

Events of the past few years evidence a time where the labor movement finds itself at a crossroads. Experts on either side of the political spectrum have predicted different outcomes, but they agree on one thing: what happens now will be crucial in affecting the larger issue of what is to come for unions - either a decline into irrelevance or a regaining of strength and prominence, perhaps in new ways.

This paper examines Ohio as a case study for the larger national phenomenon of the labor movement's efforts to revive amid difficult times. Information was gathered in two ways: through archival research, primarily from the University of Akron's AFL-CIO archives, as well as newspaper online archives, and interviews with four union leaders. Dave Schuckert and Ray Davis are president and executive board member, respectively, of AFSCME local 153, representing the workers at the main campus of Kent State University. In their positions they deal with the day-to-day business of unions, including collective bargaining (negotiating the union contract) and handling grievances (complaints that the employer has violated the union contract) and other local matters. Tom Morneweck is president of the Tri-County Regional Labor Council and the AFSCME Local 1229; he deals less with the daily administrative tasks and more with overseeing regional coordination of the area unions for which he is responsible. Finally, Ja-Rae Wang is a Field Communications Associate for the AFL-CIO in Washington, DC and works with labor unions on a national scale. Because these individuals deal with different spheres of labor issues in their work, they each brought different perspectives that speak to larger, unified truths about the labor movement. Interviews were essential to capture the personal nature of the union narrative.

The paper begins with an overview of the state of unionism today and then narrows the focus to the particular context of Ohio. The latter half of the paper examines three important and

politically driven union battles in Ohio, two historic and one current. This historical analysis leads to the conclusion that if Ohio foreshadows what is to come, the labor movement certainly has cause for hope.

### **The State of Unionism Today**

Attacks by conservatives on union strength have noticeably grown within the past few years; these attacks have once again placed labor issues in media and legislative prominence. These have been presented in several forms, including voter ID laws, pay check deception laws (affecting funding and the political clout of unions), efforts to enact “right-to-work” laws, and attacks aimed at collective bargaining (Wang). Leaders within the union movement find this increased antagonism to be an indicator of a fundamental truth: unions are essential to the progressive movement because they provide a support network of people and resources. Conservative political attacks on unions vindicate this, and the belief that now -- with union membership density lower than it has been in nearly a century -- is a time where a significant rollback of more than a half-century of union gains may actually be possible (Wang).

Ja-Rae Wang spoke extensively of national trends. She first pointed out the difficulties presented by the switch to a service economy, where new sectors of workers that previously did not exist or were not considered under the umbrella of organized labor are now organizing, such as taxicab drivers and car-washers. Another important factor has to do with the changing nature of work: whereas workers used to strive towards one steadily advancing career at one company, workers now expect to hold many different jobs for myriad organizations and perhaps even different types of employment. Further, the current context in which labor laws operate, and businesses’ habit of exploiting weaknesses in the laws, makes it even more difficult to organize

in the traditional manner of the National Labor Relations Board process. This has in part been responsible for the uptick in non-union labor organizations (notably including OUR Walmart and the Domestic Workers United), which seek to provide similar benefits for their members without the same constraints that unions face under current labor laws. Despite the appearance of a potential conflict between these two models, unions are -- at least outwardly, if not wholeheartedly -- embracing these new forms of organization; they recognize new vehicles as sometimes necessary in order to effectively reach more people in ways that unions simply cannot (Wilson).

Within the established union hierarchy, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) has led the union battle since the merger of the two unions in 1955. It continues this charge, in particular over the past year, by spearheading a repositioning campaign to change the view of unions in the public eye. The generally negative reputation that unions might have, especially in the media, is widely acknowledged as one of the most pressing issues facing unions, which is why the AFL-CIO is committed to catalyze a change. The repositioning campaign focuses on correcting the public image of unions in cases where criticisms about unions might be untrue, and working to address those claims that might be legitimate. Much of the union stereotype revolves around the image of 'an old white man's club,' conjuring up claims of unions being inflexible, bureaucratic, boring, irrelevant, lazy, self-promoting and even greedy. Unions and their supporters reject this view as misguided, and therefore in dire need of correction: this old conception of Labor is neither feasible nor accurate, especially in modern times (Wang).

The repositioning campaign aims to do just that, a measure necessary because of one particularly adverse effect of lower union density: where workers previously learned about

unions and their benefits through the membership of a close family member or friend, workers now learn most of their information about unions through the media. The sporadic contact between most people and the labor movement means that their conception of labor -- whether positive or negative -- is often vague at best. The overarching theme of this campaign therefore emphasizes the interconnectedness of work, eschewing any current tensions between people who are and are not unionized. It portrays work as the theme that connects us all, a notion to which most people are ignorant or oblivious. A bus driver might take you to your morning coffee, which is made by someone in a store, from coffee beans that a laborer harvested and someone else transported. Someone at school teaches your child, and your child might one day become a doctor who perhaps takes care of the builder who worked on your new house. These worker chains are endless, portraying the deeper truth of our reliance on one another and the fundamental logic behind solidarity.

The principal strategy employed in the campaign is to focus on values, a tactic that rose to prominence after its significant success by conservatives. The original, core union message had been concrete, focusing on the specifics of what unions could deliver for their members: better wages, safer work conditions, and other benefits like healthcare. Although these central functions remain intact, they lack as a strategy to ensure that unions maintain their relevance to people's lives. Perception plays an integral role in linking workers and unions; consequently, if the messaging is focused on membership only, non-members will not feel any connection. The AFL-CIO, with the intention of countering specific negative stereotypes and resonating with the average American, selected seven central values on which to focus. These include innovation, people, action, community, quality, collaboration and training. For example, to reflect innovation, the AFL-CIO is now highlighting union interest in green technology. This advances

the idea of technological innovation, a way to counter the stereotype of being ‘old fashioned and rigid.’ In another case, union participation in community service is used as a counter-example to the charge of being self-interested.

The AFL-CIO employs an array of methods to properly convey this new message to the masses. The AFL-CIO’s new website focuses on personal narratives instead of collective actions (like strikes) to both create the idea of a personal connection and avoid potential negative connotations. Increased use of social media aids in spreading the message to a wider audience. An integral component of the repositioning campaign is to reach out to new demographics outside the labor movement. The AFL-CIO is experimenting in a few pilot cities with online and TV advertisements and special events. For example, Comic Con is a convention in California centered on comic books, gaming and entertainment, and it draws upon a primarily young crowd. The AFL-CIO sponsored a booth there where people could fill out cards with the message “I am a superhero, I support X worker.” The AFL-CIO has found that these events reach people in unexpected ways, and studies support their effectiveness. Although the AFL-CIO suspended all work of this nature as the focus shifted to the 2012 elections, they resumed it immediately after. In order to deepen connections outside of organized labor, the AFL-CIO now pursues alliances with other liberal causes, such as immigration (Wang).

Morneweck has not heard talk of the AFL-CIO repositioning campaign specifically but he endorses its importance and worth. “Things change, times change, we do too,” he says, “Basically, you need to do what you have to in order to relate to people.” He agrees that the most pressing issue facing unions is the general lack of knowledge about unions in America:

We’ve had organized labor for so long, people forget. Now we have FMLA, sick pay, no child labor, workplace safety, Lilly Ledbetter... but people aren’t as

versed on labor and the history behind it. People have fought and died for what we have today, which many people forget. Instead, people tend to approach unions with a sense of entitlement, asking ‘what has the union done for me?’ a question that is often wrongly answered with ‘nothing.’

Currently in the areas under his jurisdiction, programs within unions and the apprentice trades educate people about labor legislation. While this is a helpful first step, it would be even more beneficial if labor history was taught more comprehensively in high school.

Morneweck believes that there exist many other areas in which the public is in need of better education. One of these areas is the extent of corporate greed, and how completely driven companies tend to be by their bottom dollar, something he calls “disgusting.” Another area is the disproportionate sway money has in the realm of politics. To Morneweck, this fact demonstrates why the political aspect of unions is important: unions are essential to properly represent the interests of workers on a national level. Unions are instrumental in the liberal coalition, as evidenced by their consistent support from the Democratic Party. However, it is equally as important (if not more so) that they are able to sustainably stand on their own away from the political realm. This ensures that they can hold politicians accountable to the promises they make, and that labor issues will remain important to the Democratic Party.

Morneweck also specifically addressed stereotypes unions are attempting to correct nationwide. The media, as he says, “try to portray us as bullies,” and create the image that unions tend to only protect bad workers. This, however, is the opposite of the truth: people who fail to work hard and do their job properly are actually a liability for a union. They reinforce the negative image of union workers, which weakens union strength. Thus, unions play a key role in ensuring the quality of service the workers provide. In addition, unions understand the

importance of community: “We know we have to give back.” And as Morneweck mentions, the stereotype that the people the union represents are overpaid and greedy is far from the truth - instead, many of the people he works with qualify for government assistance due to the low wages they make on the job. Especially in tough economic times, the need for solidarity is greater than ever because sticking with one another produces greater bargaining power.

Morneweck is certainly not blind to the extreme resistance unions currently face, but he also remains optimistic for a return of union strength. His conviction primarily arises from what he thinks will motivate people to join the labor movement: “The working people have made this country what it is, and they’re the ones getting beat down.”

Altogether, the AFL-CIO’s repositioning campaign and similar local efforts aim to change how unions are portrayed, not to fundamentally alter their role. The core mission -- coming together collectively for change -- remains as strongly consistent as ever. All four union leaders interviewed acknowledged the gravity of the situation, but not one of them framed it as dire. This comes down to a fundamental belief underlying the whole system: no matter how overwhelming the amount of money spent by anti-union interests, people power will always matter more. While they all share an expectation of slow progress, they believe the labor movement will renew its momentum, and that the moneyed interests of the few will not -- and cannot -- triumph.

In this way, the recent attacks on organized labor have galvanized the labor movement, reminding people that what the labor movement has worked so hard on in the past is not always guaranteed and that complacency will not do. People coming together and fighting with a renewed vigor for labors’ interests raises a new sort of awareness that no amount of campaigning possibly could (Morneweck, Wang). This effect is especially evident in Ohio.

## **Akron and the Labor Movement**

Ohio in particular is known as a bastion of unionism, currently one of the six states that possess more than half of the nation's total union members ("Union Membership"). Its industrial focus created a climate ripe for organizing in the 1930s, which gained success initially with the United Rubber Workers in Akron and the United Steelworkers in Youngstown. These fights, and those in other cities as well, set the stage for generally positive labor relations between workers and employers in the following years. Currently, however, Ohio is serving as one of the main battlegrounds for the national campaign of the past few years by conservatives against unions, led by the current Republican Governor John Kasich. These attacks are consequential, as they come when the labor movement is at a crossroads where unionism could become a relic of the past or revive in strength. Because of Ohio's political volatility and its status as a stronghold for labor, it can be seen as a prime example of a litmus test for the overall union battle. If unions are to survive, or thrive, they must first make a come-back in this state.

At present, the threat of becoming a right-to-work state is the most pressing labor issue facing Ohio's unions and larger labor movement. During the initial research phases of this paper, all Ohio union leaders interviewed predicted that a right-to-work battle would occur soon due to Governor Kasich's union-busting tendencies, and the fact that he has a supermajority in the state legislature. They were absolutely correct: as this paper is being written, the fight is being publicly waged, a matter that will be discussed in greater detail in later sections.

Morneweck, as previously noted, is responsible for the umbrella organization of the AFL-CIO that works with the unions in the area, and is president for the local AFSCME. In this role, he represents seven chapters: the Board of Developmental Disabilities, Metro Parks, Fiscal Office, Courthouse, Department of Environmental Services, Medical Examiners, and the Sheriff

Communication techs, civil and clerical. He describes the relationship between labor and management (and the general political climate surrounding unionism) to be generally cordial in Akron. He attributes this to Akron's former status as the rubber capital of America and the organizing accomplishments of the United Rubber Workers (URW) in the 1930s. He humorously sums up the difference between unions then and now with a story of a particular incident during the strife of those years. Some highly disgruntled employees at Goodyear Tire (the main company involved at the time) used company equipment to fill the CEO's Thunderbird convertible with concrete. Violent brawls also commonly broke out in those tumultuous days. Current union tactics obviously pale in comparison to this kind of extreme division and violence, as union members themselves are not usually inclined to strike in the first place, and negotiations are much more civil. Yet the general public still tends to balk at what strategies are attempted, and generally do not sympathize with the workers' actions.

Fortunately, because of the detente facilitated by the URW's successes, any such measures are generally unnecessary in Akron. The current mayor of Akron, Don Plusquellic, has been an ally of unions, hiring unionized workers in Akron's latest construction project downtown. Russ Pry, the County Executive is also known for being labor friendly. Senator Sherrod Brown, Congressman Tim Ryan and former Congresswoman Betty Sutton of the 13th district (mostly Akron) also are known allies of labor (all of the aforementioned politicians are Democrats). The city lies within Summit County, where AFSCME has negotiated a union shop. Additionally, it also tends to be liberal, going blue in the previous two presidential elections (57% voted for Barack Obama in both 2008 and 2012), in part a correlation with the strong union presence ("Election Reports").

Other Ohio-specific views on unionism came from grassroots-level organizers, President Dave Schuckert and Executive Board Member Ray Davis of AFSCME Local 153, which represents the workers at the main campus of Kent State University. This local encompasses all trades -- plumbers, custodial, dining, the recreational center, etc. -- and totals around 375 people. The insights they provided truly showcased that -- in this instance -- the message that the AFL-CIO is conveying in its repositioning campaign is in fact reality. To both of them, a union is akin to “a big family” that works for the betterment of its community and for the welfare of all. They are trying to rekindle the atmosphere of old style unions, where members knew one another and their families on a personal level, connections that ultimately made the organization strong. They see evidence of the “us vs. them” divide even within their own union, where some members focus on the president of the union as the sole arbiter of anything they might be striving for instead of subscribing to the idea of solidarity, that notion that “we are the union.” Restoration of trust and hope must burgeon within the union before it can manifest beyond the union.

These views shape how the two of them conduct their union business. When a worker brings them a grievance, they first scrutinize it to make sure that there are legal grounds for a violation of contract and that it is not a mere complaint or malfeasance on behalf of the employee. If there are no legal grounds, they open up informal dialogue with the part of management in question to see if anything can be done, a step that obviously requires a good working relationship between the two sides. When grievances do advance to mediation, Schuckert and Davis make sure to stick to what they know they can win, and avoid the setting of unrealistic goals that could cost them the whole deal (a prudent tactic that does not always sit well with their membership, but always ensures the minimum needs of the members are met). Schuckert and Davis maintain that they have, on occasion, been offered bribes by some parties of

management -- something which, given the economic climate, can be tempting given the low wages they are paid. In fact, Schuckert and Davis are the first two to have remained so long in their leadership positions. They attribute this to their dedication to always stick together and their commitment to their work in the labor movement. Before Schuckert became president, less than five grievances were filed per year. In his first year, this number jumped to 80, and then more than 100 the following year. In response to the legal department's complaints about these numbers, Schuckert simply told them that they should start ensuring that the supervisors learn the contract, and stop violating it.

Management employs a wide variety of tactics against them because of their status as union leaders, ranging from discrimination in their respective fields of work, to managers who simply ignore their phone calls, to being quarantined from other workers to prevent strong ties from being formed. Yet they continue on, encouraging management to "be better than the contract" and address deeper problems. This system has proven very successful for them, as they won a union shop at Kent in 2006, officially have an office now, and have gotten back more than forty construction worker jobs. Their future goals include working towards a living wage, unionizing the regional campuses, and making a stronger connection with young people. They have already started growing the latter by fostering a good rapport with the students on campus, and developing working relations with other liberal groups on campus (notably including the Black United Students, College Democrats, and the LGBT community, a strong representation of the kind of relationships the labor movement as a whole would do well to cultivate).

They also acknowledge the precariousness of the current state of unions. To this end, they worked diligently to defeat Governor Kasich's anti-collective bargaining bill, Senate Bill 5, in 2011; they also undertake many other pro-labor campaigns in solidarity with their fellow

workers. Conferences provide an excellent backdrop for meeting other union leaders from around the country, opening a broader dialogue that helps strengthen the sense of solidarity. Projects are done with other unions representing different sectors of unions. The international AFSCME provides training on important job-related issues such as safety, which contributes to a better overall workplace. Countless other examples like this contradict the negative media stereotypes of unions.

“It was hard work that got us here in the first place, but this could very well disappear soon” Davis acknowledges. This is evidenced most predominantly in the recent right-to-work campaign in Ohio. To explicate this, an examination of the previous right-to-work fight, which was defeated in 1958, is provided. The SB 5 collective bargaining battle of 2011 is then examined. The paper culminates by drawing upon themes from these two historic examples to examine the current right-to-work battle, and its implications for the future.

### **1958 Right-to-Work Campaign**

Timken Company, a steel manufacturer and distributor, led Ohio’s previous attempt at implementing right-to-work legislation in 1958. An organization called Ohioans for Right to Work prominently supported Timken’s efforts. The diverse coalition that arose in opposition was naturally spearheaded by the state’s unions, dominated by the AFL-CIO and the United Steel Workers. Liberal nongovernmental organizations also joined the fight on the side of labor, notably the NAACP. Religious groups also proved instrumental in mobilizing popular opposition, predominantly the Catholic Bishops, accompanied by Protestant leaders and rabbis. In Akron especially, popular support largely coalesced on the side of labor. The *Akron Beacon Journal*, the most prominent newspaper in the city, came out strongly against the right-to-work

effort on October 17 of that year. A City Council resolution endorsing this same view also passed, approved by the Clerk of Council, the President of the Council, as well as the Mayor.

Initially the most pressing concern surrounding the unions' opposition campaign was clarifying what the name "right to work" meant. Unions published myriad ads correcting the common misconception that right-to-work legislation was pro-labor. Among their own ranks, it was explained within the framework of existing labor legislation. A letter from the United Steelworkers of America District 27 on January 28, 1958, stated that "The Taft-Hartley Law requires that the union which has the bargaining rights represent all the workers, since that is required, the 'union shop' clause is sound and fair since it merely provides that those who benefit from the union should help pay the cost of maintaining that union" and that really "it is a shop rule just like a rule against no smoking in certain areas is a shop rule." A right-to-work law would make union shops illegal and would prohibit the collection of fair share dues (fees collected to cover the cost of collective bargaining and contract administration done on an employee's behalf). The concepts of right-to-work being both unfair to the workers and legally unjust were both highlighted consistently in union messaging against the bill.

Unions implemented different campaign strategies with people who did not possess strong ties to organized labor. Here, they drew parallels to paying taxes to the state in which you live. If a person moved from a state where they did not have to pay taxes to one in which they did, they still have to pay taxes in their new home -- a concept which many Americans would most likely agree is fair. Just like benefitting from the resources a state provides, an employee benefits from gains in wages, etc. made by the union representing his or her coworkers. Thus, unions argued that it was common sense for all employees covered by the collective bargaining agreement to pay for these services. If the situation were to arise in which the majority of the

employees no longer wished to be represented by a union, they could collectively dissolve the union. Thus, this hardly represents circumstances in which unions unfairly hold power.

Unions also highlighted implications of the legislation for workers and organizations. Pamphlets clearly denoted the parameters of what a right-to-work law would and would not do. For example, a bulleted list in one pamphlet noted that a right-to-work law would curb a state's economic growth and undermine organized labor by creating tension between the workers as well as restraining their ability to bargain with management; it would not create or protect any rights or jobs, nor would it "attract socially responsible, good-wage industry" (USW leaflet). Other pamphlets and ads emphasized the interconnectedness of all workers together, as well as with those outside of the union community.

Union communications emphasized the benefits won through specifically union work, and the positive effects unions have therefore extended to all workers. Thus, unions argued, such legislation would ultimately be detrimental to all workers, not just those involved in a union. In a right-to-work state, employers of non-union labor would not possess the incentives to match wages and benefits won through union contracts. Unions also presented it as an "economic fact that Ohio's non-union workers receive better pay, better working conditions, and better opportunities because of the high pattern established by organized labor" (published in the *Golden Lodge News*, March 1958). Thus, in weakening the labor community, eventually the overall trend of increased benefits and prospects for all workers would decline. As Timken was spearheading the right-to-work campaign, the benefits the union won for all of their workers were featured in particular as part of the opposition's strategy. Unions then extended this emphasis further to the greater community, with popular tag lines such as "good wages mean good business" (this specifically from a booklet distributed by the ACLU). The idea of Labor as

the backbone of society remained central throughout, with many sources noting that if Labor suffers, the community as a whole would therefore suffer as well.

The tactics employed to arouse opposition to right-to-work laws in the populace were varied and all encompassing, as evidenced by a wide array of AFL-CIO newspaper advertisements. One ad, published on March 9, 1958 in *The Canton Repository*, listed the names of the signatories on the petition to place the right-to-work issue on the November ballot. Each individual's job title was included next to their name, clearly and effectively highlighting an issue central to the opposition's message: the supporters of this legislation were employers, wishing to subvert the power of organized labor in any way that they could. Almost all of those listed were executives, foremen, and their wives. Another advertisement by the AFL-CIO featured a letter written by a Republican woman from Indiana, a state that had been right-to-work since 1957 (*Akron Beacon Journal*, November 2, 1958). She detailed the negative effects the law had created, focusing specifically on her husband's job. Yet another ad took the form of an open letter to Timken from John S. Johns, director of the District 27 USWA, containing questions about Timken's campaign, its motivations, and the factual discrepancies it employed. Finally, an ad detailed opposition by the management of other companies, reflecting that not all management favored right-to-work laws.

Finally, unions rallied support for their cause by drawing on various aspects of ideology. This played an integral role in the more sensational attempts at persuasion. Some articles and advertisements leveraged the general atmosphere of fear generated by the Red Scare of the time, invoking stark and frightening images and drawing in people's emotions. For example, this quote appeared in the *Golden Lodge News*, the periodical of the United Steelworkers in March of 1958:

The Timken Company and other reactionaries now seek to further their intent and purpose by influencing Ohio voters to vote for a law similar to one included in the constitution of Communist Russia. This law places the Russian workers in humiliating submission to the Soviet State. Russian workers cannot choose their jobs, they cannot ask for a raise, they have no voice in working conditions and are subject to transfer without notice to any place in the vast Soviet Union.

Other publications of this nature drew upon American ideals in support of their cause, instead of negatively portraying their opponents as anti-American. An example of this technique appeared in *The Canton Repository* on March 2nd, 1958, in an ad run by the AFL-CIO:

Why does Timken... now want to place Government in the role of telling FREE LABOR and FREE MANAGEMENT that they cannot agree to a Union Shop contract by the Free Collective Bargaining Process?

Still more literature of this ideological nature took on different tones, some drawing upon support for famous figures, such as Eleanor Roosevelt. The Catholic Bishops invoked the doctrines of Catholic Social Teaching -- solidarity and the rights of workers -- in their response on March 21, emphasizing the “inept and mischievous” results that would follow as consequence of the law. Besides press releases, ads and editorials were published in periodicals such as the *Catholic Exponent*.

The AFL-CIO coordinated the overarching statewide response, especially those put forth by the state’s various unions. First and foremost, they emphasized the need for dialogue with other members of one’s community in order to reach as many people as possible. Second to their reliance on personal connection and word-of-mouth issue advocacy was their focus on the press, including the periodicals of the unions themselves as well as local newspapers. All of the major

Ohio newspapers ran ads ceaselessly, mostly sponsored by the AFL-CIO. Newspapers were a forum for more than just AFL-CIO messages, opening the discussion to the general public as well. Union and community leaders wrote letters to the editor. One edition contained a press release from the Ohio Catholic Welfare conference in which the bishops expressed their opposition to the right-to-work law. Unions ran a few TV advertisements, emphasizing the confusion caused by the name 'right-to-work' as well as prominent people against the legislation.

Unions were also active outside the media realm. These efforts focused on personalizing the issue, attempting to propel people, who might otherwise feel disconnected, to action. Union community organizers received five different stock speeches from state leadership with messages specifically targeted to different audiences. These included two different categories for labor audiences, a speech for women, a speech for business and a history-centered one for general audiences. The guides included directions on how to properly use them and offered general speaking tips. Union supporters wrote personal thank you letters to those who publicly endorsed opposition to the legislation. They also sent letters to teachers, professionals, and members of synagogues to persuade them to side with the unions. Additionally, union leaders distributed hand-typed letters to each circulator of the petition to put the issue on the November ballot, urging them to consider the union side of the issue. In total, the amount of literature distributed during the unions' campaign reached 4,036,000 mailings ("1958").

The union effort proved successful, and the right-to-work measure did not pass. As reported by the *Cleveland Plain Dealer* on November 23<sup>rd</sup>, in the city of Cleveland, only 170,393 people voted for the measure, while 379,465 people voted against it. This marked the last time that Ohioans were seriously confronted with the right-to-work issue until the governorship of John Kasich.

**Senate Bill 5**

Ohio, as “America’s favorite bellwether” state, once again served as one of the main battlegrounds in the 2011 offensive against unionism, along with Wisconsin and Michigan (Naymik “Ohio’s”). With Republican backing, Governor Kasich began his attack on organized labor with the public sector, 39.7% of which is organized in Ohio, as compared to only 8.4% in the private sector (Hirsch, Macpherson). If enacted, the bill would have impacted Ohio’s approximately 350,000 unionized public sector workers (Naymik “Ohio’s”). When the bill was passed by the Republican-dominated legislature and then signed into law on March 30, 2011, the negative response from the public was immediate (Vargas-Cooper). This reaction materialized because of whom the bill targeted – public sector workers who serve the common good, including teachers, firefighters, and police officers. This campaign transcended the state boundaries of Ohio, taking the national spotlight as a test case for the future of unionism.

Senate Bill 5 (SB 5) included several main provisions. The most prominent provision was that collective bargaining in the public sector would be restricted to only wage issues. This would prevent police and firefighters from bargaining about safety equipment, such as police squad car computers. Another provision would make binding arbitration no longer an option: if no agreement could be reached through other channels, the new settlement would be based upon the last best offer of management. The bill would enable the consensus of a mere 30% of employees to decertify a union, a decrease from the previous requirement of a majority. Further, the bill would eliminate payroll deductions for union political action committees and dissolve fair share dues (the latter of which is one of the two main provisions of right-to-work legislation), decreasing the monetary power of unions. Additionally, the bill also increased the percentage of the costs for health care and pensions that public sector workers had to pay and

created a new evaluation procedure for teachers that replaced step-wise pay increases based on seniority with merit based pay. As the final lynchpin in this drastic reduction of the power of organized labor, the legislation also made it illegal for workers to go out on strike, and fines were added in the case of a walkout (Naymik “Ohio’s”). Unlike right-to-work legislation, which applies to both private and public sector unions, Republicans designed SB 5 to only affect the latter group of workers. Nevertheless, the reach of this bill extended farther than right-to-work legislation, restricting bargaining rights in addition to largely defunding them (elimination of fair share dues is a provision of both pieces of legislation).

Ohioans responded immediately and powerfully to the passage of SB 5. It invigorated Ohio’s liberal base on a scale that had not been achieved in quite some time, inciting the communications director for the Democratic Party to state “The Republicans have given us a gift” (Vargas-Cooper). SB 5 even managed to cause some opposition among Republicans. As early as May 18, 2011, public opinion was widely opposed to the measure, evident in a Quinnipiac University poll that placed the margin at 54 to 36 percent (Vardon). Employees in these sectors of the economy were furious, pointing out that they had previously taken pay cuts and increased health insurance costs during times of economic downturn (Provance). Democrats argued that while there did exist areas in which spending should be cut, the health and safety of workers should not be sacrificed as a result. (Siegel).

Ohio’s political process includes the possibility for referendum on legislation. Soon after the passage of the bill, the broad movement in opposition to it adopted this as a goal (Naymik “Gov.”). Consideration for referendum requires the collection of signatures from 1,000 registered Ohio voters. Once the secretary of state validates this initial collection of signatures, he or she sets a period of 90 days for those pursuing the referendum to obtain more signatures. This round

of signatures must equal six percent of the total vote cast for the office of the governor in the previous election and must be obtained from at least half of Ohio's counties. In order for a county to count, the number of signatures obtained within it must equal at least three percent of the votes cast there in the previous gubernatorial election. For SB 5, this meant that 231,149 signatures must be collected (Siegel). While it may seem difficult to obtain this many signatures from so many counties across the state, the high level of opposition to SB 5 made this a realistic goal.

Unions organized training of petition circulators, and hosted signing events all over the state (Weyrich). In the end, petition circulators only needed one third of the allotted time to collect nearly all of the necessary signatures from all of Ohio's 88 counties. This ensured its place on the November ballot as Issue Two (Schwartz, Bowers). The total count amounted to 1.3 million signatures, breaking the previous record of 812,978 signatures to get a referendum on a statewide ballot. The successful completion of the petition process prevented the bill from going into effect on July 1st (Provance). Governor Kasich attempted to salvage his legislation by advocating with the Ohio Ballot Board that it be divided into different parts on which the people could vote. This had the potential to ensure that some of the measures that had more support than others -- such as the provision that increased the amount workers would pay into their healthcare plans -- would pass. Kasich's plea was not successful, even though the Board was controlled entirely by Republicans at that time (Vardon).

Unions utilized the act of submitting the petition to make a public statement. On July 29<sup>th</sup> a truck delivered all of the petition forms to the Secretary of State's office -- over 1,500 boxes filled with stacks of petitions. A rally of thousands followed the truck down Broad Street. A banner led the procession proclaiming "The Million-Signature March," touting the numbers they

had behind their cause. People shouted, “This is what democracy looks like!” Bagpipes, motorcycles, a drum line, and old fire trucks made up the fanfare, ensuring that it was literally and figuratively a loud statement (Geier).

Public action began even prior to the bill’s passage in March 2011. Then, many thousands of people rallied at the Statehouse in protest, even when the doors were locked and they were forced to remain in the bitter winter cold, sometimes reaching below freezing temperatures (Schuckert). As the weather eased such activities grew in force. Over the summer months more than 17,000 volunteers participated in phone banks and canvassing campaigns to spread the word across the state. The people involved were not only from Ohio but hailed from all over, representing countless outside interest groups, primarily including Democrats and unions (“History of SB5”). According to Schuckert and Davis, the main union strategy was to go door-to-door. Some unions sponsored bus trips to Columbus to participate in various demonstrations. Members utilized their own vacation time and personal money throughout the campaign, reflecting how much they cared about the issue. Other organizations added support to the union base, including We Are Ohio, formed by activists in 2011 for the very purpose of defeating SB 5. Its website characterizes the organization as “a citizen-driven, community-based, bipartisan coalition that includes public and private sector workers and employees, autoworkers, police officers, firefighters, teachers, nurses, pastors, small business owners, Republicans, Democrats, and Independents, local elected officials and business leaders, students, moms, dads, family members, and your neighbors,” emphasizing the cross-cutting nature of its membership (“History of SB5”).

Unions highlighted a variety of themes throughout the process. The primary point they wanted to convey in their education campaigns was how, despite the Republican talking points,

Issue 2 had nothing to do with balancing the budget. Instead, it simply attacked the rights of working people. “The government went too far with this legislation,” insisted Morneweck. “It was an attempt to obliterate worker’s rights and take away their voice on the job, which only would have slowed Ohio’s economic recovery even more.” These unionized workers wanted a recovered economy just as much as the next Ohioan, but knew that a sustainable solution was not one to be borne overwhelmingly by labor. Morneweck went on to say that “we support small business and local communities, so we felt this was an attack on working families that did nothing but punish workers and hurt the middle class.” This is especially true, he maintained, as “public employee unions set the wage and benefit standards in their respective industries,” thus making “the fight to organize nonunion workers all the more brutal.”

In total, both sides spent millions of dollars on advertisements. The most effective ones contained emotional appeals. These ads involved public safety workers, such as firefighters, explaining the dangerous implications of certain provisions in SB 5 (Naymik “Ohio’s”). Additionally, We Are Ohio hosted over 520 press events over the span of six months. A bus tour kicked off with the intention of reaching as many communities as possible, particularly in conjunction with early voting. The bus stopped at county boards of election where they held it: “Hundreds of supporters turned out to greet the bus and then went into the voting booths to cast their votes” (“History of SB5”).

All of these combined efforts worked: on November 8th, the measure was soundly defeated 62% to 38%. A total of 2.1 million voters “turned out to just say ‘No’ on Issue 2” (“History of SB 5”). With the fight over, Kasich’s approval rating dropped to a record low for him of 40 percent (Vargas-Cooper). Although the media repeatedly emphasized the political ramifications of the battle, organized labor had been the party with the most to lose. However, by

withstanding this attack, organized labor clearly expressed its solidity and resilience. The impact of this event is not to be underestimated; as Morneweck says, “it has to say something that people stuck with the unions during this fight.” Although a similar battle was lost in Wisconsin -- which is particularly stunning, as AFSCME originated there and has a strong presence in that state -- the fact that unions did triumph in Ohio certainly gives cause for hope to the labor movement.

### **2013 Right-to-Work Campaign**

The most recent attack on organized labor is happening right now: the potential implementation of right-to-work legislation, the first major attempt at doing so since 1958. The governorship of Kasich, his Republican supermajority in the state legislature, and their previously stated intentions to implement such legislation made this fight highly anticipated in the labor community. However, due to the upcoming election in 2014, Republicans have not attempted to push it through in the manner predicted, either as a constitutional amendment or as a bill. Republicans, especially Governor Kasich, fear the political ramifications of more anti-union legislation, especially in light of SB 5. This fear caused them to distance themselves from the issue in the state legislature and instead pursue it through petition and then ballot referendum. This is the same approach taken in 1958, with one major difference: its major backer is the Tea Party, a political organization, rather than Timken, a corporation (AAUP).

The right-to-work measure itself was initially introduced on May 1, 2013 in the State House of Representatives in the form of three separate bills. Republican Representative Roegner introduced House Bill 151, specifically designated to apply to private-sector unions; Republican Representative Maag introduced House Bill 152 for public-sector unions; both introduced House

Joint Resolution 5 to put it on the ballot for voters to decide in November (Warsmith “State”, Blackwell). Republicans adopted this three-pronged strategy in light of SB 5’s defeat. Ohioans had supported some of the bill’s provisions in 2011, but the strong opposition to its entirety ensured that not one part of it would remain law. This format for the right-to-work bills, as Roegner herself stated, presents pliancy to the General Assembly, providing smaller chunks of legislation that are more likely to be supported and therefore pass the state legislature (Smyth). Republican strategists saw this as a possible solution to the expected opposition: make the legislation only apply to the private sector in a vote in the General Assembly; if even that option is too politically costly, put it on the ballot as a referendum for the voters to decide themselves. Yet despite this seemingly perfect set-up, Senate President Keith Faber, a Republican, killed it within hours of its introduction (Blackwell).

We have an ambitious agenda focused on job creation and economic recovery, and Right to Work legislation is not on that list. After discussions with other leaders and my caucus, I don’t believe there is current support for this issue in the General Assembly. The only purpose this discussion serves right now is to generate a bunch of breathless fundraising from the Ohio Democratic Party.

This statement came following a meeting with the House Speaker, Republican Representative Batchelder and Governor Kasich.

The Republicans’ political maneuvering of distancing themselves from the right-to-work bills appears to be a smart choice on their part, given the strong Democrat reaction after the bills were proposed. City Councilman Jeff Fusco of Akron condemned the legislation as “union busting” (Warsmith “State”). The Akron City Council passed a resolution condemning the efforts to place the right-to-work issue on the ballot (Warsmith “Akron”). Representative Tracy

Maxwell Heard, a Democrat from Columbus, even went so far as to call this legislation “worse than Senate Bill 5” (Blackwell). Her statement emphasized the point that while SB 5 endangered the strength of public sector unions, and the labor movement as a whole by extension, this legislation would work in the opposite direction: by effectively defunding unions and prohibiting a union shop, right-to-work laws attack the labor movement as a whole, the effect of which would trickle down to diminish the strength of individual Ohio unions. The press quoted prominent union leaders pointing out the detrimental affects right-to-work legislation created in other states. Joe Rugola, director of the Ohio Association of Public School Employees, stated “America’s right-to-work states are the poorest, most unhealthy and undereducated states in the union” (Smyth). Democratic opposition candidate to Governor Kasich, Cuyahoga County Executive Ed FitzGerald, also firmly opposed it: (Warsmith “State”).

I strongly oppose this deceiving, misleading, so-called ‘right-to-work’ agenda that will hurt every community in Ohio. I stood against these attacks on everyday heroes and Ohio’s middle class when I voted against Governor Kasich’s Senate Bill 5. As governor, I promise to stand up for the working families in Ohio, and stand behind the middle class that keeps our economy strong.

Despite Republican efforts to distance the right-to-work issue from the SB 5 fight, it appears as though Democrats will continue to hammer home the parallels between the two. This strategy is proving effective, because no matter how Republicans might respond, their previous antiunion campaign of SB 5 -- and its failure -- is still fresh in the public’s mind. Many constituents and the press frame their questions to those in support of right-to-work legislation within the context of 2011 (Blackwell).

Labor leaders are not convinced that the fight ended with bills that died in the House Legislature (Morneweck). After all, the distancing of the Republicans from the issue did not result from a change in policy, but instead from necessary political maneuvering. It therefore does not signify their real intentions, and they could easily reintroduce such legislation in the future. Politicians in Indiana and Michigan made similar statements to the ones made by Ohio Republicans prior to the successful passing of such legislation in their states in 2012 (AAUP). Additionally, a primarily Tea Party coalition is currently gathering the signatures required to put the right-to-work issue on the November ballot. Morneweck reports that they currently have only approximately 100,000 of the 386,000 needed by July. The Tea Party group is focusing their efforts on Southern Ohio, where union presence is less strong. Even if they do succeed in procuring enough signatures by the deadline, it is not likely they will reach the same number of signatures as the union coalition had in their 2011 petition drive.

As campaigns promoting right-to-work legislation have been a long time in the making, it is an issue that labor leaders have prepared to address. Once again, in a fashion reminiscent of the previous right-to-work campaign in 1958, the top priority of the unions has been enlightening the populace on the ramifications of such legislation, and the true meaning of “right-to-work” (Morneweck). Months before state politicians officially introduced the issue, unions started educating people about the deception inherent in the legislation’s name. Morneweck uses the analogy of a bus, reminiscent of the old tax argument (discussed on page 13 of this document). If a bus is going to Columbus with one seat left open and everyone else has paid for their ticket, would it be fair for one person to join them on the ride without paying? After all, the bus would still go to Columbus regardless of this additional passenger; yet this grates against general notions of fairness. Pro-labor groups started to use the phrase “right to work for less,” which

conveys the idea quickly and easily to people generally uninformed about labor issues (Morneweck).

Previously, in 1958, in addition to the clarification of the term “right-to-work,” union leaders used the Taft-Hartley Act to define the context of the legislation, and drew upon common ideology of the time -- fear of radicalism and support of American-style freedom -- to persuade people to their cause. Today, Republicans have adopted this latter tactic for their own side, emphasizing people’s freedom to choose as a fundamental part of the American ideology. Unions use existing labor legislation to negate these attacks and convey that workers already have freedom, as their vote determines the strength of the union at their workplace (whether or not union membership and fair share fees are mandatory for workers covered by the collective bargaining agreement). Additionally, if a portion of someone’s union dues is used to support political activity with which they do not agree, that person has the right to be repaid (Smyth).

Unions focused on and confronted the factual ramifications of right-to-work legislation. Labor leaders and the press examined other right-to-work states, and their prognosis is consistently that they “are not doing so great” (Smyth). This broad statement refers to a variety of statistics, including higher poverty rates (Smyth). They again bring up the safety aspect, in the sense that the potential for effective collective bargaining is restricted, including such issues as potentially life-saving equipment. Morneweck points out several facts in an editorial he wrote in the *Akron Beacon Journal* on February 13 of this year: “people earn, on average, about \$5,300 less than free-bargaining states, over 20 percent more people don’t have health insurance,” and “the rate of workplace deaths is 36 percent higher.” He gives a very passionate defense of union rights.

[Right-to-work] limits workers' freedom to demand respect, fair pay and safety on the job and tilts the balance even more toward big corporations, rigging the system at the expense of middle class families... Right-to-work is a law to rob us of our civil and job rights. Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no workplace rights.

The Ohio press, in moves very similar to those in the 1958 campaign, has generally condemned the legislation as well. In a special editorial on May 3, the *Cleveland Plain Dealer* called it “a grotesque distraction from Ohio’s real problems” that is “aimed at undercutting the political power of organized labor, while leaving in place the political power of organized business” (AAUP). Other newspapers, the *Akron Beacon Journal* chief among these, prominently included coverage of the fight.

And yet, as discovered in previous campaigns, an emphasis on hard facts -- no matter how convincing they might be -- will fall short if unions do not also focus on the ideological and emotional appeal of their message. One tactic is to portray the series of attacks on unions in recent years as a serious threat to the American people. “What [will be attacked] next?” Morneweck asks. “More union rights? Civil rights?” At the end of the day, corporations are commonly concerned with short-term profits, and some politicians will back these corporations in these pursuits. It is essential that the workers themselves have some organization powerful enough to protect their own interests. Additionally, any parallels drawn between the current right-to-work issue in 2013 and the impassioned and divisive fight over SB 5 are sure to evoke memories of the 2011 campaign (including the positive upswing in public perception of unions accompanying it) and an urgency for action by pro-labor political groups.

It is unlikely that the religious community will be as instrumental to the current union cause as it was in 1958, especially since the Catholic Church's increased focus on conservative social issues has drawn it away from its previous liberal stance on work-related issues. The importance of civic community does, however, play an integral role in the unions' campaign. It does not matter whether or not one is a union member, as right-to-work legislation will affect everyone; in order for a sustainable community to exist, the basic needs of all must be upheld (Schuckert). Unions play an essential role in this; undermining unions, who give voice to a part of the community that otherwise would not be heard, will in turn undermine the greater community. Specific essential professions will be affected by right-to-work legislation, including nurses and teachers. As with the response to SB 5, public response to this kind of union messaging is generally positive.

Despite appearances of a strong front united in support of unions, a Quinnipiac University poll from February 2012 showed Ohioans to be in favor of right-to-work legislation 54% to 40% (Smyth). Thus, unions are proceeding with a plan of action as if the signature petition to put right-to-work on the November 2013 ballot will be successful in July. Many Ohio unions have reached out to their membership, utilizing technology, such as e-mail, to expand the number and scope of communications at reduced cost. Union membership has been urged to contact their state representatives, and these union e-mail messages they receive generally provide links to additional helpful information – i.e., how to effectively explain right-to-work to other people, statistics from current right-to-work states, etc. (AAUP). Despite the overwhelming pushback that occurred in response to SB 5, union leaders continue to remain very conscious of the fact that their membership numbers are far less than what they were in 1958.

Union efforts against right-to-work will no doubt become more visible to the general public if the issue is officially placed on the ballot. Until then, with the exception of press coverage -- letters to the editor, statements from politicians -- most education and rallying transpires within the realm of likely supporters. For example, the monthly meeting of the Democrats in Green, Ohio, featured a talk by an AFL-CIO member about right-to-work (“Local News Briefs” May 20). Pro-labor State Representative Zack Milkovich from Akron held a town hall meeting about the right-to-work issue, featuring representatives from the local chapters of AFSCME and the police and fire fighter unions (“Local News Briefs” May 16). Unions are prepared to galvanize as much force as they did against SB 5 in 2011 and expand their base to generate even greater numbers of supporters. They have already begun coordinating strategy and planning more bus trips to Columbus. Again, their strategies will include going door-to-door, doing phone banks and orchestrating public rallies. They are counting on the support of reliable Democratic politicians at all levels of Ohio state government, which should not be hard to get in this politically charged climate (Schuckert).

Judging by the patterns evident in Ohio’s history, while this particular right-to-work fight is far from over, the outcome is likely to swing in favor of unions. The real issue at stake is whether or not this accomplishment can help improve union density in Ohio and sway public opinion more in favor of unions. This is precisely what unions need to focus on: using their momentum from fighting “right-to-work” laws to help them in the long-run, not just letting this new energy dissipate. Combined with the AFL-CIO’s repositioning campaign, there is a way for the union movement to be revitalized. By returning the primary focus of the union message to the simple concept of community, unions can maintain relevance for every person in the community – not just for their members. Solidarity among workers has always given unions their

strength: by extending this concept past their membership, they are poised to tap into a new source of power. While these recent attacks on unions have been threatening to labor, they have actually rekindled the public's interest in, and appreciation for, all that organized labor has accomplished in a country where hard work is considered part of the American ethos. This awakening is what the labor movement needs to make a comeback in America, and Ohio could lead the way as an example for other states with high union density.

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