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A union rally in May 1993 urges shoppers in Southgate, Michigan, to boycott Wal-Mart and Sam's Club stores because of their anti-union practices.

LEVERAGING LABOR'S REVIVAL

A Proposal to Organize Wal-Mart

AS THE DEBATE CONCERNING LABOR'S FUTURE RAGES ON, PRODDED BY ANDY STERN, International President of the Service Employees International Union (SEIU) and answered by one union after another, President Sweeney has agreed on the need for debate and the need to form committees to discuss the various proposals generated. Workers in general, and union members specifically, can hardly

find cause for inspiration or action in these multipoint programs. This is true, except in one very important area: the proposal for a full-scale campaign against Wal-Mart.

In the case of Wal-Mart, Stern has argued that one clear "purpose" for the AFL-CIO is in leading campaigns which transcend the interests of any single union and find common cause for all unions and indeed all working people. At SEIU's July 2004 convention in San Francisco, Stern sought and received a commitment from the delegates for \$1 million to

mount a Wal-Mart campaign. Stern then argued in the August 2004, AFL-CIO Executive Council meeting in Chicago, that \$4 million be set aside by the Federation for such a campaign. More recently he has publicly argued in the debates around restructuring the Federation that as much as \$25 million should be set aside for the Wal-Mart campaign, virtually earmarking all of the HSBC/Household credit card money that goes to the Federation. Sweeney has shrewdly stated publicly that perhaps even \$25 million is not enough to fight

Wal-Mart—indicating that it might take even more! Disappointingly, very few other unions have taken up the battle cry over Wal-Mart, perhaps because they believe that this is all just an argument between one or two people and a half dozen unions, rather than a fight for the future for American workers. I would argue that a campaign on all fronts against Wal-Mart is the single organizing effort that offers the most hope for working families. Furthermore, driving an organizing program around Wal-Mart and its workers could potentially change the tide for labor and create organizational capacities that would give us fighting and winning forces for our future.

At the first negotiating session in March 2004 between H&R Block and ACORN in New Orleans, when the parties were trying to settle a series of disputes concerning predatory products being promoted among lower income families, the chief spokesman for H&R Block asked a question that was both straightforward

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and to the point, “Are we here today because we are the biggest or because we are the worst?” The answer then was easy—because they were the biggest. The answer really is the same when we look at Wal-Mart. It is undoubtedly the biggest of the big, but who knows—and in many ways, who cares—if it is the worst, because it is leading the pack in the wrong direction.

Home Depot, with 500,000 workers, is not that far behind Wal-Mart’s 1.2 million, and equally nonunion. Lowe’s is right behind them. Throw in Target, K-Mart/Sears, and one begins to see a proliferating business model that Wal-Mart has shaped and continues to influence. Wal-Mart is simply the trump card in the deck. There are plenty of other cards that play about the same on this business model and within this context of rapacious capital of the early 21st century. If we can find a new way to organize Wal-Mart effectively, this effort could serve as a model for other organizing drives at hundreds of other corporations. A big “if,” but worth the worry and work.

Wal-Mart and its wannabes are the GM’s, Fords, Chryslers, and US Steels of our time. The great organizing drives of the 1930s were mounted with an understanding that there was a new industrial force reorganizing *all of mass* work. Wal-Mart and its clones have similarly restructured the nature of mass enterprise in service industries today and, therefore, are transforming the fundamental business model that drives both domestic and international commerce.

Wal-Mart is indeed huge, and the litany of oft repeated statistics defines the organizing problem with the force of a blunt weapon. Add to these vital statistics the history of the company’s origins in small town, northwestern Arkansas, an area of the country virtually exotic in its remoteness, and conjuring up sort of a revenge of Lil’ Abner and Dogpatch caricature of hillbillies shaking down city slickers. For the first 15 years the company grew in circles, literally, around that point, and beginning in the 1980s, it shot out from the radius of its distribution centers to service clusters of stand alone stores in rural and exurban

areas. Even now, only 30 percent or so of the nation's largest cities actually have a Wal-Mart store within their limits. Wal-Mart's small town, southern, pseudo-familial culture, coupled with an "aw shucks" sensibility centered on low prices, low wages, low to no benefits, and ruthless antiunionism presents a business model from hell for traditional union organizing.

For reasons both good and bad, Wal-Mart easily provokes the reaction in many people of the corporate version of the anti-Christ. Unions and union activists *want* a national boycott of the company, despite the fact that union families, including union credit card holders, cannot keep out of the store. And they don't really have a reason to do so. The prices are lower and the stores are aggressively targeting a working family constituency as their primary market. This is a symbiotic relationship at every level, and that may end up being part of the power we have in bringing this company to justice.

A NEW WAY OR NO WAY

THE SIZE, SCALE, STRENGTH, AND LOCATION OF the company are a direct challenge to almost any usual or common organizing strategy. One cannot go store by store with NLRB-style direct certification elections. There are just too, too many stores to believe that one could conceivably get a handle on the company in this way. Furthermore, the United Food & Commercial Workers (UFCW) has already tried this model aggressively and thrown the kitchen sink at the company without much success. Also, one cannot underestimate the weakness of the current law and the robber baron ruthlessness of the company and its culture. The often repeated true story of the UFCW winning an election in

a butchery department in the Dallas area and Wal-Mart switching every store in the American empire to processed meat speaks volumes of the futility of this approach. The UFCW has

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had some recent organizing success in Canada with a store by store approach, where the union has wisely taken advantage of provincial labor law giving them fair footing for certification. Where the law is less advantageous, the union faces the same dilemma in Canada that imperils organizing efforts in the United States.

A market-oriented strategy effective in direct recognition successes in other industries is also unlikely to be effective in organizing Wal-Mart. Arguably the southern California market had UFCW's best contracts and highest unionization rates, yet the threat of Wal-Mart's entry was sufficient to destabilize the bargaining relationships preemptively, rather than forcing Wal-Mart to move up to the market rates and benefits in order to enter the area. The power and efficiency of the Wal-Mart business model acts as a pervasive threat regardless of unionization. Recently, as Wal-Mart replaced Albertson's as the number one grocery seller in the Dallas-Fort Worth market, Albertson's countered by publicly announcing that it was unilaterally moving the bulk of its

20,000 workers in that area to part-time status with no benefits.

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A combination of business competitiveness and hardscrabble ideological opposition acts as a powerful market counterweight against even many nontraditional organizing methods. The company has already taken wages out of competition, because it is essentially not competing with other retailers or grocers for employees but against the overall lower waged service sector and the extent of the trainable unemployed workforce available in the market. From its history in rural and exurban areas, Wal-Mart is accustomed to being the largest employer in the labor market and therefore has vast experience at single-handedly setting the market for wages, hours, and benefits. The company has decades of experience in magnetizing a market so that it can pull its labor needs to service its own demand and turnover. In foreign markets, as a matter of law and local culture, Wal-Mart is overwhelmingly unionized even though it argues disingenuously that it is not. Like every firm, they do what they have to do, when they have to do it, but not until then, and that poses the challenge for any geographical strategy in the United States. The most effective geographic strategy has been the UFCW's,

which is to deny Wal-Mart access to unionized markets as much as possible for as long as possible, and increase the costs of entry as well, in hopes that the company will be forced to expand internationally, as a cheaper and more efficient alternative, than forced insertions in major urban areas with pricey real estate.

To state the obvious, there is no easy way to organize Wal-Mart workers. Furthermore, there is a pervasive culture that militates against organization, along with a generation of union avoidance work that permeates all parts of the personnel system. It is not cowardice, but good judgment that brings us to the basic conclusion that to organize these workers one must build a different kind of formation than we have seen previously. The mission cannot be to create simple "bread and butter" unionization for Wal-Mart workers; instead, as both Stern and Sweeney have argued, the grand vision has to be achieving change and a voice for all workers.

A WORKERS' ASSOCIATION AT WAL-MART

THINK ABOUT WORKERS' RIGHTS; FAIR LABOR standards, living wages, health and safety, just cause terminations, and so forth. Think about a voice for workers at the job, in the community, in politics, public policy, and the media. Go to first principles: workers getting together wherever it is easiest and safest to talk not only about issues (wages, hours, and benefits), but also about aspirations (ending discrimination, promoting job advancement, and improvements in working conditions, and community reinvestment). These efforts would build democratic organizations which advocate

for changes in public policy as well as representing workplace grievances. With workers supporting these kinds of organizations in the community and on the job site, store by store, paying dues, electing and training leaders and stewards, meeting, planning, demonstrating collectively, acting concertedly, what would we have?

Get the idea of collective bargaining out of your mind. Collective bargaining requires two parties committed to at least a minimal level of good faith in practice and a concession of a countervailing level of power between management and labor. Currently, such programs are unimaginable at Wal-Mart and therefore at best a distraction. The mismatched imbalance of power is too extreme to imagine winning an agreement now. We need to roll the clock back and think in terms of winning broad understandings on policies and practices to deliver immediate and important results for workers, rather than codifying legalisms or procedures we do not have the power to enforce. We need to put pressure on wages and benefits, and envision an organization that exerts constant pressure in a way that is unnatural under a bargaining regime. Asserting bargaining as the program and organizing objective allows the company to frame the fight narrowly where they are able to position themselves to taunt the narrow legalisms of labor practice and dues collection, rather than match the compellingly broad visions and inspiring aspirations of labor.

An association of workers would in fact be a union in every sense of the word. Collective bargaining is one, but only one, of many possible outcomes from organized activity by workers, so the absence of collective bargain-

ing as an organizational goal or result, should not confuse anyone about the difference between means and ends in looking at this organizing problem. The *first priority* for workers at Wal-Mart has to be building a powerful organization on the job and in public vis-à-vis their employer. Efforts to engage the community in conjunction with other allies on the requirements for new Wal-Mart store sites, including community benefits, have become increasingly successful. There are now examples like living wages (won in Chicago), store access (won recently in Hartford), environmental protections and disclosures (conceded in Tarpon Springs, Florida). The missing element has been a formation that includes Wal-Mart workers asserting their own interests and objectives in the community. Similar fights with a worker face and voice would empower a worker association. A workers' association of this magnitude could also lead public fights to increase the minimum wage and win health

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care. With real accomplishments, only the imagination limits what might be possible for such an organization.

There are literally millions of members paying full dues with full privileges in unions like AFSCME, SEIU, AFT, and NEA, along with scores of independent state and local associa-

tions throughout the country, largely in the public sector where there is no legally prescribed system of access to bargaining. Ironically, despite the countless critiques of the inadequacy and bias of current labor law, particularly as it defines union activity, rights, and bargaining—accessible in increasingly extraordinary circumstances to a limited number of private sector workers—bargaining continues to define what unions are and how they must operate. A mass organization of workers cannot be built under the narrow and impenetrable collective bargaining and legal regime that exists today. Yet gradually, we are coming to an important consensus that for workers in the burgeoning service sector we must have a mass organization because these are mass employers. Can it be built? Is it possible that workers would come together to organize an association with other workers at Wal-Mart, particularly in the face of aggressive opposition by the company at every level?

AN ALLIANCE IN THE COMMUNITY

WE SHOULD NOT EXPECT WORKERS TO DO IT ALL by themselves. For workers to create an association at the workplace, they will need a strong alliance of support in the community acting in concert with them and protecting their efforts to create space for organization and struggle. Such an alliance should be constructed on the broadest possible framework in order to unite all other organizations and interests who have an issue that engages the company and its practice. Community organizations like ACORN, and other civic organizations have raised concern about store traffic, location, safety, sprawl, and its impact on the commu-

nity. Immigrant and civil rights groups have raised issues around discriminatory employment practices. Women's and labor groups have raised issues dealing with sex discrimination in pay and promotions. Environmental groups have concerns that range from sprawl to green practices. Consumer groups have raised issues concerning toxic cosmetics, shoddy foreign goods, questionable financial services, and an array of similar issues. From such a burgeoning array of groups a very broad alliance could be constructed linking the interests inside the company with the public force of its activity.

The glue that should hold the coalition together should be an agreement on common *rules of engagement* that not only guarantee workers that their rights will not be forgotten, but that also forbid unilateral and substandard settlements on narrow grounds which do not benefit all participants within the alliance. Too often settlements, when achieved, are too narrow and self-interested. Rules of engagement would promise mutual support, resources, and direct action from all parties in a united front, assuring that the widest possible collective interests should be served in any eventual settlement. The very size of the company may require groups with narrow interests to finally agree on the terms of a wide ranging campaign that is all inclusive. Wal-Mart will try to divide its opponents and settle separately, making common rules of engagement vital to an effective campaign.

Besides bringing together community organizations and institutions into such an alliance, there should also be an effort to recruit individual support for workers and their families who are organizing the association. This can be done in numerous ways (via canvass, internet, door-to-door, etc.), but it is essential

that there be a direct, independent, and large base of public support for the alliance and the association to offset the tactics that will be predictably taken by the company.

Critical to both of these efforts would be a stakeholder not usually seen in classic labor organizing: former employees. Wal-Mart, and companies that are following its business model, churn through the workforce. Wal-Mart claims that its turnover is now down to about 40 percent, but with 1.2 million workers that is still a huge number of workers—more than 500,000—to spit out on an annual basis. These workers have experience with the company, have gained some perspective from their distance from the culture and the paycheck, and in many cases have issues about rights abridged and are even potential beneficiaries of efforts to reform the company's practices. They have a common cause and their voice is an important one to add in reforming the company, therefore a place should be made for them in this new type of organizational formation. They are a necessary and obvious part of a mass organization, yet they do not fit comfortably in the usual and more limited organizations which are defined by collective bargaining. This is a separate problem that needs a lot more thought and work, but the inability of most unions to allow useful and vital participation from workers who are unemployed, laid off, or fired is a critical weakness of the political structure of such institutions. We are suffering from this inadequacy in political terms, because we have allowed former members to define themselves or be defined by others, often in conflict with their class interests. We should not allow such barriers to exist in this new formation, because we need the help of

such former workers for their own sake and in order to support both community and existing worker activity.

MASS ORGANIZATION MEANS MAJORITY UNIONISM

AN INDIVIDUAL DECISION BY A WORKER SHOULD determine whether she or he becomes a union member or not. This is not a choice that should have to be “won” from the employer. In fact employers should have nothing whatsoever to say about a worker's union membership. This is the right enshrined in our legal system.

Membership is a separate and inviolate status distinct from any collective bargaining determination or regime. Opponents to unionization understand this intrinsically—even so-called “right to work” statutes are clear that any worker has the right to be a member of a union and cannot be discriminated against in employment or other ways because of that membership. We have too often ceded this basic

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strength in building unions and therefore have created a system of relatively small, minority institutions self-defined too frequently by bargaining and union shop systems.

We need to start thinking about what it takes to create the basic framework for

majoritarian organizations which can truly act as mass vehicles for workers, rather than elite institutions for what is now less than 10 percent of the private sector workforce. To do so means lowering the barriers to entry for workers who seek to be members. Opening the doors, lowering the dues, and allowing these new organizations to respond more emphatically to workers' interests and demands—these pieces all have to be part of the package. These organizations may be more confrontational or they may be more collaborative, but most critically they must be more responsive to rank-and-file interests and demands.

A CAMPAIGN AND A CAUSE

STERN'S CALL FOR A CAMPAIGN AGAINST WAL-Mart, and Sweeney's rejoinder to bring it on, but perhaps in an even larger way, is potentially the best news American workers have heard in several decades.

At the least, a serious and well-resourced campaign focusing on Wal-Mart, even if it does nothing more than force the company to establish a fairer business model, will make a difference to Wal-Mart workers and their allies. It would also send the message to unorganized workers throughout the United States that labor cares—and will act on behalf of the unorganized and oppressed. At the most, the Wal-

Mart battle cry could create new momentum for mass organization among the literally tens of millions of unorganized service workers in firms both gargantuan and tiny, who are united

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in denying workers basic wages, benefits, and rights, and are able to do so because workers lack voice and organization on the necessary scale.

Perhaps all of the issues in the current debate on labor's future are important, but none are as important as the drive against Wal-Mart and the business model it has shaped. When one hears the call for a Wal-Mart campaign, it is a cry worthy of a loud response. We need to answer like our lives depend on it, because workers lives and voices in fact do depend on it. This may be our last and best hope to build a true mass movement of a majority of unorganized workers. ■