

**RESTORING WORKPLACE DEMOCRACY:
ELEANOR ROOSEVELT AND LABOR LAW REFORM***

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ABSTRACT

Eleanor Roosevelt, First Lady and union member, believed that workers' rights are human rights and that they include the right to have a voice at work. Drawing on her columns, articles, correspondence, documents, and speeches, this article traces how one of the most privileged and influential women of the 20th century became committed to a democratic labor movement and translated that commitment into action. Through her work, we see labor's role in creating the 1948 Universal Declaration of Human Rights at the United Nations, which includes the right to join a union. In 2010, however, union membership has declined to levels not seen since the Great Depression. The vast majority of workers have no role in determining their wages, benefits, or working conditions. Eleanor Roosevelt's voice resonates today with the call for labor law reforms, not only to achieve economic gains but to restore a basic element of democracy to people who work for a living.

I have always felt it was important that everyone who was a worker join a labor organization.

Eleanor Roosevelt (1941a)

*For a full historical discussion of Eleanor Roosevelt's work with the labor movement, see the present author's forthcoming book, *She was one of us: Eleanor Roosevelt and the American worker* (ILR Press/Cornell University Press).

INTRODUCTION

In 1961, with George Meany and Walter Reuther at her side, Eleanor Roosevelt (ER) told the assembled delegates to the AFL-CIO convention that “The labor movement—and perhaps I can say my movement too, because I think sometimes I work as hard as any of you do—I feel that it is part of our job to keep alive the ideals that you started with, the ideals of really helping the people to better conditions, to a better way of life which is part of the basis of democracy” (Roosevelt, 1961b). With the active support of ER, as she often abbreviated her name, as well as with her constructive criticism, the labor movement had become a powerful economic and political force, representing over one-third of American workers at the collective bargaining table and in the political arena. But joining a union was about more than economic security, benefits, and safety. ER saw the right to join a union as an “essential element of freedom” (United Nations, 1948a).

The decades that followed, however, witnessed a dramatic decline in union membership. In the early 21st century, according to the U.S. Department of Labor (2010), 12 million union members represent only 12% of the workforce, down from a peak of 35% in the 1950s. Just over 7% of workers in the private sector belong to a union, close to a level that was last recorded in 1929. The current labor relations system was established by the National Labor Relations Act in 1935, with two subsequent amendments restricting union activities and increasing employer rights, the Taft-Hartley Act in 1947 and the Landrum Griffin Act in 1959. Millions of workers are not covered by these laws, however, and the National Labor Relations Board, which enforces the laws, is no longer viewed by many union leaders and scholars as being able to protect workers (Bernhardt et al., 2008; Bronfenbrenner, 2009; Gross & Compa, 2009; Nissen, 2008).

Workplaces have undergone significant changes since ER's death in 1962, with unprecedented globalization and technological development providing just two examples. Nevertheless, the problems are familiar: low wages, employer hostility, plant closings, outdated laws, racial and gender discrimination, to name a few. While the reasons for union decline are complex, the increasing employer resistance to union representation and the failure of domestic labor laws to protect employees' rights are part of the problem. Several core issues under current labor laws include the exclusion of many workers, barriers to organizing, failure to bargain, the weakening of the strike, the lack of mediation, and the continuation of the so called right-to-work laws. (For additional issues and policy alternatives see Bronfenbrenner & Warren, 2009.)

To address these issues, labor leaders and politicians can seek historical guidance not only from Franklin D. Roosevelt and the New Deal but also from Eleanor Roosevelt and the United Nations (UN). ER spoke out on each of these issues in support of unions domestically and internationally. Just as Lincoln orchestrated a team of political rivals, after FDR's death Eleanor Roosevelt guided a complex international team of philosophers, lawyers, politicians, and diplomats

to develop the Universal Declaration of Human Rights (UDHR). While ER was fighting against antilabor legislation at home, under her guidance the UDHR, Article 23, declared that everyone, without discrimination, has the right to a decent job, fair working conditions, a living wage, equal pay for equal work, and the right to join a union (Glendon, 2001).

In the last several years, labor leaders and researchers have rediscovered the Universal Declaration of Human Rights. They have begun to argue forcefully that workers' rights are indeed human rights and to frame labor law violations in the United States as violations of the international human rights agreements (for an overview see Gross & Compa, 2009). Understanding labor's role in the UDHR and bringing Eleanor Roosevelt's voice back into the debate will renew and strengthen the arguments for labor law reforms to protect these human rights.

BACKGROUND

The First Lady was a skilled political operative, effective government negotiator, inspirational public speaker, influential columnist, author of books and articles—and a member of the AFL-CIO's Newspaper Guild for over 25 years. She was an advocate of many reforms using multiple methods of communication: books, columns, articles, speeches, letters, and meetings. Her newspaper columns, magazine articles, radio programs, and television shows reached millions of people (A. Black, 2007). Always the teacher, she explained union issues to the public and addressed union audiences directly at large conventions and small local meetings. Her "My day" column, written from 1936 to 1962, six days a week for most of that time, provides the clearest record of her support for labor rights. An average of two columns per month specifically mentions unions, providing over 600 columns that form a central part of this analysis.

During the period when ER chaired the Human Rights Commission at the UN, 1946-1948, her contacts with union leaders David Dubinsky, president of the International Ladies' Garment Workers' Union (ILGWU), James B. Carey, secretary-treasurer of the Congress of Industrial Organizations (CIO), and Rose Schneiderman, president of the Women's Trade Union League (WTUL), reflect the importance of union rights in the international framework. References to social gatherings are also part of the record for, as ER wrote, tea in her apartment sometimes led to "more progress in reaching an understanding of some question before the United Nations than we had been able to achieve in the formal work of our committees" (Roosevelt, 1961a: 305).

Labor's role in the early years of the UN has been neglected by historians (Glendon, 2001; Korey, 1998; Morsink, 1999). Eleanor Roosevelt made an important contribution to workers' rights in the UDHR, not only as the widow of the president and a champion of humanitarian causes (Glendon, 2001) but also because she was a well-known union member and an advocate for labor rights, and because she had a strong working relationship with the American labor

movement. Representatives of the AFL and the CIO, in turn, played critical roles as consultants to the UN Economic and Social Council (ECOSOC). Their divisions on international issues were deep, but they were able to agree on the need for the recognition of workers' rights as human rights and to cooperate with their friend and colleague Eleanor Roosevelt to achieve that end.

SHE WAS ONE OF US

Eleanor Roosevelt first learned about wages and working conditions as a young debutante volunteering at the Rivington Street Settlement House and with the Consumers League on the lower east side of Manhattan in 1903. Soon, she and her new husband, Franklin D. Roosevelt, began to work with union men, particularly in the construction trades, first in Albany when FDR was a young state legislator and then in Washington, DC, when he became assistant secretary of the navy during World War I. As the Bolshevik Revolution got underway in Russia, ER wrote to a friend that "Now everyone is concerned over strikes and labor questions and I realize more and more that we are entering on a new era where ideas and habits and customs are to be revolutionized if we are not to have another kind of revolution" (Cook, 1992: 243-244).

In 1922, ER met Rose Schneiderman, a cap maker, union organizer, member of the ILGWU, and president of the Women's Trade Union League. ER joined the WTUL and soon introduced her husband to the world of "social unionism," as practiced by the garment workers with their housing, financial, and cultural programs (Orleck, 1995; Parmet, 2005). In 1924, the *New York Times* reported that she chaired the Women's Platform Committee of the Democratic Party and for the first time publicly acknowledged the "workers' right to organize and bargain collectively" ("Anti-Klan plank passed," 1924). The first picket line she joined was to support the box makers' strike in New York City ("Notables in strike march," 1926). In 1930, when women marched out of the Fifth Avenue dressmaking shops and were arrested, Governor Roosevelt's wife wrote in support of the women and the union ("Mrs. Roosevelt backs Fifth Av. dress strike," 1930; for more on ER's life, see Cook, 1992, 1999; Lash, 1971, 1972).

When the Roosevelts moved to Washington, DC, in 1933, the First Lady was hailed as someone who had "given of her energy and great ability for years to efforts to secure improved working conditions for labor" (Roosevelt, 1933). Her efforts expanded during her White House years from garment workers in New York to coal and copper miners, auto and electrical workers, porters and maids, journalists and educators around the country. On May 21, 1935, she defied superstition and went deep into the Willow Grove coal mine with Adolphus Pacifico, local vice president of the United Mine Workers Union, explaining the mine operations ("Mrs. Roosevelt spends two hours inside the Big Willow Grove mine," 1935).

In December 1935, ER began her syndicated “My day” column appearing six days a week in over 50 newspapers. Practicing what she preached, one year later, as a working journalist, she joined the recently formed Newspaper Guild, CIO, and remained a member until her death (“First Lady tells of joining guild,” 1937). She recognized the power of the media and used her voice as a columnist as well as a radio and television host to advocate for labor, bringing visibility and respectability to people who were often invisible to media and policymakers alike. In “My day,” unions were discussed as a positive and increasingly important part of American life while they were being vilified by other columnists, business leaders, and politicians. The influential but vituperative journalist Westbrook Pegler, for example, attacked ER as a dilettante and her labor allies as thugs (R. Black, 1940).

Eleanor Roosevelt called for a combination of legislation and unionization as the way to secure protection for workers (Roosevelt, 1937). She supported the National Labor Relations Act for unions, as well as the Fair Labor Standards Act and the Social Security Act to form a wider safety net for those who remained unorganized. Protective legislation for women garnered her approval until she felt women were able to secure their rights through unions. She joined A. Philip Randolph, a well-known labor and civil rights leader, in calling for an end to racial discrimination within unions but also for fair employment practice laws to achieve equality for minority workers. She also argued strongly for unions to end corruption within their own ranks. ER’s strongest words and actions, however, were in defense of everyone’s right to have a voice at work. For her, to join a union, bargain collectively, and go on strike if necessary were at the core of democracy.

Eleanor Roosevelt believed that individuals had to accept personal responsibility and then act collectively to solve problems. She began to see this belief embodied in the labor movement, and she articulated this connection between democracy and unions. On Sunday, June 2, 1940, she was a keynote speaker at the ILGWU convention. At the World’s Fair in New York City, over 120,000 people crowded into the Court of Peace to celebrate the union’s 40th anniversary. She outlined what she saw as the fundamental similarities between unions and democracy: “In a trade union, each member, while he may have his own preferences and the freedom to say and do as he likes, must in the interest of the union, discipline himself to achieve results for all of the members. That is so in the labor movement as a whole. . . . That is so in a democracy. You have to learn respect for the individual but you have to learn also that each individual must have self-discipline and unselfishness in the interest of the whole group” (Roosevelt, 1940). This is the message that she took to the United Nations.

THE UNITED NATIONS

On April 25, 1945, just weeks after FDR’s death, delegates to the San Francisco conference began deliberations to develop a charter for the United Nations. In an unprecedented move, over 40 nongovernmental organizations (NGOs) were

invited to participate as consultants, including the AFL and the CIO. In May, a smaller group met with Secretary of State Edward Stettinius. Phil Murray, president of the CIO, said that he represented all of labor when he gave his full support to the inclusion of human rights in the charter and the establishment of a Human Rights Commission, both of which were accomplished (Korey, 1998). Only seven NGOs were then given consultative status to attend meetings, suggest agenda items, and present positions (United Nations, 1946). The AFL was represented by ER's long-time colleague, David Dubinsky, ILGWU, and Mathew Woll, Photoengravers Union. ER's friend Jim Carey, CIO, took a strong leadership position through the World Federation of Trade Unions (WFTU).

Labor was deeply divided, however. The AFL, on the one hand, was strictly anticommunist, refused to work with any of the communist or socialist unions, and refused to join the WFTU because the Russian unions were involved. The CIO, on the other hand, helped found the WFTU, and while leaders like Carey were strongly anticommunist at home, they worked with the Russians abroad. The Cold War was underway for the labor movement, and ER walked a fine line between the sides. (For individual perspectives on this period, see, for example, Dubinsky & Raskin, 1977; Reuther 1976; for broader reviews of labor and the cold war, see Cherny, Issel, & Taylor, 2004; Parmet, 2005.)

Jim Carey first met ER at a youth congress in 1936. He was in his 20s when he was elected president of the newly formed United Electrical, Radio and Machine Workers Union (UE), and known as labor's "boy wonder" (Carey, 1996). Carey and ER became colleagues and friends. Although Carey lost the presidency of the UE in 1940 to a communist-leaning challenger, he retained his position as secretary-treasurer of the CIO and CIO president Phil Murray's chief international representative. In 1945, Carey attended the founding meeting of the WFTU in London and became secretary of the U.S. delegation. Returning from the trip, he sent a copy of the conference report to ER and met her in Hyde Park, New York (Carey, 1945). The Declaration of the Conference included the elimination of political, economic, and social discrimination based on race, creed, color, or sex, the establishment of equal pay for equal work, full employment, and the freedom for people to "organize themselves in Trade Unions and to engage freely in all normal Trade Union activities, including that of collective bargaining" (World Federation of Trade Unions, 1945: 19). Thus, before she became a delegate to the UN, ER was familiar with the CIO position on international union rights.

In the fall of 1945, ER was asked by President Truman to serve as a delegate to the United Nations. He thought it was important for her to be part of his administration, and the UN had been one of FDR's priorities. At first she declined, pleading a lack of qualifications, but she then agreed to the appointment with encouragement from family and friends. She was soon asked to join Committee Three, dealing with Social, Humanitarian and Cultural Affairs, where she mastered the substantive tasks and spoke forcefully but diplomatically.

She was a smart, hard-working, and experienced committee member, who encouraged communication by inviting people to informal gatherings at her apartment where she was able to discuss matters in French and Italian. (Comprehensive documentation of ER's writings for the human rights years is in A. Black, 2007.)

At the end of the session in 1946, ER joined a small group that was asked to make recommendations on forming a permanent Human Rights Commission. She was elected chair, and the effort to define human rights worldwide began. At an early hearing, Rose Schneiderman, ER's long-time friend from the WTUL, was the only woman to testify. She wanted a strong bill that would include the right for women to bargain collectively (WTUL, 1946). During the summer, ER invited Jim Carey and his family to Val-Kill, her home in Hyde Park, New York, for a weekend. Carey had just returned from Russia, and he sent ER a copy of the CIO's report on the meetings with the WFTU in Moscow. She was anxious to "hear all about your travels," undoubtedly including their concerns about the Human Rights Commission (Carey, 1946).

In November, Mathew Woll (1946) requested a meeting to discuss the AFL's International Bill of Rights. Point 2 of the document stated that "Genuine freedom means the right of association and organization into various—into differing—educational, religious, economic, political and trade union organizations" (American Federation of Labor, 1946). In January 1947, ER met with Woll and Dubinsky and told her readers about the exchange, noting that "It is natural, of course, that labor unions should be interested in human rights. And one of the things that I hope will evolve from any bill of this kind is the right of people to economic as well as political freedom" (Roosevelt, 1947a). That same month, the AFL hired Toni Sender to be its full-time staff person at the United Nations. Toni Sender was quoted in Commission debates, photographed with ER, and reported that ER "repeatedly insisted that if any mention of the WFTU was adopted the AF of L must be given the same place" (Sender, 1947, 1992).

NEGOTIATIONS

Eleanor Roosevelt's international committee included China's Peng-Chung Chang, Lebanon's Charles Malik, France's René Cassin, India's Hansa Mehta, and the Eastern bloc members led by A. P. Pavlov of Russia. With several other delegates, they were charged to set standards for political and civil rights, as well as social and economic rights. Critical to this process were the trade unions from around the world. The first drafts of the UDHR did not specifically mention trade union rights. In March 1947, the WFTU sent ECOSOC a long memorandum on the situation of unions in the post-world war period and argued strongly for the specific inclusion of trade union rights in the declaration. This was followed by additional submissions from the AFL in June, arguing for the inclusion of unions in the document (Morsink, 1999).

After months of negotiation, the full Human Rights Commission took up the draft, article by article, when it convened in May 1948. The declaration was separated from the issues of implementation, but when the social and economic rights were discussed in the final session, the debates raged. ER began with a strong endorsement of the new rights, saying that the United States “Favored the inclusion of economic and social rights in the Declaration, for no personal liberty could exist without economic security and independence. Men in need were not free men” (United Nations, 1948b). Strong arguments for the specific inclusion of trade unions were made by Sender for the AFL and Van Istendael for the International Federation of Christian Trade Unions. Eleanor Roosevelt explained that the U.S. delegation considered that “the right to form and join trade unions was an essential element of freedom. While other associations had long enjoyed recognition, trade unions had met with much opposition and it was only recently that they had become an accepted form of association. The struggle was, in fact, still continuing, and her delegation thought, therefore, that specific mention should be made of trade unions” (United Nations, 1948a). The Commission also addressed the closed shop and the right to strike, but these issues were referred to the implementation committee to be addressed after the declaration was approved (Morsink, 1999).

The General Assembly came to order on September 21, 1948, in Paris. East-West relations were deteriorating rapidly. Delegates were considering refugees, forced labor, and the reconstruction of Europe as Committee Three took up the Declaration and again debated each article (Glendon, 2001). When the committee members began a review of the article on work, ER told her readers that it gave everyone “the right to work under favorable conditions and at fair wages with protection against unemployment. It also provides that everyone has the right to equal pay for equal work accomplished and everyone is free to form and join trade and labor unions for protection of his interests” (Roosevelt, 1948b). Negotiations continued late into the nights. The General Assembly passed the Universal Declaration of Human Rights on December 10 with 48 votes in favor and none against. Article 23, Section 4 states that “everyone has the right” to form and join trade unions. The president of the General Assembly closed the session by paying special tribute to Eleanor Roosevelt, “who, with the assistance of many others, has played a leading role in the work” (Glendon, 2001: 170).

ER quickly returned to New York, knowing that the Declaration faced many obstacles. She quietly acknowledged the contributions of the labor movement, and labor showed their appreciation for her leadership. She thanked Woll and the AFL for their assistance and the helpfulness of their early draft (Roosevelt, 1948a). One of her first speeches on the UDHR was given for Rose Schneiderman and the WTUL (Schneiderman, 1948). In the new year, Phil Murray sent a letter to the Norwegian Parliament supporting Eleanor Roosevelt’s nomination for the Nobel Peace Prize (Murray, 1949).

Aware that the document had no power of enforcement, ER saw power in the words themselves: “One should never belittle the value of words . . . for they have a way of getting translated into fact, and therein lies the hope for our universal declaration” (Roosevelt, 1948c). Negotiations continued at the United Nations, but two human rights covenants for implementation were not completed until 1966. Ten years later, the covenants secured enough signatures to go into effect. The labor rights were reaffirmed in several international covenants, most recently in the 1998 Declaration of Fundamental Principles and Rights at Work, which committed all member nations of the International Labor Organization to “Respect, promote and realize in good faith” core labor rights including the freedom to organize (Friedman, 2001; Gross, 2003). The UDHR, however, remains the cornerstone of today’s powerful human rights movement; serving as the model for rights provisions in over 90 constitutions around the world. Legal scholar Mary Ann Glendon (2001: 236) has concluded that “The most impressive advances in human rights—the fall of apartheid in South Africa and the collapse of the Eastern European totalitarian regime—owe more to the moral beacon of the declaration than to the many covenants and treaties that are now in force.”

LABOR LAW REFORM

Eisenhower was elected president in 1952, and both the administration and Congress began to increase criticism of the United Nations and the human rights effort, with long-term affects. The United States did not ratify the Covenant on Civil and Political Rights until 1992 and has yet to ratify the Covenant on Economic, Social and Cultural Rights. Even in relation to the agreements this country has signed, human rights standards are rarely referred to or used in the United States, and the country’s labor laws are not in compliance with international standards (Gross & Compa, 2009).

The benefits of unionization for individuals, the community, and the economy have had little impact on the debate. In a summary of recent research, Johansson and Ortega (2008) found that union membership results in better wages and benefits, higher productivity, and more consumer spending in the economy. Union workers across the board earn more and are more likely to have health and pension benefits than nonunion workers. On average, union workers earn 14% more than nonunion workers with similar education, occupations, and experience (Mishel et al., 2008). African Americans, Latinos, and women all benefit from higher wages and are more likely to have health insurance and pensions if they are union members (Schmitt, 2008a, 2008b, 2008c).

At the same time, researchers have found that union workers raise productivity across industries and are tied to lower turnover, higher skill levels, and safer work environments (for example, Doucouliagos & Laroche, 2003; Freeman & Medoff, 1984). Growing inequality and the failure of wages to increase with productivity since the 1970s have been linked to the decline in union density

(Levy & Temin, 2007). Workplace democracy has led to increased voter participation in general elections and support for a broad range of social rights, such as housing and civil rights, far beyond the bread and butter workplace issues (Kochan & Shulman, 2007; Zullo, 2008). While large numbers of new laws and government agencies have emerged to protect workers from many forms of employment discrimination and workplace dangers, labor rights are rarely discussed (Lichtenstein, 2003).

Legislative efforts to improve the labor relations system have failed in the past. The last major effort to reform the U.S. labor law took place in 1993, when the Commission on the Future of Worker-Management Relations, chaired by John T. Dunlop, professor emeritus at Harvard and former labor secretary under President Ford, undertook a comprehensive review of the labor relations system. The Dunlop Commission, as it was known, issued a final report in 1995, recommending changes to a system that most experts and practitioners agreed was not working (U.S. Department of Labor, 1995). There was disagreement on the problems and solutions, however, and little action was taken when the report was issued after the mid-term elections returned congressional control to the Republicans. New calls are now being made to return to a workers' rights agenda (see, for example, Bronfenbrenner & Warren, 2009). Several of the core areas of weakness that continue in the system today are areas that Eleanor Roosevelt had strongly spoken out against: excluded workers, employer resistance, delayed collective bargaining, weakened strikes and mediation, and reduced union security.

Excluded Workers

The National Labor Relations Act (NLRA), even during the New Deal, covered a limited number of workers and only workers in the private sector. Agricultural laborers and domestic employees were excluded from the beginning, largely in deference to southern Democrats, because the workers were predominantly African Americans. Subsequent labor board rulings and court decisions have further narrowed the definition to exclude workers such as low-level supervisors and immigrants. Public employees are excluded from the NLRA, and their rights vary under different state laws. Federal employees are also covered under separate labor regulations, and most recently people working under the federal welfare laws and those employed by the Department of Homeland Security have been excluded from collective bargaining (Bronfenbrenner & Warren, 2009).

Eleanor Roosevelt opposed such exclusions, arguing for the broadest possible definition of the term "worker." In 1941, she told the striking workers at the Leviton Manufacturing Company on Long Island that "I have always felt that it was important that everyone who was a worker join a labor organization" (Roosevelt, 1941a). The members of the IBEW Local 3 had been on strike for over six months seeking better wages, better working conditions, and union

recognition (Sullivan, 1941). Twice ER went to Capitol Hill to testify on behalf of migrant farm workers, and in 1959 she highlighted as a major problem the failure of federal legislation to include farm laborers (Grutzner, 1959; Roosevelt, 1959d). At the same time, she wrote to labor leaders and spoke at their conventions encouraging their organizing efforts for migrant laborers (Roosevelt, 1961b). She argued for fair standards and guidelines for domestic workers and encouraged women in this sector to form unions (Roosevelt, 1936; Roosevelt, 1946a: 83). When the Taft-Hartley law excluded first-line supervisors, she gave national voice to the Chicago Typographical Union, which told her that it was losing the power to bargain for foremen, which it had had in the years before the NRLA was passed (Roosevelt, 1947b).

ER struggled publicly, however, with the rights of hospital workers and teachers, as well as public safety employees such as police officers and firefighters, to join unions. In the end she supported their unionization because of the refusal of employers to listen to workers and treat them fairly, writing that “the same reason that compelled us to put so much strength into union leaders’ hands where industry was concerned is going to compel us to do the same thing where hospital boards are concerned” (Roosevelt, 1959b). She wrote that “Employees who are quite evidently not receiving a living wage and are dissatisfied with their conditions of work would simply be slaves if they were obliged to work on without being able to reach their employers with their complaints and demand negotiation” (Roosevelt, 1959a).

Employer Resistance

Even workers who are protected by the National Labor Relations Act face significant barriers to organizing, such as intimidation, harassment, and job loss (Bernhardt et al., 2008; Bronfenbrenner, 2009; Gross & Compa, 2009; Nissen, 2008). Researchers in the most recent study, for example, found that workers were discharged in 34% of the campaigns leading up to elections supervised by the National Labor Relations Board (NLRB). In these elections employees in a particular workplace voted on whether or not they wanted a specific union to represent them. Employers threatened to close plants in 57% of these elections (Bronfenbrenner, 2009). The researchers found an increase over previous reports in the most coercive tactics.

ER recognized the imbalance of power between workers and managers, and she deplored the use of intimidation and threats. She argued, “I do believe the right to explain the principles lying back of labor unions should be safeguarded, that every workman should be free to listen to the pleas of organization without fear of hindrance or of evil circumstances, and that he should have the right to join with his fellows in a union” (Roosevelt, 1941b). While unions were not perfect, she found employers’ desire to destroy the unions and return to a system of lowering production costs by cutting jobs and wages unacceptable (Roosevelt, 1945a).

Collective Bargaining

When workers win an NLRB election to be represented by a union, there is no guarantee they will be able to negotiate a contract. According to Bronfenbrenner (2009: 3), after an election is won “52% are still without a contract a year later, and 37% are still without a contract two years after an election.” The core activity of a labor union is to collectively bargain to improve wages and working conditions.

ER tirelessly reminded the country of the dirty and dangerous conditions in which many people worked and the meager wages for which many people toiled. She declared that “A business has no right to exist which cannot pay every employee a living wage” (Roosevelt, 1959c). After World War II, when the areas covered by bargaining expanded from wages and working conditions to include benefits such as health and pensions, she supported that as well. For her the basic question was “how much the participation of labor in the over-all earnings of a company should actually be. If you discuss wages or a pension plan this sharing of the over-all earnings is still the basic question.” While the goals of managers and stockholders had to be considered, she declared that “The wheels of industry could not turn without the active participation of labor” (Roosevelt, 1949). The playing field was not level, however, and she told her readers that the interests of all must be equally considered and that “to expect more of one side was an unfair proposition” (Roosevelt, 1951).

Strikes and Mediation

The labor relations system has long allowed companies to hire permanent replacement workers and continue business as usual when a strike over economic issues is in process. Rarely used at first, the hiring of permanent replacements has become a common tactic in the last 20 years to weaken the effectiveness of strikes. Eleanor Roosevelt staunchly supported the right to strike and refused to cross a picket line. She reminded her readers that employer organizations wielded extensive powers and imposing a ban on strikes seemed to her “an abrogation of fundamental rights which eventually would do harm to every citizen” (Roosevelt, 1945c). When President Truman proposed to draft striking workers, she said it would “interfere with men’s fundamental liberty to work or not to work.” The public had a responsibility to see that “organized labor has a fair deal” (Roosevelt, 1946b, 1946c).

At the same time, however, ER hoped to see strikes brought to an end and replaced with a system using conciliation, mediation, and arbitration. During World War II, she argued that workers had the right to strike, but that they should give it up voluntarily and work with government agencies to improve conditions and settle grievances (“First Lady asks miners to halt strike in crisis,” 1943). The strike was a last resort in her view, and she joined her friend Walter Reuther in admiring the Swedish system of tripartite cooperation between

government, employers, and unions (Roosevelt, 1952a). But she cautioned during the 1946 General Motors strike, when she served on the committee to raise funds for the families of striking workers, that the strike could not be renounced until “we set a limit on the time allowed for arbitration and until we say that all interests shall be equally considered and that concessions shall never be expected from one side only” (Roosevelt, 1945b).

ER struggled most with the use of the strike by public service workers, especially those caring for children and the sick. When the teachers in New York City went on strike, however, she acknowledged that there was no “method of complaint and adjustment that could take the place of collective bargaining with the ultimate possibility of a strike” (Roosevelt, 1962). She preferred a system of mediation but concluded that “Under the present set-up teachers have no other recourse but to strike to draw attention to their legitimate complaints.”

Union Security

Today, 22 states have so called “right-to-work” laws under section 14b of the Taft-Hartley Act. This provision allows states to establish laws that prohibit a union shop or union security clause requiring all employees to join a union when they are covered by the collective bargaining agreement. Under such laws, an employee can refuse to join a union or pay dues, but the union still has to represent the worker in collective bargaining negotiations and try to resolve his or her workplace grievances.

ER saw this provision as severely weakening the labor relations system. At the age of 74 and in declining health, she nonetheless joined former Senator Herbert H. Lehman as cochair of the National Council for Industrial Peace to defeat the extension of the right-to-work laws to six more states. In a joint press release, they declared that it was time “for all right-thinking citizens, from all walks of life, to join in protecting the nation’s economy and the working man’s union security from the predatory and misleading campaigns now being waged by the U.S. Chamber of Commerce and the National Association of Manufacturers” (National Council for Industrial Peace, 1958). ER had long believed that “To protect collective bargaining and the interests of the workers are, in my view, the right thing to do and when state laws oppose this, I think the state laws are wrong” (Roosevelt, 1954b).

ER saw these laws as aimed at the destruction of human rights. The proposal to extend these laws “does not concern itself one iota with human rights or the right to work,” she wrote, but rather is a “calculated and cunning smoke screen to beguile the innocent and unknowing (“Actress chided by Mrs. Roosevelt,” 1958). In response to the California ballot language suggesting that President Roosevelt had supported such laws, she declared, “The American public understands very well that Franklin Delano Roosevelt would never have supported such a reactionary doctrine” (AFL-CIO News Service, 1958). The laws were

defeated in five of the six states, but they continue today to restrict unions, especially in the south and west, and the fight continues. In 2009, new right-to-work legislation was introduced in Pennsylvania.

CURRENT STRATEGY

Given the persistence of these problems and the failure of legislative reform in the past, the labor movement has developed a new strategy to revitalize the labor laws. The unions are now backing the Employee Free Choice Act (EFCA) as their major labor law reform initiative. It is far narrower than the Dunlop Commission effort, which was comprehensive in scope but resulted in little change. This proposed legislation narrowly addresses only the question of how a union becomes the bargaining representative and what happens if a first contract agreement is not reached. It applies only to employees currently covered by the National Labor Relations Act. Under EFCA, when the majority of employees sign union cards, known as “authorization cards,” stating that they want to be represented by the union for purposes of collective bargaining and when this is validated by the National Labor Relations Board, the employer must recognize the union. Secret ballot elections are available, but not required. The legislation also includes a mediation and arbitration process to secure a first contract after a union is formed, if an agreement has not been reached by the parties within 90 days. The penalties are stronger for employers who break the law, for example, providing triple back pay instead of simple back pay for illegally firing an employee.

The general public understands the importance of unions. According to one Gallup Poll (Jones, 2008), 59% of those surveyed approved of unions, while only 29% disapproved. Freeman and Rogers (2006) found a majority of workers said they would join a union if they could. A survey by Peter D. Hart Research Associates (2008) reports strong support for provisions of the EFCA across party and state lines. Seventy-five percent of respondents, for example, supported recognizing a union when a majority of workers have signed up. President Obama and many Democrats in Congress have voiced their commitment to the initiative.

Opposition to the bill, however, is strong. Some legal scholars argue that the proposed law is unconstitutional, denying employers their free speech rights and crippling a firm competitively (Epstein, 2008). A minority of senators threatens a filibuster and this group delayed the confirmation of Congresswoman Hilda Solis as secretary of labor in large part because of her support for EFCA (Mascaro, 2009). According to tapes secured by the Huffington Post (Stein, 2009), three days after receiving a \$25 billion taxpayer bailout the Bank of America hosted a conference call with business leaders to organize opposition to EFCA. Home Depot cofounder Bernie Marcus told those on the line that this legislation would

mark the “demise of a civilization.” He proclaimed that if retailers were not spending their money to defeat this bill then “They should be shot.”

Nissen (2008) provides a case study of how this proposed legislation might improve the situation for workers currently covered by the labor laws. In the case of a South Florida nursing home, after the union won an NLRB election, upheld under court challenge, contract negotiations dragged on for almost 15 years. Finally, the facility was closed in 2008 without an agreement ever having been signed. Nissen concludes that in this case the provisions of EFCA would have reduced the time for employer resistance, and mediation might have led to a timely agreement. He cautions, however, that there was still room for intimidating and hostile employer behavior, legal challenges, and delaying tactics, and that even tripled financial penalties might not be a significant deterrent given the low wages of the employees. Aggressive enforcement by the NLRB would be critical. Nissen suggests several ways to strengthen EFCA, for example, certifying the union while employer appeals are made, and concludes that EFCA would provide a limited but positive regulatory change to the current labor laws.

While EFCA would not eliminate all of the obstacles to union organizing, it could help increase the number of successful organizing drives and first contract signings, thus increasing real worker rights. The increased number of union members would then give unions more bargaining power with employers and more clout in the political process to secure further legislative reforms in the future. The practical politician in Eleanor Roosevelt, if not the visionary activist for human rights, might well support such a strategy. EFCA would reduce the current “fear of hindrance” and “evil circumstances” that ER warned against in 1941. She strongly supported a system of mediation and arbitration that would lead to contracts and avoid strikes. The employers’ arguments sound much like those she decried in the fight against the right-to-work laws as “predatory and misleading” and a “calculated and cunning smoke screen to beguile the innocent and unknowing” (National Council for Industrial Peace, 1958; “Actress Chided by Mrs. Roosevelt,” 1958).

For ER, legislation that facilitated union organizing was a necessary first step to give workers a democratic voice in securing their human rights. The Employee Free Choice Act is an example of reform legislation that she would support, but then she would want to move on to support expanding coverage to all workers, ending the permanent replacement of strikers, strengthening the mediation system, and ending right-to-work laws. Nobel economist Paul Krugman (2009) argues that strengthening unions through EFCA will “enable America to take a huge step toward recapturing the middle-class society we’ve lost.” The labor history of the UDHR suggests that strengthening unions through amending the National Labor Relations Act is an important first step toward restoring workers’ rights as human rights, moving closer to Eleanor Roosevelt’s far-reaching vision of democracy in the workplace as a model for democracy in the world.

CONCLUSION

Over the years, from the sweatshops of New York City to the White House, from local union halls to the United Nations, Eleanor Roosevelt came to see unions as more than just a way to improve wages and working conditions. Her core belief in democracy as individuals accepting personal responsibility and then acting collectively to solve problems was embodied in the labor movement: individuals having a collective voice at work. She also believed that unions benefited all workers and that without organized labor “the unorganized groups would slide back quickly to poor conditions, which would hurt the prosperity of the nation” (Roosevelt, 1954a). She clearly linked the prosperity of the nation’s workers to the world economy. As early as 1933, after meeting with Arizona copper miners, she concluded that “We should educate public opinion not to profit by labor anywhere unless it was done under decent living conditions” (Beasley, 1983: 10). Her friend Congresswoman Isabella Greenway wanted higher tariffs, but ER wanted to improve the standard of living worldwide (Miller, 2004: 191).

The United States, however, has shown little regard for international principles. In today’s global economy, now in worldwide recession, the labor laws fail to recognize the international framework for labor protections. ER used multiple arguments to support her position that unions are an important part of the solution to the world’s social and economic ills. In her view, unions contributed to a stable labor relations system that would benefit employers and employees and strengthen the national economy. If the unions could find a way to end strikes, then the negotiating process “might serve as a basis for obviating wars” (Roosevelt, 1952b). When critics suggested that ER’s thinking about unions was “leading us down the road to socialism,” she suggested that “perhaps what we are really doing is to save capitalism” (Roosevelt, 1949).

ER’s most compelling argument, however, was that workers’ rights were basic human rights. The right to a decent job and a voice at work was not only about improved wages and working conditions; workplace democracy close to home was also central to achieving democracy in the larger world. In 1947, as the attempts to weaken unions at home began to take hold with the Taft-Hartley Act amending the NLRA, Eleanor Roosevelt worked with labor to establish the principle of workers’ rights as human rights on the international level. In the United Nations’ Universal Declaration of Human Rights, the core article on work remains a central goal for today’s unions and for millions of unorganized workers, as it was for ER: the right of everyone to work for a just wage and in decent working conditions, without discrimination and with the right to form and join a union to protect workers’ interests.

Eleanor Roosevelt believed that all employees had a right to a voice at work, without fear of harassment or intimidation. This means that if the majority of people choose to join a union, through a free and fair process of signing cards or an election, they deserve to be able to negotiate a contract in a timely manner. If

there are disagreements, they have a right to mediation and arbitration to avoid excessive delays. U.S. labor law falls short in each area. Currently, the proposed Employee Free Choice Act embodies these principles. This is only one set of reforms, but it is a starting place for re-creating a human rights agenda in the workplace. When asked, “Where, after all, do human rights begin?” ER answered, “In small places close to home . . . the world of the individual person; the neighborhood . . . the school or college . . . the factory, farm or office . . . unless they have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world” (Roosevelt, 1953).

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