until we drive the proverbial stake through their hearts and finish them off for good.”

Freedom Foundation fundraising letter, October 2017.

The *Janus* Supreme Court case, just like the Wisconsin and Michigan so-called “right to work” laws, isn’t about freedom to choose—they are about taking away workers’ freedom to have a say and some power to improve our lives. Anti-union forces, from the right-wing think-tanks like the Freedom Foundation to big businesses to lobbyists to others, see unions as the single greatest obstacle to unbridled profit and control.

After the Supreme Court’s ruling (expected as early as April and as late as June), anti-union people will be talking to members of our unions about dropping their membership. I know, because I am the former president of SEIU Local 925, a public sector union in Washington State made up of family child care workers and other public service employees. After the Supreme Court decision in *Harris v. Quinn*—which did to home care and child care workers what *Janus* will do for all public employees—the Freedom Foundation came after our members. The Freedom Foundation is a business non-profit in Washington State, and they spent boatloads of money trying to convince union members that we could save our dues or agency fee money and lose none of our rights. They even sent Christmas cards to our members, with the holiday message, “give yourself a raise.” Most importantly, they encouraged members to abandon the political agenda they called the union’s. (We call it the members’.) But the Freedom Foundation folks forgot to tell them about their own political agenda: privatize public education, end health care for those in need, roll back worker and environmental protections, and cut taxes

After *Janus*: What to Expect

for the very wealthy people and corporations based in our state.

The Freedom Foundation used every conceivable method for talking to Local 925 members—they got lists of union members through public information requests, and then used mail, email, telephone, website, videos to get their pro-business, anti-union message out. Most appalling, they went door to door, visiting members at home!

I recognize all those tactics because they’re the ones we use—at election time,

and during new organizing drives. At our union, we recognized Harris as an organizing opportunity, and we used those tactics. Any union can – and I encourage you to!

I’m sorry to say this kind of frontal assault is not limited to Washington State: The Freedom Foundation is only one of over 60 similar organizations, at least one in every state, that is affiliated with the State Policy Network with the same anti-worker, anti-public education,

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WHAT IS JANUS, AND

WHY DOES IT MATTER?

Half of the labor movement could go “right-to-work” depending on the outcome of a pending Supreme Court decision. In *Janus v. AFSCME*, the justices are weighing whether union shop contract clauses that compel represented workers to join or pay a representation fee should be illegal in the public sector. With 7.2 million union members’ participation at stake, the case represents the latest in the unrelenting corporate assault on union power and financial resources.

Part of what the right wing is exploiting in this case is that for public sector workers, their employer is, in some sense, “the government.” That makes their union contracts more vulnerable to challenges from outsiders. Indeed, public sector workers won the right to negotiate for the same union shop clause that private sector unions have enjoyed for over a century in a 1978 Supreme Court case called *Abood v. Detroit*.

That long-settled precedent has been under sustained attack in recent years, with Supreme Court Justice

Samuel Alito leading the charge. He inserted the argument—that every interaction that a union has with the government is inherently political—into the Court’s 2014 decision in *Harris v. Quinn*. That decision maligned unions representing state-funded, but home-based, child and elder care workers and took away their right to bargain for the union shop.

In *Harris*, Alito strongly signaled that he and the rest of the conservative Court majority would support a court challenge to mandatory union fees as “compelled” political activity that violates the First Amendment. Lo and behold, *Friedrichs v. California Teachers Association* rocketed through the courts the following year. It deadlocked in a 4-4 tie only because Justice Antonin Scalia died in 2015.

Two short years, and one stolen Supreme Court seat later, *Janus* is in front of the Court with the same stale arguments backed by the same deep pockets (see unionist.com for more on the big money backing Mark Janus’s case).

The anti-union argument is ironic because judges have spent most of U.S.

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After Janus: What to Expect

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anti-democratic political goals. These groups are funded by the Koch Brothers and the Walton Foundation (the Walmart heirs) —and we know what those kind of people want to do to our working conditions and our communities. Their funder reports read like a Who's Who of Corporate America. (And Canada, we know if they could come for you, they would!)

Here are three lessons for stewards anticipating *Janus* and the right-to-work onslaught—no matter if you're in a state or a province:

1 PREPARE FOR THIS UPCOMING DECISION: Talk with your co-workers about why you're committed to the union, who the anti-union people really are, and what they want.

2 PRIME YOUR CO-WORKERS: Tell them to expect the antiunion onslaught. You can even make it at least a little bit fun. Find an "antiunion bingo card" with slogans to expect at www.unionist.com.

3 DON'T STOP AT THE WORKPLACE. Stewards are leaders in many areas of life, not just at work. Talk about workers rights and what kind of community we want wherever you go, from a PTA meeting, after a religious service, at the dog park, or wherever you make small talk.

Find more resources about *Janus*, and more, at www.unionist.com. How are you preparing for a new and bigger anti-union movement? Unionist is collecting your ideas on its Facebook page.

—Kim Cook is President Emeritus SEIU Local 925 and now an associate at Cornell's Worker Institute, which powers *Unionist.com* and this publication.

WHAT IS JANUS, AND WHY DOES IT MATTER?

(Continued from p 3)

history denying workers any kind of free speech right to form a union. Before Congress passed the National Labor Relations Act (NLRA) in 1935, courts were more likely to treat unions as criminal conspiracies that interfered with employers' property and contract rights. But even the NLRA, which provides legal protections for union organizing and collective bargaining, does not recognize a First Amendment right to engage in union activity. Instead, it bases those rights on Congress, and its power to regulate interstate commerce—not in the civil and constitutional rights of workers.

As a result, corporations enjoy more free speech protections to beat up on workers than workers and their unions have to organize. An employer can force workers to attend mandatory anti-union presentations or be fired, and unions have no complementary right to respond. Workers can be fired for making "disloyal" statements about their company in the course of a protest. And the scope of issues that unions can meaningfully demand to bargain over has been significantly narrowed.

A ruling against AFSCME in *Janus* could provide unions with a solid First Amendment basis to challenge these and other inequities in labor law. But conservative judges could also shamelessly wave away any argument about why free speech shouldn't make collective bargaining fairer for workers, while beefing up corporate power.

Already, some are concerned that anti-union lawyers will next argue that collective bargaining regulated by the NLRA is another "inherently political" interaction between unions and the government, making any union shop—even in the private sector—unconstitutional. That this argument might even see the light of day shows how far the right wing has pushed the American political conversation.

U.S. unions are bracing for impact. Unions with substantial public sector memberships have beefed up their member-to-member organizing programs. Their immediate goal is convincing current fee-payers to join and pay dues.

This is not a drill or a false alarm, and stewards play a key role in keeping workplaces, bargaining units and unions

together as all working people—union and not—come under assault. Here are three things to do:

1 Talk about *Janus* and its effect on our communities, unions, and workplaces. *Unionist.com* has resources from across the labor movement and around the media.

2 Expect a well-funded direct mail blitz from union busters encouraging members to quit their union to "give themselves a raise." Member-to-member organizing is critical for counteracting right-wing propaganda portraying unions as "ineffective" third parties. Here, shop stewards must be the first line of defense.

3 Express solidarity with all workers. Show up at another union's picket line or rally, sure. Is there a demonstration against workplace raids by ICE in your community? Those are workers, too. Be there for them, in your union colors.

—Shaun Richman is a writer and campaign consultant. He is the author of the report "Labor's Bill of Rights." His Twitter handle is @Ess_Dog.

Janus v. AFSCME is a crowning triumph of a loose network of right-wing think tanks and legal foundations which have spent decades chipping away at the government safety net, environmental and business restrictions, and the rights of unions.

Janus challenges a 1977 ruling, *Abood v. Detroit Board of Education*. Except in right-to-work states (where none of these rules apply), each state decides whether state employees are obligated to pay agency fees. Because unions engage in political activity, *Abood* ruled that compulsory union membership violated state employees' freedom of speech. However, the court also upheld employees' obligation to reimburse unions for their advocacy, which worked on behalf of both those in the union and those who weren't. (Otherwise they would be "free riders," who gain material benefits from the unions but do not pay for these services.) *Abood* held that these employees could be obligated to pay agency fees, which covered all union costs except for political campaigns; these are usually 90 percent of union dues. *Janus* will revisit this question. According to the Economic Policy Institute, "the case will affect about 17 million public-sector workers across the country." It will also disproportionately affect black women, who "make up 17.7 percent of public-sector workers, or about 1.5 million workers."

The case's plaintiff is Mark Janus, who works for the Illinois Department of Healthcare and Family Services, and is represented by AFSCME. Mr. Janus makes an annual salary of \$71,000, and is suing over a \$45 monthly agency fee to AFSCME.

But this isn't an instance of one angry man driven by a litigious rage to make it easier for his employer to decrease his income. Mr. Janus is backed by a slew of think tanks and foundations who are funded by the Koch Brothers, among others. Behind Mark Janus are millionaires and billionaires whose life work is to destroy, not just unions, but all social guarantees for people in the US.

The case originated with billionaire private equity fund manager Bruce Rauner's run for Illinois governor in 2014. He went to court to stop the collection of agency fees. The courts said that Rauner

didn't have standing in the case, but they allowed Janus to take his place.

Janus is not alone in his "struggle"; he is represented by lawyers from the National Right To Work Legal Defense Fund (NRTWLDF) and the Liberty Justice Center. These are just two of the many well-funded right-wing groups working to destroy decent living standards for working people.

The NRTWLDF is a non-profit which is associated with the 501(c)4 lobbying group, the National Right to Work Committee (NRTWC), as well as the National Institute for Labor Relations Research. In 2012, the three groups, which are dedicated to destroying unions, pulled in \$25 million. The founder of the NRTWC, Reed Larson, was a leader in the far right John Birch Society. They traffic in a variety of far right conspiracy theories, many of them derived from antisemitism, opposed to the Civil Rights movement, and have an extreme pro-market approach. The John Birch Society cleaned up these ideas by making their origins seem less obvious, and wrapped them up in an ultra-patriotic images and slogans. Larson was in the same John Birch Society chapter with Fred Koch (the father of the infamous Koch brothers Charles and David), and the NRTWC has received significant amounts of money from the Koch family.

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Meet the Money Backing Mark Janus and his Case v AFSCME

The NRTWC is also connected to a variety of rightwing groups such as ALEC (American Legislative Exchange Council), which is notorious for authoring a wide variety of right-wing legislation. NRTWLDF is a member of the State Policy Network, a Koch-backed network of state-based right-wing think tanks and foundations. NRTWC spent \$7 million in the 2012 elections. In 1984, they were accused of spending \$100,000 on private detectives who infiltrated the AFL-CIO and other progressive groups.

The Liberty Justice Center's Director of Litigation, Jacob Huebert, is one of Janus's lawyers. The center is a public interest law firm, so its funding isn't visible, but it is connected to the Illinois Policy Institute. This institute is part of the State Policy Network, and receives money from Koch-linked groups such as Donors Trust. The Illinois Policy Institute also received money from the Mercer Family Foundation. The Mercers have funded Far Right propaganda outfits with connections to White Nationalists such as *Breitbart* and alt-right troll Milo Yiannopoulos.

In addition to these two groups, dozens of organizations have submitted amici curiae briefs in Janus, showing a cross-section of the right-wing groups who are supporting this attack. They include the Mackinac Center for Public Policy in Michigan. Mackinac specifically targets public sector unions; one email from a staffer said, "Our goal is to outlaw government collective bargaining in Michigan." Mackinac supported a 2011 Michigan

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MONEY BACKING MARK JANUS AND HIS CASE

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STEWARD UPDATE: NOT JUST FOR STEWARDS!

Hone your understanding of the economy, our world, and how to make a difference at work and wherever you go with *Steward Update* and the Unionist.com blog. At unionist.com, we've got subscriptions for individuals, unions as well as a blog, books, tools and art to help you make this world one with more justice and more leisure.

law that gave the governor the power to abolish unions and local governments. It is also part of the State Policy Network and receives Koch-linked funding.

Wisconsin Governor Scott Walker, whose 2011 assault on his state's public sector unions inaugurated this recent wave of attacks, also receives support from similar networks of right-wing institutions. And Walker, in turn, is tied to Trump's Education Secretary Betty DeVos, who is intent on destroying public schools as we know them—along with the teachers unions based at them.

Walker received support from the Americans for Prosperity, a Koch-linked vehicle. Their president estimated that the group spent \$10 million in Wisconsin in 2011 and 2012 to support changes made by both Walker and the legislature. Walker also received significant backing from the Bradley Foundation. Its founder was also close to the conspiratorial John Birch Society. After 2010, Bradley gave a half million dollars to Americans for Prosperity, which in turn supported Walker. Bradley also provides financial support to the State Policy Network and ALEC. This non-profit which funded several groups that ran interference for Walker as he battled a 2012 recall campaign. The foundation also gave over \$1 million to media which have attacked an investigation into potential illegal funding which involves Walker. Bradley's head, Michael Grebe, was also Walker's campaign manager three times, and was later tapped to lead Walker's 2015 presidential effort.

While many of these think tanks and foundations that fixate on public sector unions tend towards an economic libertarianism and are separate from the network of organizations fighting abortion access and LGBTQI rights, there is

some crossover. One particular area is the area of charter schools, whose explanation simultaneously allows public dollars to support religious schools, dismantles public education, puts pressure on school budgets, and undermine unions for both teachers and other educational sector workers. Walker expanded his state's school voucher program starting in 2011. The Center for American Progress says that DeVos's family gave Walker \$342,000 between 2010 and 2017. The pro-voucher group she formerly lead, the American Federation for Children, spent over \$5 million in Wisconsin since 2010 to support Republican officials. And Walker in turn publicly supported DeVos's appointment as Education Secretary. It's a relatively small circle of wealthy Republicans who give each other money and appoint each other to high-ranking positions.

Progressive groups used to have a more robust group of think tanks and foundations, but these have been systematically defunded for decades. The Republicans have been able to coalesce around four sets of demands: religious fundamentalists seek limits on gender-based and sexual freedom; market fundamentalists want to destroy the social safety net and unions; and xenophobes demonize Muslims and immigrants, as well as US-born people of color, including Indigenous and African American communities. The *Janus* case, with its disproportionate harm for Black women in particular and possible kneecapping of the union movement in general for its support of immigrants' rights, anti-discrimination measures and the social safety net, manages to neatly combine nearly their whole agenda in one Supreme Court package.

— Spencer Sunshine is a Brooklyn-based freelance writer. His work has appeared in *Truthout*, *Colorlines* and *The Forward*. His Twitter handle is @transform6789

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LESSONS FROM WISCONSIN: AFTER SEVEN YEARS OF UNION BUSTING, WORKERS HARD PUT TO RECOVER

It was a rout. The November 2010 midterm election turned purple Wisconsin red, giving Republicans the keys to the governor's mansion and both chambers of the statehouse. "Wisconsin is open for business," Governor-elect Scott Walker declared, echoing campaign promises of more and better-paying jobs.

In a state flunking economic tests for wage and job growth, a lot of workers bought into that message—much, they would later find, to their own detriment.

Taking office in January 2011, Walker and the legislature launched a full-out assault on unions. They slammed public workers as overpaid and rammed through quick rule changes to advance Act 10—a bill decimating collective bargaining rights for almost every Wisconsin public worker, including:

- No bargaining on benefits, rules or working conditions.
- No bargaining on wage increases exceeding pre-determined caps.
- No wage increases until new contracts are settled.
- No contracts longer than one year.
- No dues check-off or compulsory dues or fees.
- No unions without annual recertification votes.

Protests erupted throughout the state—the largest drew 100,000 to the Capitol in Madison. Support and supporters poured in from all over the country and around the world. Despite public opposition and weeks of controversy, legislators maneuvered the bill through.

Walker told private sector unions they'd be safe, but a video surfaced of him assuring a campaign donor that his "divide and conquer" strategy would target public sector unions first and hit the private sector later with so-called right to work (RTW) laws. Although lawmakers initially repudiated RTW, they passed it in March 2015.

The prosperity they promised didn't materialize. Instead, workers suffered sluggish job growth, stagnant wages, a shrinking middle class and gaping income inequality, with much of the blame on declining unionization—down 40% since Act 10. Comparisons to Minnesota—Wisconsin's deep blue, labor-friendly and prosperous neighbor to the west—are stark, striking and embarrassing.

WHAT'S TO LEARN FROM ALL THIS?

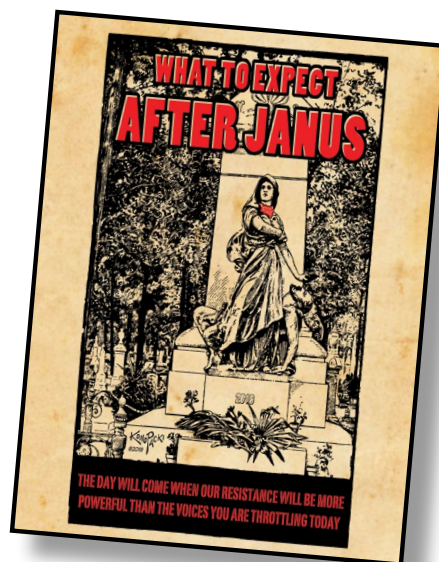
■ **FIRST: ORGANIZE NOW.** By the time a crisis hits, it's too late. Some unions had gotten way too comfortable and were ill-prepared for what happened. Learn about the difference between business unionism and solidarity unionism. Unions practicing the latter fared much better in both public and private sectors.

■ **THE BIGGEST THREAT IS LACK OF DILIGENCE.** A union is not likely to survive the worst of times if it didn't do much during the good. Poor representation and lack of personal, honest and engaging communication is a sure path to member apathy or, worse, antipathy.

■ **KNOW THE ENEMY.** We learned the hard way how the Koch Brothers and their allies pulled the strings in our state. Knowing the who, what, when and how of labor foes is crucial. Remember: They play the long game and with particular effect since the 1980s.

■ **MIDTERMS MATTER.** Low voter turnout in midterms favors anti-union candidates. Wisconsin's 2010 election opened the door to gerrymandering and voter suppression laws, ensuring opponents' power for years to come. Union efforts for voter registration and get-out-the-vote are as important in midterms as the general election.

■ **IT'S TIME FOR ROLE REVERSAL.** The labor movement is the only entity exclusively devoted to working people,



yet we have ceded our natural power to political parties with often ineffective to fatal results. What if we marshalled our resources instead to make our movement an independent, driving force for workers? What if politicians needed us more than we needed them and maybe even feared us instead of the other way around? It's not a new thought, but it's a powerful one. How to get there is a big conversation now being had throughout the labor movement and beyond.

■ **BACK TO BASICS.** Unionization created America's middle class, and the decline of unions has meant the decline of the middle class, hurting the entire economy. More people need to know: mutual prosperity based on fundamental worker rights is possible. With so many people struggling, it's a simple, unifying message that can build a movement for economic justice for all. That's not hype; it's history.

—Kathy Wilkes is a labor writer and editor based in Madison, Wisconsin.

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What *Janus* Means for Unions in Canada

Despite having similar origins, the North American labor movement has taken distinctly different paths in Canada and the United States. Answering why this has happened is the subject of Barry Eidlin's soon-to-be-released book, *Labor and the Class Idea in the United States and Canada*. It's a fascinating question, made even more urgent, as the *Janus* decision threatens to throw the American labor movement into further upheaval.

Eidlin says the way in which each country's supreme court treats unions is one factor in why things have diverged so much. "The Supreme Court of Canada (SCC) has affirmed the centrality of collective action for ensuring workers' constitution rights," he says, while, "the U.S. Supreme Court has gone towards [unionization] being a free speech issue." It's a stark contrast.

The SCC has not always sided with unions, but Eidlin argues that the goal of Canadian legislators has been to balance labor relations such that there is relatively little upheaval. "In practice, even people who might be anti-union, still support strengthening the labor relations regime because it keeps a lid on labor conflict," says Eidlin, a sociology professor at McGill University in Montreal.

A 2015 SCC decision called *Saskatchewan Federation of Labor v. Saskatchewan* ruled that collective bargaining represents the collective free expression of workers and is therefore constitutionally protected, overturning a 1987 decision.

Canada's relatively high union density raises the stakes for ensuring harmonious labor relations. Average unionization in Canada is 28.8% (as of 2014) with 15.2%

of private sector and 71.3% of public sector workers covered by union protections. When a system is premised on keeping the peace between bosses and workers, legislative gains and protections are an instrument of control, even when they favor workers over management.

But, it also means that the kinds of legislative attacks that Canadian workers face are more likely to come in the form of limiting strike parameters. Many workers are highly regulated when it comes to striking and can only strike for short periods of time per day. Some have no real rights to strike at all if their work is considered to be an essential service (like a paramedic or a nurse).

While the *Janus* decision will have no legal impact on Canadian unions, Charles Smith warns that the cultural shift it presents poses a big threat in Canada, as Canadian right-wing politicians often draw inspiration and ideas from the United States.

Smith, a political science professor at the University of Saskatchewan, argues that Canadian legislators don't need to try and impose right-to-work legislation as tools like back-to-work legislation or other legislative limits to strike, "work very well in disciplining labor. There hasn't been the same need to pick fights with unions."

Smith says that public sector unions in Canada, "have been far more militant and organized than in the U.S.," which has helped to protect the public sector from U.S.-style attack. The low-level of privatization in public services has helped as well: "Public sector unions haven't had to face profit-driven institutions," unlike Canadian private sector unions, says Smith, whose density rate has been in steady decline.

Andrea Calver is a long-time labor activist from Toronto who is gathering

research for a membership engagement strategy at California state universities. She is currently based in Sacramento, and the membership engagement and campaigns coordinator with the Ontario Confederation of University Faculty Associations. She sees *Janus* as a profound warning signal for Canadian activists.

Watching Californian labor activists gear up their organizing efforts in the face of *Janus* has ignited Calver's sense of urgency: "You can't let anything go, even something small, because they never let it stop. The lesson we need to learn is that we need to push back against every single legislative thing that ties the hands of unions, because over decades it adds up."

Carolyn Egan, president of the United Steelworkers Toronto Area Council, echoes Calver's call to action. The council represents USW members in both the private and public sector in Toronto. "There is real concern in Canada about the outcome of the *Janus* case," she says. "It is a clear attack on public sector unions and could have a devastating impact on their ability to defend members and take political action on behalf of all working people."

Calver says that for her, the big effect of the *Janus* decision is what it teaches union activists: "With money and decades of time, the right wing could do some really serious organizing in Canada. It's part and parcel of what's happening in the American labor movement."

—Nora Loreto is a Quebec-based freelance writer and editor at the Canadian Association of Labour Media.

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U.S. SUPREME COURT CASE: A THREAT TO WORKERS AND COMMUNITIES

Unions are all abuzz with talk about the Supreme Court case *Janus v. AFSCME*. I know it all sounds so dry and bureaucratic. But take a closer look and you will see that *Janus*, which pits a single state employee—backed by anti-union groups—against a public workers union, threatens countless Americans.

The case argues whether unions can collect dues from all the workers who enjoy union benefits like fair salaries and safe working conditions—or whether some workers can get a free ride. Without dues, unions would be less able to protect workers—including teachers, police officers, firefighters, custodians, bus drivers, cafeteria workers, college professors and city clerks, all of whom serve the public. So it's about more than dues. It's about people. People in public sector jobs.

Many of those people are black. In fact, about 20 percent of black people work in the public sector.

If you care about black people, you should care about *Janus*. If you care about salaries and wages in a public school district, you should care about *Janus*. And if you care about quality education, you should care about *Janus*.

This case is about stripping public sector workers of their voice. It's also about stripping them of their wages and opportunity to achieve the American dream.

If the Supreme Court rules against AFSCME (the American Federation of State, County and Municipal Employees), those likely to take the brunt of the blow will be black people. Black civil servants.

For so many people of color, the public sector has been the safest workplace from discrimination. And for many of us, and our parents and family members, public sector work has also been a vehicle of social mobility. It has given us the opportunity to have quality healthcare, a pension and some money on the side

A Janus loss would ultimately rob teachers of their strength in collective bargaining and allow under-qualified, lower-wage teachers to stand before our students.

to enroll our children in the activities that make them more whole and well-rounded. A loss in this case would rob us and our families and friends of our vehicle for social mobility.

In addition to that, when wages are up for government employees, wages are up for all black people. We are years past the so-called end of the recession, but black wealth has not returned, and it is not growing the way it has in other communities. A big reason for this is the assault on public workers. Our friends in right-to-work states know this all too well.

You may have heard the phrase “a rising tide lifts all boats.” Well, a union wage lifts all wages. So even nonunion members should care about *Janus*.

I also worry about how a loss in this case would harm public education. Teachers unions work to ensure that those who educate our children have the proper and necessary training, because when the requirements to be a teacher are too lax, we see ill-prepared teachers in the classroom. Fairly negotiated contracts with unions and

school boards aren't just for the teachers' protection. They're also for the students.

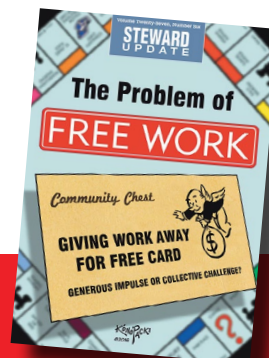
We can't claim that education is the pathway out of poverty and then put teachers in front of our students unequipped to do the job. A *Janus* loss would ultimately rob teachers of their strength in collective bargaining and allow under-qualified, lower-wage teachers to stand before our students. We've seen that movie before, and it doesn't end well for us or for our children.

The American Federation of Teachers represents not only teachers but also paraprofessionals, bus drivers, cafeteria workers and custodians. We represent public college professors and staff, state and municipal workers, and public health-care workers like nurses, lab technicians, addiction counselors and social workers. The AFT supports all these workers and, by extension, supports and celebrates countless people of color in the workplace.

For all those people, the union must remain strong, especially in the face of *Janus*. Whatever happens, our collective voice must continue to ring out.

—Marietta English is the president of the Baltimore Teachers Union and AFT-Maryland, and is an AFT vice president.

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Get new ideas for old-fashioned solidarity in your inbox every other month: Subscribe to *Steward Update*.

Regardless of the outcome of the *Janus* decision, anti-unionism continues apace in both the US and Canada. To challenge it, union stewards need both new strategies and new attitudes so that solidarity will rule in every workplace.

To do so, stewards must think of themselves as organizers, not grievance processors. In most unions, stewards carefully prepare each grievance, meet as a small group with management, appeal it and eventually take the case to arbitration. This costs the union tens of thousands of dollars, and it risks putting important workplace issues in the hands of a totally disinterested individual arbitrator.

Now, you're an organizer for solidarity and union strength.

STRATEGY FAIL

Put plainly, this strategy has failed. As the anti-union movement racks up more wins, expanding “open shop” laws, more unhappy members drop out,

As a result, our unions' existence is at stake. With most grievances, the members—and non-members—never get involved, so the union loses both power over management and the opportunity to show the non-members how important the union is, 24/7/365. Now, instead of expecting Someone Else to defend the contract, everyone is asked to become active participants – to be the union. And stewards are the ones to ask, and agitate, motivate, and, yes, organize this change.

JUICE PARTICIPATION

Becoming an organizer also requires different strategies than grievance processing. Because the goal is to involve all our members, and reach out to the non-members, how-to-juice-participation becomes a question we ask of every decision we make and every grievance we file. In fact, even using the words “strategy” and “grievances” in the same sentence shows a clear break from the old routine of filing grievances.

Stewards as Organizers

HOW TO GET STARTED:

- **THINK ORGANIZATIONALLY:** As you plan the grievance, also calculate how your members—and non-members—can get involved. As the non-members become active, they are way-y-y more likely to join.
- **PROWL YOUR WORKPLACE:** Ask members what problems they want the union to deal with so you can find new, energizing issues.
- **CREATE A COMMUNICATIONS NETWORK THAT INCLUDES EVERY MEMBER:** Options include: personal e-mail, text, an app, a secret Facebook group or even Twitter. The point is for union stewards and members—and prospective members—to be in touch. Pass on information about all workplace issues, not just about official grievances.
- **SHARE EXPERIENCES:** One reason that stewards in a local should meet every month is to create joint strategies and to see how our boss is dealing with the union. In unions with many work locations, stewards sometimes think that their supervisor has a nasty streak but when stewards get together, they find that it is a carefully plotted management strategy.
- **EXPAND UNION VISIBILITY:** Both inside the workplace and in your community—make sure all your members wear union insignia at work—buttons, jerseys, even hair ribbons.
- **CHECK IN WITH STEWARDS WHO WORK IN RIGHT TO WORK ENVIRONMENTS.** (Unionist.com has some examples.)

- **FINALLY, IT IS JUST A GREAT AND HEALTHY UNION-BUILDING EXERCISE TO CHALLENGE MANAGEMENT'S AUTHORITY:** Anytime. Anywhere.
- **SHOWCASE SOLIDARITY:** When you and your members pick an issue, make sure it builds solidarity, not something divisive within the union. For example, pitting younger workers versus older over seniority perks, or anything that splits people out along race, gender, immigration or geographical lines.

KEEP HOPING

Finally, as any steward in an open shop can tell us, it is often discouraging to have to deal with the free riders, but don't lose hope. Just look at the numbers from the teachers strike in Arizona in April. There are 90,000 certified teachers in the state of Arizona but only about 20,000 (22%) were union members of the Arizona Education Association. When it came time to vote on a strike, however, 57,000 (63%) filled out a ballot and a huge majority of the teachers risked discipline by walking out of their schools. With some strong activity, participation in the union tripled! Build it and they will come. In fact, a great first-step assignment is to ask each of your co-workers what they know about the #Red4Ed movement (you can share the last Steward Update with them, if they need an introduction).

—Bill Barry is a retired organizer and labor educator and the author of the new book *Don't Trump on Us: Making Our Unions Great Again*, from which this article was adapted. It is available at www.unionist.com.

Get new ideas for old-fashioned solidarity in your inbox every other month: Subscribe to Steward Update.

SO-CALLED RIGHT-TO-WORK: A STEWARD'S GUIDE

As a union steward, you're the person members will approach when they have union-related questions. The term "Right-to-Work" (RTW) is back in the news in a big way, so it is important to revisit why it represents both a threat and an opportunity for workers and the labor movement.

WHAT ARE "RIGHT-TO-WORK" LAWS?

"Right-to-work" are U.S. state laws that prohibit unions from requiring that dues or service fees be collected from all workers covered by, and benefiting from, a union contract. By making dues payments voluntary, RTW laws can erode union membership and resources. Labor activists often call them "right to work for less," because they're designed to make it harder for unions to effectively represent workers and press for policies that benefit all workers – even those without unions. "It weakens the general overall climate for union support," said Jim Wrenn, a former shop steward and current president of UE Local 150 at the Cummins diesel engine plant in Rocky Mount, NC. With RTW, Wrenn said, "when you have a union contract, not all the workers are members of the union, so you may have to represent workers who aren't members."

WHAT MAKES THESE LAWS POSSIBLE?

U.S. federal law. In 1947, Congress passed the Taft-Hartley Act, which opened the gates for RTW, to discourage organizing. Canada does not currently have a RTW law, but there is concern that some anti-union trends may lead in that direction.

HOW COMMON ARE THESE LAWS?

Now, 27 states have enacted RTW laws. Recent additions to the list include Kentucky (2017), West Virginia (2016), Wisconsin (2015), Michigan (2012), and Indiana (2011). Other states now targeted by the National Right to Work Committee, the American Legislative Exchange Council (ALEC), and their corporate

backers include Missouri and New Hampshire. These laws can affect both private and public sector unions.

WHAT DOES RTW MEAN FOR UNION MEMBERSHIP?

It means that employees in the bargaining unit must choose to join the union and pay dues. Employers often respond by encouraging current members to opt out and discouraging new employees from signing up.

ARE NON-DUES-PAYERS EXCLUDED FROM THE CONTRACT?

No. Unions are still legally bound to represent everyone, whether or not they belong and/or pay dues. This is "the duty of fair representation." So people can get the benefits of a contract without supporting the union.

HOW CAN THE UNION STILL DO ITS JOB?

The idea behind RTW is to weaken unions through membership attrition and loss of dues income. Imagine 20 or 30 percent of your co-workers drop their membership: Union strength could be seriously undercut, followed by management-initiated divide-and-conquer tactics.

It doesn't have to work that way. Chad Neanover, a union steward with the Culinary Union Local 226 of Unite Here at The Flamingo club in Las Vegas, says he finds it rewarding to be a shop steward in a RTW state. "I get to work to make the Culinary Union a stronger place through getting active with members," he said. Culinary sends its shop stewards to identify and talk directly with workers who don't sign up or pay dues (or opt out). "It usually ends up being a series of conversations. I find out what their issues are, what they need to know, and what their complaints are about the union...I've actually been able to sign up everybody that I've talked to." With this program, said Neanover, the Culinary Union has managed to get 90% of workers in its shops to

pay dues – even though Nevada is a RTW state.

WHAT DOES THIS MEAN FOR UNION STEWARDS?

Right-to-work laws make a union steward's job tougher – but stewards are up to the challenge. As Jim Wrenn said, "It creates an anti-union climate – but then again you've still got rights. You have to exercise your rights."

One challenge for stewards is educating members about voluntarily paying dues. If you're not in a RTW state, you have to make sure your members are aware of what "right-to-work" really means.

In addition, many members may see the union as a kind of insurance agency, with members passively paying dues like insurance premiums, filing grievances like insurance claims. Union stewards in RTW states say changing this mindset is crucial.

"We're going to have to look at a new way of fighting," said Mike Fendley, a meat cutter and a steward with UFCW Local 227 in Louisville, KY. His state became the newest RTW state in January 2017, when the governor signed the law over the objections of working Kentuckians. "Because you're trained as a union steward," Fendley said, "you're going to have to come on stronger and get people involved with the union. Get people out to the meetings. Get people out to do union work and see what it's all about."

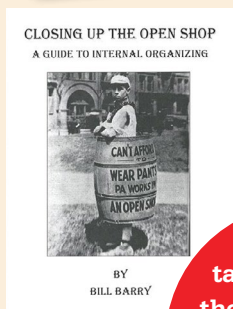
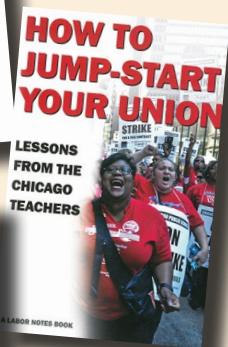
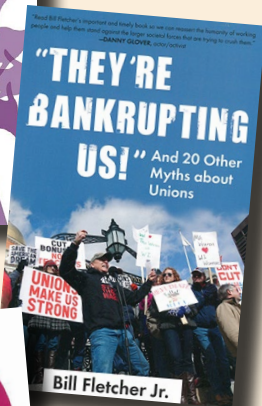
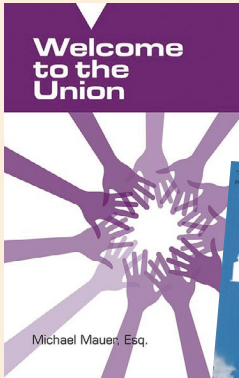
Stewards can promote member participation by communicating with every member (and prospective member), orienting new members, welcoming new participation, and hosting social events.

When members can contribute, they're no longer passive consumers. When goals are clear and everyone has a role to play, it strengthens the organization. Neanover said the union harnesses that member energy when it is time to negotiate a new contract. "We're a community outreach organization more than a service organization," he said, "because we educate the members to see that every time we go into negotiations, if we are all united, we can get better conditions inside the shops."

—Fred Kotler & Mariya Strauss. Kotler is a long-time organizer and labor educator. Strauss, a Baltimore-based writer, publishes in a variety of national publications.

Now what?

FIVE BOOKS TO FIRE UP MEMBERS IN A POST-JANUS V. AFSCME WORLD



take **20%** off
these books until
Labor Day on
unionist.com
CODE: JANUS

As we go to print, the Supreme Court hasn't yet handed down a decision in *Janus v. AFSCME*, but all signs point to a decision unfavorable to the labor movement — and that means internal organizing will be more urgent than ever.

An unfavorable *Janus v. AFSCME* decision will make paying union dues and “fair share” fees optional — in spite of the fact that everyone in a bargaining unit benefits from a union contract. That means shop stewards will have to educate and inspire their co-workers to pay union dues voluntarily. Making union dues optional is as fundamentally unfair as making federal taxes optional, of course, but anti-union forces and corporate bosses have already been falsely spinning *Janus v. AFSCME* as a free speech issue, and shop stewards need to be prepared for the onslaught of false information.

Union Communication Services carries a number of books to help you inform and mobilize those you represent so they become not only members, but union activists who understand that not paying union dues will cost them a lot more money and power in the long run. Here are five books that can make organizing in a post-*Janus* world a little easier:

■ Our inexpensive and tremendously popular booklet, **WELCOME TO THE UNION** by Michael Mauer, provides a basic introduction to the roles that unions play in the workplace and in the economy in thirteen easy-to-read pages. It's an ideal publication to acquaint the members of your bargaining unit with the advantages of having a collective voice on the job. The booklet can be customized with your union logo, and a Spanish version is available.

■ The corporate interests that finance anti-union crusaders will send messages to workers nationwide that unions are greedy and bad for the economy. We've all heard that “Unions were needed once, but not anymore,” right? You can prepare yourself with well-reasoned responses to this and other common, inaccurate complaints about unions if you read **THEY'RE BANKRUPTING US! AND 20 OTHER MYTHS ABOUT UNIONS** by Bill Fletcher Jr.

■ Labor Notes has produced the book **SECRETS OF A SUCCESSFUL ORGANIZER**, which offers excellent tips on how to get workers more involved with, and committed to, their unions. Learning to listen, building useful networks, identifying key workplace issues, and recognizing who workers look to for guidance are among the strategies covered in the book that will help you create an organization that workers will want to support. A Spanish version of *Secrets* is available.

■ Another Labor Notes book that's sure to infuse you with optimism is **HOW TO JUMP-START YOUR UNION: LESSONS FROM THE CHICAGO TEACHERS**. It's a manual for how to build a movement from within the local union by developing leaders and community allies in the face of powerful opposition. Union activists in the public sector especially will believe they can prevail against all odds after reading *How to Jump-Start Your Union*.

■ “When a country is under siege, its citizens have to change their usual routines. When unions are under attack, it's the same.” So writes Bill Barry in his book **CLOSING UP THE OPEN SHOP: A GUIDE TO INTERNAL ORGANIZING**. Barry focuses on changing the culture of the union in order to make organizing and mobilizing a fundamental component of its existence. The book encourages union leaders to examine what is — and aim for what could be — to build a stronger, more resilient labor movement.

—Linda H. Donahue is extension faculty at The Worker Institute at Cornell ILR.