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A New New Deal for Labor

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The New Deal system of labor relations no longer works for the good of the country. What's the problem and what can we do to solve it?

The Wagner and Taft-Hartley Acts were designed to allow union representation of production workers through secret ballot elections and to buttress collective bargaining as a way of dividing the national pie between labor and capital. But this system no longer protects the workers' choice to form unions, and it frustrates the exploration of alternative ways of giving workers a voice.

Toothless sanctions on unfair labor practices have proved no match for employer resistance to unions. As a result, union membership in the private sector has fallen to a bare 12 percent — less than it was before the Wagner Act was enacted in 1935!

Moreover, existing labor law has no place for workers who want independent representation, if not traditional collective bargaining — 90 percent of all workers, according to a 1988 Gallup poll.

Rather than this "all or nothing" choice in representation — traditional unions or none at all — we propose changes to protect workers through a

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wider range of choices and to promote innovation by management.

First, the Government should encourage firms to establish "employee participation committees" in the workplace. Elected by workers and terminable only at their discretion, these committees would not engage in traditional collective bargaining over wages, hours and benefits; at least in nonunion shops these would remain management prerogatives. But the committees would have enforceable rights to information and consultation with management over labor policies, as do workers councils throughout Eu-

**More flexibility
can help workers
and management.**

rope. They should also be used to supplement and improve Government regulation of the workplace in such areas as occupational safety and health, job training and plant closings.

Beyond clearly defined regulatory programs, we do not favor mandating such committees until they have proved their worth in the U.S. But Federal encouragement should be vigorous. For example, make the committees a condition for employers' tax breaks or relief from regulatory reporting.

The Government should also modify the ban on company unions. The vast majority of nonunion workers are not going to join A.F.L.-C.I.O. unions in the foreseeable future. If

their employers feel that granting greater participatory rights to workers is good for the enterprise, they should be free to do so.

At the same time, however, the Government should strengthen workers' rights to form traditional unions. For starters, the National Labor Relations Board ought to reinstate "card check" certification in place of long and costly election campaigns. Authorization cards signed by a majority of employees should be enough to compel collective bargaining. Even when only a sizable minority of employees sign such cards (say, 30 percent), companies should be required to meet and confer, though not bargain collectively, with that worker organization.

Finally, the Government should toughen the protections of all workers to join unions — even if those unions represent only a minority of workers — without the threat of dismissal or discrimination.

Such reform would substantially improve the system. It would underwrite experimentation in programs of labor-management cooperation that everyone recognizes as good for productivity. It would give workers back their voice without putting management in a straitjacket. It would press organized labor to develop innovative ways to service the nearly 90 percent of private-sector workers outside collective-bargaining. And it would improve Government regulation by relying more on private energies in the workplace than armies of inspectors sent by Washington.

In brief, this program would forge one piece of the more cooperative and inclusive labor relations system America needs for competitiveness and democracy in the 21st century.[]