

1-1-2015

A New Labor Movement for a New Working Class: Unions, Worker Centers, and Immigrants

Kent Wong

Follow this and additional works at: <http://scholarship.law.berkeley.edu/bjell>

 Part of the [Law Commons](#)

Recommended Citation

Kent Wong, *A New Labor Movement for a New Working Class: Unions, Worker Centers, and Immigrants*, 36 BERKELEY J. EMP. & LAB. L. (2015).

Available at: <http://scholarship.law.berkeley.edu/bjell/vol36/iss1/5>

Link to publisher version (DOI)

<http://dx.doi.org/https://doi.org/10.15779/Z38WC57>

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Berkeley Journal of Employment & Labor Law by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.

DAVID E. FELLER MEMORIAL LABOR LAW LECTURE

April 9, 2014

A New Labor Movement for a New Working Class: Unions, Worker Centers, and Immigrants

Kent Wong[†]

My beginnings with the labor movement were right here at UC Berkeley. I worked as a student boycott organizer for the United Farm Workers of America (UFW) under the leadership of Cesar Chavez. A movie on the life of Cesar Chavez was recently released that is both inspiring and powerful.¹ Although there are some historic inaccuracies, including insufficient recognition of the Filipino farmworkers, overall the movie is a celebration of the farmworker movement and immigrant worker organizing in California.

Many of the organizing strategies pioneered by the UFW are still relevant today: their embrace of the philosophy of nonviolence; labor, community, and student partnerships; and alignment with progressive

[†] Kent Wong is director of the UCLA Center for Labor Research and Education, where he teaches labor studies and Asian American studies. Kent regularly addresses labor, community, civil rights, university, and student conferences throughout the country. He writes extensively on labor issues and has published books on the labor movement, immigrant worker organizing, popular education, and the Dream Act movement. Kent Wong attended UC Berkeley as an undergraduate and graduated from the People's College of Law. Wong was the first staff attorney for the Asian Pacific American Legal Center of Southern California (now Asian Americans Advancing Justice). He later served as staff attorney for SEIU in Los Angeles. Wong was the founding president of the Asian Pacific American Labor Alliance, the first national labor organization for Asian American workers within the AFL-CIO. He was also the founding president of the United Association for Labor Education, an organization representing union and university-based labor educators. He is currently a vice president with the American Federation of Teachers. This piece was prepared as an annual lecture in honor of David E. Feller and has been slightly edited for publication.

1. CESAR CHAVEZ (Pantelion Films & Participant Media 2014).

religious leaders to bring a moral dimension to the crusade. The UFW forged a vision of social justice unionism that extended beyond just fighting for better wages to fighting for a cause, for human dignity and justice. The UFW was able to reach out and recruit thousands of students all over the country who saw this campaign as a calling and were recruited to work for five dollars a week to become boycott organizers.

I have had the privilege of working with many labor leaders who got their start with the United Farm Workers of America. I wrote a book² about my good friend Miguel Contreras, who was the former leader of the Los Angeles County Federation of Labor. Miguel came from a family of farmworkers in the Central Valley of California. They lived in Dinuba, California, and at the age of nineteen, he and his family were summoned by a foreman in front of their modest house. The foreman fired Miguel and his whole family, and explained, “You are good workers, but we can’t have any more ‘Chavistas’ here.”

Miguel was recruited by Dolores Huerta to join the grape boycott, and he was sent to Toronto, Canada, paid five dollars a week, and provided free room and board at a Jesuit center. At the time that he signed up to go to Toronto, he did not realize he was going to another country. He had never been outside of California, he had never been on a plane, and yet he accepted the challenge. For two years, he built a boycott movement in Toronto, aligned labor and community organizations, and generated international support for the boycott. I was in Toronto last year to meet with the Central Labor Council, and they still remember Miguel. They recall the time that he spent in Toronto organizing the grape boycott and convincing labor unions, religious leaders, community organizations, and student groups to support the campaign.

My work with the United Farm Workers encouraged me to pursue a career as a labor attorney. I became a staff attorney for the Service Employees International Union (SEIU) back in the late 1980s, a time of tremendous transformation in the labor movement in Los Angeles. Our union had launched the “Justice for Janitors” campaign and a homecare organizing drive.³ There were many people in our union who were convinced that these campaigns were doomed to failure. How are we going to organize janitors? The workers were undocumented, worked in small teams at night with five, ten, fifteen workers per shift, and the turnover was high. The dominant view embraced by the majority of unions in the country was that immigrant workers could not be organized. Most unions

2. KENT WONG & MICHAEL VIOLA, *MIGUEL CONTRERAS: LEGACY OF A LABOR LEADER* (2009).

3. SERVICE EMPLOYEES INTERNATIONAL UNION, *JUSTICE FOR JANITORS, A Look Back and a Look Forward: 24 Years of Organizing Janitors*, <http://www.seiu.org/a/justice-for-janitors/justice-for-janitors-20-years-of-organizing.php> (last visited January 14, 2015).

believed that because of their immigration status, their fear of deportation, and their lack of knowledge about labor rights, immigrant workers would not join unions. But the janitors proved them wrong.

On June 15, 1990, during a peaceful rally of janitors in Century City, Los Angeles, the Los Angeles Police Department brutally beat and arrested the janitors.⁴ Dozens were sent to the hospital, and one woman suffered a miscarriage as a result of the beating at the hands of the police.⁵ This violent incident occurred before the union had won a single contract and before the union had been recognized. The organizers worried that the workers would be intimidated but in fact, the opposite occurred. This unprovoked attack only strengthened the janitors' resolve to fight back.

In many ways, June 15, 1990 was a turning point in the campaign that successfully reorganized the janitorial industry in Los Angeles. Not only did union density grow by leaps and bounds but more importantly, it demonstrated the power of immigrant worker organizing. The campaign proved that when unions develop creative organizing strategies backed by resources, immigrant workers could be organized.

Another breakthrough campaign was won in 1999 by the Los Angeles homecare workers. Again, many in our own union thought this campaign was a waste of time. There were tens of thousands of low-wage women workers, women of color and immigrants, each working in separate homes scattered throughout Los Angeles County. How could the union possibly organize them?

The organizing method utilized was a grassroots, community-based approach. Organizers went door to door to identify the homecare workers in their neighborhoods and organized small house meetings of three to five homecare workers. Long before formal union recognition, the campaign operated as if they were a union, including political mobilization actions. In 1999 after over a decade-long fight led by low-wage women of color, 74,000 homecare workers were successfully organized—the single largest union victory in the country in decades.⁶ Today, there are 250,000 homecare workers who are covered by union contracts in the state of California.⁷

4. Roger Waldinger, et al., *Helots No More: A Case Study of the Justice for Janitors Campaign in Los Angeles*, in ORGANIZING TO WIN 102 (Kate Bronfenbrenner et al., eds., 1998).

5. *Id.*

6. Peggie R. Smith, *Organizing the Unorganizable: Private Paid Household Workers and Approaches to Employee Representation*, 79 N.C. L. REV. 45, 73-74.

7. Jon Ortiz, *California Unions Have Big Stake in Supreme Court Dues Ruling*, THE STATE WORKER, THE SACRAMENTO BEE (Jun. 30, 2014, 8:00 PM), <http://www.sacbee.com/news/politics-government/the-state-worker/article2602613.html>; Kate Thomas, *Judge Orders State to Halt Wage Cut for California Home Care Workers*, SEIU BLOG (Jun. 25, 2009, 10:03 PM), <http://www.seiu.org/2009/06/judge-orders-state-to-halt-wage-cut-for-california-home-care-workers.php>.

These campaigns reflect the potential of future organizing, and especially immigrant worker organizing, within the country. For more than twenty years, I've been the director of the UCLA Labor Center. Much of our work has been focused on reaching out to low-wage workers, to workers of color, and to immigrant workers, and finding creative ways to forge new alliances, new coalitions, and new opportunities to envision a new labor movement for the new working class.

The American labor movement is in deep crisis. Union density is down from a high of about 35% in the 1950s to a low of 11.3% today, with only 6.7% unionization in the private sector.⁸ There have been concerted, organized, fierce attacks on unions throughout the United States. In Wisconsin, the governor rolled back fifty years of collective bargaining rights for public sector workers.⁹ Michigan has enacted "right-to-work" legislation.¹⁰ After an intense multi-year campaign in Tennessee, the union election at a major auto factory ended in defeat.¹¹

There have been fundamental changes in the US workforce. There are more part-time, temporary, and contingent workers than ever before.¹² The workforce is much more transitional. It is very unusual for workers to stay on the same job for twenty or thirty years, as we saw in generations past. There has been a massive shift from an industrial economy to an information and service-based economy. This is bad news for unions because historically it has been the industrial sectors that have had the strongest union presence, in industries such as auto, steel, rubber, aerospace and shipbuilding. The parts of the economy that are growing—high-tech, finance, the service sector, and fast food—have historically been nonunion jobs. The workforce is also changing to include more women, more people of color, and more immigrant workers.¹³

8. News Release, BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *Union Members 2013*, USDL-14-0095 (Jan. 24, 2014), available at <http://www.bls.gov/news.release/pdf/union2.pdf>; Steven Greenhouse, *Union Membership in U.S. Fell to a 70-Year Low Last Year*, N.Y. Times, January 21, 2011, <http://www.nytimes.com/2011/01/22/business/22union.html> (noting that the unionization rate peaked in the 1950s at 35%).

9. Paul M. Secunda, *The Wisconsin Public-Sector Labor Dispute of 2011*, 27 ABA J. LAB. & EMP. L. 293, 293-94 (2012); Jason Stein et al., *Walker Signs Budget Bill, Legal Challenges Mount*, JOURNAL SENTINEL (Mar. 11, 2011), <http://www.jsonline.com/news/statepolitics/117798133.html>.

10. Elizabeth Hartfield, *Michigan Governor Signs Right to Work Bill Into Law*, ABC NEWS (Dec. 11, 2012), <http://abcnews.go.com/Politics/michigan-governor-signs-work-bill-law/story?id=17934332>.

11. Lydia DePillis, *Auto Union Loses Historic Election at Volkswagen Plant in Tennessee*, WONKBLOG, WASHINGTON POST (February 14, 2014), <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/02/14/united-auto-workers-lose-historic-election-at-chattanooga-volkswagen-plant/>.

12. See U.S. GOV'T ACCOUNTABILITY OFFICE, EMPLOYMENT ARRANGEMENTS: IMPROVED OUTREACH COULD HELP ENSURE PROPER WORKER CLASSIFICATION 11 (2006), available at <http://www.gao.gov/assets/260/250806.pdf>.

13. See U.S. DEP'T OF LABOR, FUTUREWORK: TRENDS AND CHALLENGES FOR WORK IN THE 21ST CENTURY – EXECUTIVE SUMMARY 2, 11-12 (1999), available at <http://www.dol.gov/dol/aboutdol/history/herman/reports/futurework/execsum.pdf>.

The decline of the American labor movement is not a concern for union members alone; it is a concern for all workers. The decline in union density has resulted in growing economic inequality and growing corporate power, especially in politics. The recent Supreme Court decision in the *Citizens United* case¹⁴ has dealt a huge blow to campaign finance reform and subverted democratic principles. The result has been a massive infusion of independently financed corporate campaigns into the electoral process.

The challenge of building a new labor movement for a new working class is compelling, immediate, and addresses the very survival of the labor movement. The work of the Los Angeles labor movement represents hope for the future. Los Angeles unions have embraced immigrant workers, developed labor-community alliances, and organized beyond the bread-and-butter issues at the workplace to a broader vision of social justice that reaches all workers regardless of whether they are in a union or not.

Miguel Contreras played an historic role in changing the direction of the American labor movement, but it was not without a fight. Many union leaders resisted the idea that a farmworker, a person of color, could be the leader of the second largest labor council in the country. I remember working with Miguel when the national AFL-CIO convention came to Los Angeles in 1999. Miguel was the head of the Los Angeles labor movement,¹⁵ and he wanted to use the convention to make a statement, to showcase the organizing work of the Los Angeles labor movement, and to challenge the national leadership of the labor movement to embrace a change agenda.

Miguel led five hundred recently organized workers in Los Angeles, including janitorial, homecare, hotel, factory, and construction workers, on a march through the convention floor.¹⁶ The five hundred immigrant workers, women workers, and workers of color, carrying colorful banners and posters, marching, and chanting, were a sharp contrast to the predominantly older, male, white convention delegates.

At the same AFL-CIO convention, Miguel helped to orchestrate a debate on the AFL-CIO's national immigration policy. The hotel worker, service employee, and farmworker unions led the demand for the AFL-CIO to reverse its anti-immigrant policies and to embrace immigrant workers. This debate resulted in a major change of immigration policy within the AFL-CIO. The following year, the AFL-CIO announced a new policy

14. *Citizens United v. Federal Election Comm'n*, 588 U.S. 310 (2010).

15. At the time, Contreras headed the Los Angeles County Federation of Labor. Victor Narro, *AFL-CIO Convention: 'A Historic Opening in the Labor Movement,'* AFL-CIO 2013 CONVENTION (Oct. 18, 2013) <http://www.aflcio.org/About/Exec-Council/Conventions/2013/AFL-CIO-Now-Convention-2013/%28post%29/99661>.

16. *Id.*

supporting legalization and a pathway to citizenship for millions of undocumented workers in the country.

In 2000, Miguel Contreras organized a town hall meeting to celebrate the AFL-CIO's change in policy.¹⁷ The event was held at the downtown Los Angeles Memorial Sports Arena, with a sixteen-thousand-person capacity. Twenty thousand people attended, including thousands of workers who could not get inside the overcrowded stadium and instead staged a spontaneous march in solidarity around the arena. Immigrant workers were ecstatic that the American labor movement was siding with them, supporting their right to live and work in this country. This policy change was a major turning point for the American labor movement and their attitude toward immigrant workers.

In 2006, there were massive May Day demonstrations all over the United States. This was the largest May Day demonstration in US history, even bigger than in the 1930s during the height of the Great Depression.¹⁸ In Los Angeles, there were two separate May Day marches, each with a half-million people. The afternoon march began from MacArthur Park, and a sea of humanity filled the four-and-a-half-mile route along Wilshire Boulevard. María Elena Durazo, the leader of the Los Angeles County Federation of Labor, emceed the rally at the end of the march.

May Day 2006 was a reflection of the incredible energy and power of the immigrant worker movement in this country. The irony, however, is that the largest International Workers Day demonstration in US history was not led by the US labor movement but by immigrant workers themselves. In May Day demonstrations throughout the country, many unions were missing in action, a sign that some union leaders had not embraced the call to organize immigrant workers.

Los Angeles is at the cutting edge in immigrant worker organizing. Some of the most dynamic union organizing campaigns in the country are being led by immigrant workers in Los Angeles. And the organizing extends beyond the traditional boundaries of the formal US union structure to include a dynamic worker center movement. Last year, the UCLA Labor Center offered a six-month community scholars' class to conduct research on the growing role and impact of worker centers.

The worker center movement engages many workers who are explicitly excluded from coverage under the National Labor Relations Act (NLRA), including domestic workers, agricultural workers, workers in the informal sector, and workers who are wrongfully classified as independent

17. *Id.*

18. Democracy Now!, *Over 1.5 Million March for Immigrant Rights in One of Largest Days of Protest in U.S. History*, DEMOCRACY NOW! (May 2, 2006), available at http://www.democracynow.org/2006/5/2/over_1_5_million_march_for.

contractors.¹⁹ When Congress enacted the NLRA, there was a deliberate decision to exclude protection for certain groups of workers, especially workers of color and women, including African American agricultural workers from the South, Latino farmworkers from the Southwest, and domestic workers throughout the country.²⁰ Other workers have been miscategorized as independent contractors, including domestic workers, cabdrivers, truck drivers, and some service and construction workers.

The worker center movement grew in large part because of the need for workers to join together to fight for fair wages and working conditions, for immigrant rights, and for mutual aid and support. These worker centers in many ways mirror the early origins of the American labor movement, where workers came together for mutual benefit within certain trades and crafts and in specific communities.

For example, the National Day Laborer Organizing Network (NDLON) has done extraordinary work in building day labor centers in cities across the country to fight for the rights of day laborers, advocate for immigrant rights, and stop deportations.²¹ Day laborers have been on the forefront of many civil and human rights campaigns in the country. The Restaurant Opportunities Center United (ROC-UNITED), which has chapters across the country, has been a powerful advocate for the rights of restaurant and food workers.²² ROC-UNITED has worked to expose sweatshop conditions in the industry and to draw stronger links with workers throughout the food production chain. The National Taxi Worker Alliance has partnered with the labor movement to organize unions and establish independent worker centers to support cabdrivers.²³ In Los Angeles, the Pilipino Workers Center (PWC) worked with a statewide coalition to win landmark legislation around the Domestic Workers Bill of Rights in the state of California.²⁴ The Koreatown Immigrant Workers Advocates (KIWA) are forging alliances between Korean and Latino immigrant workers in Los Angeles.²⁵

The UCLA Labor Center is particularly proud of our work to support the car wash workers of Los Angeles. There are ten thousand car wash workers in the Los Angeles area. The car wash industry has been notorious

19. See 25 U.S.C. § 152(3) (2012).

20. Juan F. Perea, *The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act*, 72 OHIO ST. L.J. 95, 96-97 (2011).

21. NATIONAL DAY LABORER ORGANIZING NETWORK, <http://www.ndlon.org/en/> (last visited Jan. 15, 2014).

22. RESTAURANT OPPORTUNITIES CENTER UNITED, <http://rocunited.org/> (last visited Jan. 15, 2015).

23. NATIONAL TAXI WORKERS ALLIANCE, <https://nytwa.org/> (last visited Jan. 15, 2015).

24. PILIPINO WORKERS CENTER, <http://pwsc.org/> (last visited Jan. 15, 2015).

25. KOREATOWN IMMIGRANT WORKERS ALLIANCE, kiwa.org (last visited Jan. 15, 2015).

for horrendous workplace abuse: wage theft, blatant violations of the minimum wage, denial of breaks, and abysmal health and safety conditions with injuries from toxic chemicals and unsafe heavy machinery. Students enrolled in classes taught by the UCLA Labor Center conducted path-breaking research and prepared reports that were instrumental in advancing state legislation to strengthen regulation of the car wash industry.²⁶ This research was also crucial in the launch of an organizing campaign by the AFL-CIO and the United Steel Workers of America. Former UCLA students have been hired as key organizers for this campaign.

In the last two years, twenty-six car washes have been successfully unionized in Los Angeles County,²⁷ the first unions in the car wash industry in the country. Now there are car wash organizing campaigns in Chicago and New York. The car wash campaign has had a major impact in the immigrant community and in promoting a collective identity for car wash workers. In union gatherings throughout Los Angeles, when the car wash workers are introduced, people stand up and cheer. The car wash workers are now part of the movement for rights, respect, and dignity.

Last year in September 2013, Los Angeles hosted the AFL-CIO national convention for the first time since 1999 when the debate on immigration was launched. In 1999, the National Day Labor Organizing Network organized a solidarity contingent to support the AFL-CIO convention in Los Angeles. When they arrived with their banners and their signs, a group of convention delegates surrounded them and physically pushed them out of the convention hall, chanting, “scab, scab, scab.” At that time, it was not uncommon for union leaders to call immigration authorities to report day laborers seeking work on the street corner.

The AFL-CIO convention in 2013 was a completely different environment. The AFL-CIO gave a human rights award to the International Domestic Workers Alliance worker center. Groups of domestic workers from many parts of the developing world and the United States, mostly women of color, marched onto the convention floor singing. The *Jornaleros del Norte*, the band from the National Day Labor Organizing network, performed. Bhairavi Desai, the executive director of the National Taxi Workers Alliance, an independent worker center, was elected to the AFL-CIO executive council. She is the only Asian on the executive council and its first representative of a worker center.

26. See, e.g., Matt Parker, *Wage, Labor, and Safety Conditions in the California Carwash Industry* (2006) (unpublished paper, UCLA Department of Urban Planning, on file with UCLA Labor Center).

27. Interview with Justin McBride, Campaign Director, CLEAN Carwash Campaign, in L.A., Cal. (Feb. 26, 2015).

Tefere Gebre, an immigrant from Ethiopia, was elected as the executive vice president.²⁸ He is the first immigrant to be a top officer at the AFL-CIO.²⁹ Gebre was formerly the leader of the Orange County Labor Federation where he transformed the labor movement in one of the most conservative parts of California and built powerful labor-community alliances.³⁰ He expanded the vision of the Orange County Labor Federation to include worker centers and the community. The UCLA Labor Center is working together with the Orange County Labor Federation to build a new labor and community center at UC Irvine to provide research and educational support to growing labor-community alliances in Orange County.

The change in the AFL-CIO convention from 1999 to 2013 was extraordinary. The leaders of the American labor movement now embrace labor-community alliances, partnerships between unions and worker centers, the fight for immigrant rights and a path to citizenship for eleven million undocumented immigrants, and an end to the deportations. In many ways, this change has grown out of crisis. The labor movement needs to stop focusing the vast majority of its resources on a shrinking segment of the US workforce and instead represent the interests of the new US working class. This should be a time for experimentation, new ideas, and new campaigns that will be marked by both success and failure. New approaches sometimes don't work. But risk-taking and experimentation is necessary to transform and change the American labor movement.

This brings me full circle to my own beginnings in the labor movement with the United Farm Workers of America. The UFW experienced both success and failure but ultimately pioneered immigrant worker organizing and many innovative ideas that are now embraced by the mainstream American labor movement. In the words of the United Farm Workers of America, *Sí Se Puede!*

28. Dave Jamieson, *At AFL-CIO, An Immigrant's Rise to Vice President Reflects New Opportunities, New Strategies*, HUFFPOST POLITICS (November 11, 2013, 1:33 pm EST), http://www.huffingtonpost.com/2013/11/11/tefere-gebre-afl-cio_n_4254990.html.

29. *Id.*

30. *Id.*

