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THE SIGNIFICANCE OF WORKER ATTITUDES:
INDIVIDUALISM AS A CAUSE FOR LABOR’S DECLINE

Sharon Rabin Margalioth*

I. INTRODUCTION

In the past four decades, there has been a continuous decline in union density in the United States’ private sector workforce.\(^1\) Theories focusing on factors such as competitive global markets,\(^2\) employer resistance,\(^3\) structural change,\(^4\) and legal obstacles\(^5\) have been offered in an

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1. Union membership declined in 1996 to 10.2% of the private nonagricultural workforce. Total union density in all sectors stood at 14.5%. The unionization rate remains significant only in the public sector, where unions represent 37.7% of government workers. See Bureau of Labor Statistics, Employment and Earnings, 211-13 tbls.41-42 (Dep’t Labor 1997). The peak of union membership was 1953, when unions represented 35.7% of workers in the private sector. See LEO TROY & NEIL SHEFLIN, U.S. UNIONS SOURCEBOOK: MEMBERSHIP, FINANCES, STRUCTURE, DIRECTORY, A, A-I (1st ed. 1985).

2. Under this view, the rise of competitive global markets, and the deregulation of certain industries, is preventing labor from being able to “take ‘wages out of competition’ by imposing like terms on all competitors operating in the same market.” Samuel Estreicher, Labor Law Reform in a World of Competitive Product Markets, 69 CHI.-KENT L. REV. 3, 13 (1993); The Dunlop Report and the Future of Labor Law Reform, 12 LAB. LAW. 117, 118 (1996).

3. The employer-resistance thesis argues that employer tactics in resisting union organizing efforts, both legal and illegal, are the main causes of union decline since the 1950s. The two principal employer violations that undermine the success of organizing efforts are discharge of union supporters and refusal to bargain in good faith with newly certified unions. See Paul C. Weiler, Promises to Keep: Securing Workers’ Rights to Self-Organization Under the NLRA, 96 HARY. L. REV. 1769, 1770-78 (1983); Striking a New Balance: Freedom of Contract and the Prospects for Union Representation, 98 HARY. L. REV. 351, 354-56 (1984).

4. Professor Troy, for example, argues that the manufacturing industries that have traditionally been unionized are declining, whereas growth in the traditionally non-union service is largely responsible for the overall decline in unionization rates. See Leo Troy, Is the U.S. Unique in the Decline of Private Sector Unionism?, 11 J. LAB. RES. 111, 120-24 (1990).

5. The list of obstacles includes: the right of employers to permanently replace economic strikers; the inability to force an employer to recognize a union based on authorization cards; the
attempt to explain current union density. These theories overlook the importance of the social factor in explaining labor’s decline.

This paper argues that shifts in general social attitudes respecting individualism have altered the predisposition of workers to consider collective solutions to workplace problems. The theory does not attempt to be encompassing, and can coexist with other explanations of union decline. The purpose of this paper is to shed light on an explanatory variable that has been neglected in past research.

A. The Behavioral Approach: Theoretical Structure

1. The Central Role of Attitudes Towards Collective Action

A crucial factor in the decline of labor is a change in the social attitudes of the American workforce. The traditional trade union does not appeal to the American worker. Americans are not attracted to unionization because they are increasingly inhospitable to collective action. Individualism has come to dominate the American social structure and thought. The traditional labor organization is based on an opposing ideology of mutual aid and support, in which individual interests yield to group interests and in which feelings of solidarity and class membership are of pivotal importance.

In addition, the “utilitarian individualism” that once ruled the economic and social structure of American society is being replaced by an “expressive individualism” — a new form of individualism that focuses on subjective self-realization. The “new” American worker is seeking an interesting and fulfilling job, where he can realize his expressive self and feel that he is an integral, contributing member of the organization. Historically, trade unions promoted “bread and butter” goals focusing on the economic aspects of the job, such as higher wages and job security. Traditional unions have been less interested in securing employee rights to participate as equal partners in the workplace. The philosophy
of "bread and butter" unionism is still dominant in the American labor movement, deterring many potential members from supporting a union in their workplace.

2. The Link Between Workers' Attitudes and Voting Behavior

The behavioral approach analyzes the state of union membership from the individual worker's perspective. It focuses on the underlying factors of the personal decision whether to support a union or not. Accordingly, it seeks to understand which predictors are most reliable in estimating the outcome of a National Labor Relations Board ("NLRB") election. Several surveys indicate that the best predictor of an outcome of a union certification election, and the personal decision whether to support a union or not, is the attitudes of workers towards unionism in general.

The Getman-Goldberg-Herman study of the 1970s demonstrated that the strongest determinant of an NLRB election outcome was workers' general attitudes towards unions. The authors found a correlation between union attitudes and votes in NLRB elections of 0.62. In 1978, Chester Schriesheim conducted a similar study. This study found that pro-union voting was strongly correlated to pre-election positive atti-

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7. See id. at 58. "Favorable attitudes towards unions in general lead to a strong predisposition to vote for representation." Id. The authors created an attitude index towards unionization (prior to the election campaign). See id. Union attitudes "ranged from a low score of 8 to a high score of 32." Id. The average pro-union voter’s score was 26. See GETMAN ET AL., supra note 6, at 58. The average anti-union voter’s score was 15. See id. Employees with a score of 22 or higher favored union representation by approximately 3 to 1. See id. Those with a score of less than 22 were opposed to the union by more than a 4 to 1 margin. See id. at 59. The authors used the index to predict accurately 79% of the vote in the subsequent NLRB elections. See id. Intent prior to campaign was the best single predictor of vote: 94% of the workers “intending to vote for the company did so, as did 82% intending to vote for the union.” GETMAN ET AL., supra note 6, at 64-65. The data undermine the NLRB’s assumption “that pre-campaign intent is tenuous” and employee attitudes are “easily changed by the election campaign,” and in particular by employers’ resistance tactics. Id. at 53. There is, of course, a substantial critical literature that has emerged in response to the Getman-Goldberg-Herman study.
8. See Chester A. Schriesheim, Job Satisfaction, Attitudes Toward Unions and Voting in a Union Representation Election, 63 J. APPLIED PSYCHOL. 548 (1978). The study utilized a sample of 59 production workers, working for a medium-sized plastic injection molding company in the Midwest, and investigated factors such as economic and non-economic job satisfaction, attitudes towards unions in general and attitudes towards the local union as determinants of NLRB voting behavior. See id. at 548-49.
attitudes toward unions in general (a 0.51 correlation).9 Finally, a study conducted in Canada, on a group of high school and university students that were not yet employed, showed that attitudes towards unionism in general, and especially the subjects' perception of their parents' union attitudes, were strong predictors of willingness to join a union.10 This study supports the conclusion that predisposition to vote for a union is influenced by non-job factors that shape the individual long before a vote for against a union is held.11

These studies plainly indicate that a serious attempt to explain labor's decline in the recent decades must also take into account social attitudes of workers. A theory that disregards these aspects cannot be complete.12 This paper attempts to provide an account of the fundamental change in worker attitudes towards unions in the United States in the past forty years.

3. Decreased Demand for Union Representation

The explanation offered in this paper for the decline in unionization falls within the broad category of theories that emphasize the decline in "demand" for union representation as a principal reason for labor's fall.

Survey data is consistent with the claim that a decrease in demand for union representation is present. Examining the statistics reveals the following picture: Since 1977 approximately thirty percent of the non-union workforce typically answers "yes" to questions normally worded as follows: "If a union representation election were held on your job, how would you vote?"13

9. See id. at 550.
11. For a study from the 1950s which points to the same conclusion, see Joel Siedman et al., Why Workers Join Unions, in UNIONS, MANAGEMENT, AND THE PUBLIC 92, 94-93 (Edward W. Bakke & Clark Kerr eds., 3d ed. 1967).
Proponents of "supply"-based theories of union decline rely on this persistent finding — that thirty percent of the non-union workforce consistently report that they would prefer union representation — to support their argument that a union representation gap exists, and that unions are not expanding to their full capacity because of legal constraints and employer resistance. But the fact that the frustrated demand rate remains constant at around thirty percent, even when overall union density has decreased significantly over the years, suggests a decline in demand rates. The constant thirty percent frustrated demand rate over the years may simply be a product of use of the majority rule in deciding the outcome of NLRB representation elections.

"Demand"-based explanations have been emphasized by Professors Farber and Kruger, who argue that virtually all of the decline in union density between 1977 and 1991 is due to a decline in demand for union representation — a decline in demand related to increased levels of job satisfaction with pay and job security. However, the authors fail to explain the increasing proportion of workers claiming they are satisfied with both job security and pay during a period of stagnant real wages. This suggests that another factor is at play at determining the level of demand for unionization.

19. See id. at 118-20.
20. See id. at 123.
Theories based on decline in demand can be categorized in terms of three broad models. Model A has its roots in cognitive dissonance theory. It posits job dissatisfaction as setting into motion a search to end the uncomfortable dissonance between what is desired in terms of pay and other conditions of work, with what is actually obtained. To that effect the search results with the employee making a judgment as to whether to support a union as a means of obtaining the wished-for level of employment-related outcomes, thereby ending the dissonance.

Model B is derived from utility theory. A decision to support a union is based on whether it will have positive utility consequences for the worker making the decision. Model C, unlike the other two models, is not based on a notion of calculated rationality. Instead, it states that the unionization decision is based entirely on political/ideological beliefs.

My theory is a mixture of models A and C. It is closer to Model C in that it stresses the importance of ideological beliefs and attitudes, however, it remains congenial to the instrumental approach that underlies Model A, in that workers do not opt for unionization because they no longer perceive the product that traditional unions offer relevant to mitigating their dissatisfaction on the job. This is because economic gains are of less pivotal importance than they were in the past. Workers are seeking intrinsic rewards, which “bread and butter” unionism is not equipped to deliver.

B. Individualism in the United States

Fundamental social attitudes are drifting in the direction of individualism. This drift can be defined in two distinct ways. First, there is the changing face of the traditional individualistic society in the United States, from utilitarian individualism toward expressive individualism.

22. See id.
23. See id.
24. See id.
25. See id.
26. See Wheeler & McClendon, supra note 21, at 50-51.
27. See id. at 51.
28. See id.
Secondly, there is a passage from a somewhat more collectivist social orientation to an extreme individualistic solitary society.\textsuperscript{30}

1. The Shift From Utilitarian to Expressive Individualism

In the influential book \textit{Habits of the Heart},\textsuperscript{31} Robert Bellah and his co-authors describe American individualism and its effect on social behavior and American culture. They come to the conclusion that individualism lies at the very core of contemporary American culture.\textsuperscript{32} In their view, the twentieth century has witnessed a shift from what they define as utilitarian individualism towards expressive individualism.\textsuperscript{33} Expressive individualism holds that each person has a unique core of feeling and intuition that should unfold or be expressed if individuality is to be realized. It has little to do with material acquisitions.\textsuperscript{34} This form of modern individualism entails the creation of an ever-increasing list of individual rights and personal autonomy in every new realm, consequently, molding a solitary society in which people are on the one hand lonely and untrusting and on the other hand very self-centered.\textsuperscript{35}

On this account, nineteenth century individualism was fairly limited.\textsuperscript{36} Freedom of choice had meaning primarily in the economic and political realms, not in one’s personal life.\textsuperscript{37} Economic concepts such as laissez-faire and freedom of contract dominated.\textsuperscript{38} Property rights and markets were the core of free choice.\textsuperscript{39} In all other spheres of life, society continued to follow a code of traditional values, to enforce respectable behavior that did not offend time-honored norms.\textsuperscript{40} People depended on one another. Social disapproval could easily block success. The social structure was based on moderation, self-control, discipline, traditional mores and the norms of the group.\textsuperscript{41} People were set free

\begin{itemize}
\item \textsuperscript{30} See AFL-CIO REPORT, supra note 15, at 15.
\item \textsuperscript{31} See BELLAH, supra note 29.
\item \textsuperscript{32} See id. at 46.
\item \textsuperscript{33} See id. at 34.
\item \textsuperscript{34} See id.
\item \textsuperscript{35} See id. at 37.
\item \textsuperscript{37} See id. at 27.
\item \textsuperscript{38} See id. at 37.
\item \textsuperscript{39} See id. at 28.
\item \textsuperscript{40} See id. at 30.
\item \textsuperscript{41} See FRIEDMAN, supra note 36, at 30.
\end{itemize}
from economic restraints but remained bound to past social values. Socializing forces such as the authority of the family, neighbors and preachers remained intact. People were expected to take care of themselves, work hard and walk in traditional paths. In short, people did not choose their lifestyle. This is perhaps the meaning of Bellah’s concept of utilitarian individualism.

By contrast, contemporary individualism is dominated by ideas such as free choice in all aspects of life, the right to develop oneself, and to build one’s own life uniquely, through free and open selection of styles of living. It stresses self-expression, the right to freely develop and unfold one’s unique personality. It promotes ideas such as subjective achievement, which are not connected solely to economic success.

The polling expert, Daniel Yankelovich reflects this change through his surveys. Through the 1950s, his survey used questions like “Will I be able to make a good living?” and “Will I be successful?” Americans in the 1970s, on the other hand, pondered more introspective matters: “How can I find self-fulfillment?” “What does personal success really mean?” and “What kind of commitments should I be making?” By the 1970s, most Americans were involved in projects to prove that life can be more than a grim economic chore. Americans from all walks of life were suddenly eager to give more meaning to their lives, and to find fuller self-expression that adds a touch of grace to their lives. Where strict norms had prevailed in the fifties, now pluralism and freedom of choice ruled. Yankelovich’s surveys find that seventy-two percent of Americans spend a great deal of time thinking about themselves, and their inner lives — this in a nation that was once notorious with its impatience with inwardness.

42. See id. at 32.
43. See id.
44. See id.
45. See BELLAH, supra note 29, at 339.
46. See FRIEDMAN, supra note 36, at 35-38.
47. See HARRY C. TRIANDIS, INDIVIDUALISM AND COLLECTIVISM 46 (1995) (providing that middle and upper class Americans are achievement oriented and are particularly concerned about their relative achievement levels).
49. See id.
50. See id.
51. See id.
52. See id. at 5.
In relation to aspects of one's professional life, the dominance of expressive individualism caused a shift in the way Americans perceive work. In the past, work was conceived as a "job," a way of making money and making a living — a view more sympathetic with utilitarian ideas.51 Today there is a more sophisticated sense of work as a "career," which traces one's progress through life by achievement and advancement in an occupation.52 It is subject to a broader definition of success, which takes into account social standing, prestige, personal achievement and contribution in the workplace as well as one's own self-esteem.53

2. Concept of a Good Job Through the Late 1950s

In 1945, Edward W. Bakke published his often cited article, Why Workers Join Unions.56 Bakke found, based on interviews he directed, that workers define success at work in terms of economic security and the respect of others.57 Ely Chinoy, another prominent sociologist of the period, in his study of automobile production workers found that workers in an assembly plant focused either on immediate gains, on material possessions or on advancement in pay or job assignments.58 In 1957, Frederick Herzberg reviewed prior surveys concerning workers' job attitudes.59 The factor found to be most important to employee job attitudes was security, which included steadiness of the company's position, stability of employment security, continuous work prospects and seniority.60 Herzberg's study indicated that the factor most contributing to worker dissatisfaction was wages.61 Also in that year, a study was published by Gladys Palmer regarding attitudes towards work of residents.

53. See infra notes 56-65 and accompanying text.
55. See id.
57. See id.
59. See FREDERICK HERZBERG, JOB ATTITUDES: REVIEW OF RESEARCH AND OPINION 44 (1957). The author compiled 16 studies concerning job attitudes, covering over 11,000 employees, without regard to education, sex, occupation and level of skill. See id.
60. See id. at 48.
61. See id. (compiling findings from 15 studies concerning factors contributing either to employee satisfaction or dissatisfaction which covered over 28,000 employees).
of Norristown, an industrial community in Pennsylvania. The residents of Norristown had relatively modest goals, where security of income or savings, achievement in work, and a generally happy and comfortable life predominated. Respondents emphasized raising children who turn out well, and enjoying happy family relations and friendships. Regarding the concept of success, forty percent of the workers emphasized economic security, thirty-one percent emphasized achievement on the job, and twenty percent stressed non economic goals outside work (four percent: happy family relations, and sixteen percent: other goals).

3. Concept of a Good Job Since the 1960s

In sharp contrast, more recent studies and surveys sketch a dramatically different picture about attitudes toward work. The 1969 Working Conditions Survey provides a first empirical glimpse of a shift in attitudes towards work in the late 1960s. The findings included a presentation of correlations, for all occupational levels, between characteristics of the job and overall job satisfaction.

62. See Gladys Palmer, *Attitudes Toward Work in an Industrial Community*, 63 AM. J. SOC. 17, 18 (1957). The study included a combination of lifetime work histories and answers to a variety of attitude questions based on a random sample of 797 residents of Norristown, Pennsylvania in 1952; 517 of the respondents were in the workforce, 23 were retired, and 257 were women not in the workforce. See id. at 18 n.5.

63. See id. at 19.

64. See id.

65. See id. at 20.

66. See Neal Q. Herrick & Robert P. Quinn, *The Working Conditions Survey as a Source of Social Indicators*, 94 MONTHLY LAB. REV. 15, 115 (Apr. 1971). The survey was undertaken in November 1969 by the Survey Research Center of the University of Michigan. See id. It was based on a representative sample of 1533 United States workers at all occupational levels who were 16 years of age or older and who worked at least 20 hours a week. See id.

67. See id. at 22.
Individualism as a Cause for Labor's Decline

Ranking of Aspects of Job Correlation

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Aspect of Job</th>
<th>Correlation with Job Satisfaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Having a supervisor who takes personal interest in those he supervises</td>
<td>.37</td>
</tr>
<tr>
<td>2.</td>
<td>Receiving adequate assistance</td>
<td>.32</td>
</tr>
<tr>
<td>3.</td>
<td>Feeling that one's employer handles promotions fairly</td>
<td>.31</td>
</tr>
<tr>
<td>4.</td>
<td>Having a supervisor that does not supervise too closely</td>
<td>.30</td>
</tr>
<tr>
<td>5.</td>
<td>Having autonomy in deciding matters that affects one's work</td>
<td>.28</td>
</tr>
<tr>
<td>6.</td>
<td>Having a job with enriching demands</td>
<td>.26</td>
</tr>
<tr>
<td>7.</td>
<td>Receiving higher paid vacation</td>
<td>.20</td>
</tr>
<tr>
<td>8.</td>
<td>Feeling secured against job loss</td>
<td>.20</td>
</tr>
<tr>
<td>9.</td>
<td>Receiving adequate income to pay usual monthly expenses and bills</td>
<td>.17</td>
</tr>
<tr>
<td>10.</td>
<td>Having a high total annual income from one's job</td>
<td>.16</td>
</tr>
</tbody>
</table>

We can infer from this data that intrinsic aspects of work have become more important to employees since the fifties. The importance of job security and levels of pay dropped, while other issues such as personal treatment by supervisors, autonomy, and challenging work were now occupying the American worker.

In 1973, a special task force presented the report Work in America to the Secretary of Health, Education and Welfare. Among the committee’s findings was that a significant number of American workers were dissatisfied with the quality of their working lives. Workers were discontented with their dull repetitive tasks. Jobs, at all occupational levels, were found to offer little challenge or autonomy. The task force reasoned that dissatisfaction with work was a result of the rapid changes in worker attitudes, aspirations and values. This was thought to be at-
tributable to a general increase in educational and economic status, placing many American workers in a position in which having an interesting job was as important as having a job that pays well.\(^7\) Another finding was that young workers were rebelling against the anachronistic authoritarian structure of the workplace.\(^7\) The task force concluded that what workers wanted were to become the masters of their immediate environment and to feel that their contribution in the workplace was significant.\(^7\) Workers were seeking more autonomy in tackling their tasks, greater opportunity to increase their skills, and greater participation in the design of work and the formulation of their work.\(^7\)

The task force also relied on the 1969 Working Conditions Survey, discussed above, in which respondents ranked various aspects of the job in this order of importance:\(^7\)

<table>
<thead>
<tr>
<th>ORDER OF IMPORTANCE</th>
<th>ASPECT OF JOB</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Interesting job</td>
</tr>
<tr>
<td>2.</td>
<td>Enough help and equipment to get the jobs done</td>
</tr>
<tr>
<td>3.</td>
<td>Enough information to get the job done</td>
</tr>
<tr>
<td>4.</td>
<td>Enough authority to get the job done</td>
</tr>
<tr>
<td>5.</td>
<td>Good pay</td>
</tr>
<tr>
<td>6.</td>
<td>Opportunity to develop special abilities</td>
</tr>
<tr>
<td>7.</td>
<td>Job security</td>
</tr>
</tbody>
</table>

We can detect the transformation from the 1950s in which data indicated that the most important factors were job security and wages.

The most consistent complaint reported to the task force was the failure of bosses to listen to workers who sought to propose better ways to do their jobs.\(^7\) The committee concluded that the younger generation was expecting considerable intrinsic rewards from work.\(^7\) It should be

\(^{73.}\) See WORK IN AMERICA, supra note 68, at XVI.
\(^{74.}\) See id.
\(^{75.}\) See id.
\(^{76.}\) See id. at 13.
\(^{77.}\) See id.
\(^{78.}\) See WORK IN AMERICA, supra note 68, at 37.
\(^{79.}\) See id. This finding was based on two surveys conducted by Daniel Yankelovich. See id. A 1960 survey of over 400,000 high school students was repeated for a representative sample in 1970 and the findings showed a marked shift from students valuing job security and opportunity for promotion in 1960 to valuing "freedom to make my own decisions" and "work that seems important to me" in 1970. Id. In the 1970 survey, students ranked the opportunity to make a contribution and a chance to find self-expression at the top of the list of criteria for their job career.
emphasized that the report focused mainly on blue collar workers, the traditional supporters of unions. It describes the blue collar worker as suffering from "blue collar blues," an extreme dissatisfaction with the intrinsic aspects of the job.

In 1985, the AFL-CIO Committee on the Evolution of Work found, based on a "Union Image Survey" that Americans by in large were seeing themselves as independent, self-confident, self-reliant and skeptical of authority. Workers were becoming more insistent on securing more freedom in the workplace. The AFL-CIO group acknowledged that it was becoming increasingly true that the measure of a good job is a job granting a significant measure of autonomy; Americans were less likely to see work as a straight economic transaction providing a mean for survival and more likely to see it as a means of self-expression and self-development.

C. Individualism and the Unionization Decision

1. Why Do Workers Join Unions

Trade unions in the U.S. were historically founded on the philosophy of "bread and butter" or "business" unionism in which workers, through their unions, act concretely to secure better wages and conditions of work. On this account, unions are principally concerned with

80. See id. at 25. The report state that:
A silent majority suffers from "blue collar blues." It is not confined to sex, or income. It is associated with the conditions of life at work. It is not connected to adequate pay, reasonable security, safety, or convenience of the job. But to the worker's values, his chances to perform well, and his chances to contribute something personal and unique to his work.
Id.
83. See id. The survey was prepared in 1984 by Louis Harris and Associates on behalf of the AFL-CIO; 1452 employees were polled on issues relating to attitudes towards union representation. See id.
84. See id.
improving the economic terms of the labor contract. This philosophy has not changed with the years, and workers themselves continue to view the main advantages of a unionized workplace in terms of greater economic benefits, not as a mechanism for employee participation.

In a 1945 survey conducted by the Opinion Research Organization, 3663 adults were questioned on what were the good points of unions:

<table>
<thead>
<tr>
<th>BENEFITS OF UNIONIZATION</th>
<th>PERCENTAGE AGREEING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fighting for higher wages</td>
<td>40%</td>
</tr>
<tr>
<td>Giving labor a voice</td>
<td>25%</td>
</tr>
<tr>
<td>Improving working conditions</td>
<td>17%</td>
</tr>
<tr>
<td>Shortening the work week</td>
<td>9%</td>
</tr>
<tr>
<td>Providing job security</td>
<td>8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>99%</strong></td>
</tr>
</tbody>
</table>

Fifty years later, we receive fairly similar responses from a survey conducted by Princeton Survey Research Associates.

<table>
<thead>
<tr>
<th>BENEFITS OF UNIONIZATION</th>
<th>PERCENTAGE AGREEING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Better pay and working conditions</td>
<td>41%</td>
</tr>
<tr>
<td>More respect and fair treatment on the job</td>
<td>22%</td>
</tr>
<tr>
<td>More say in workplace decisions</td>
<td>14%</td>
</tr>
</tbody>
</table>

86. See id.

87. See generally Richard B. Freeman & James L. Medoff, What Do Unions Do? (1984). The authors suggest two different concepts of the role of unions. See id. at 5-6. First, unions seek to promote wage-premium and job-control policies that improve the welfare of members because of their ability to cartelize labor markets. See id. at 6-7. Second, unions offer a responsive mechanism for employee voice, promoting long-term commitment to the firm and investment in firm-specific skills. See id. at 7-11. In the Freeman-Medoff conception, unions play both roles and whether unions are good or bad for society depends on empirical questions over the aggregate net costs and benefits of both. See id. at 5. For the view that unions continue to see traditional cost-adding wage and job control policies as their primary product, see Samuel Estreicher, Freedom of Contract and Labor Law Reform: Opening up the Possibilities for Value-Added Unionism, 71 N.Y.U. L. REV. 827, 832 (1996).

88. See Roper Center at University of Connecticut, Opinion Research Corporation Poll (1945) (unofficial source on file with the Hofstra Labor & Employment Law Journal).

Thomas Kochan’s analysis of data from the 1977 Quality of Employment Survey\(^9\) indicates that most American workers at least then believed that the principal role of trade unions was to improve wages (eighty-six and one-half percent) and job security (eighty point two percent).\(^9\) Union members were also asked how good a job their unions were doing in addressing various issues on the job:

\[
\begin{array}{|c|c|}
\hline
\text{ISSUES ADDRESSED BY THE UNION} & \text{MEAN SCORE FOR HOW GOOD A JOB THE UNION WAS DOING} \\
\hline
\text{Wages} & 3.04 \\
\text{Say on the job} & 2.44 \\
\text{Interesting job} & 2.17 \\
\text{Say in business} & 2.16 \\
\hline
\end{array}
\]

* Ratings were valued on a 4-point scale, with “Not good at all” worth 1 point and “Very good” worth 4 points. The mean was calculated as the average value of responses.\(^9\)

Kochan concluded from these survey responses that emphasis on “bread and butter” issues promotes unionization.\(^9\)

Other studies confirm that dissatisfaction with the economic aspects of the job is more likely to be correlated with a pro-union vote, than dissatisfaction with intrinsic factors, such as the content of the job itself.\(^9\) Chester A. Schriesheim’s work found a correlation of -0.74 between total economic satisfaction and pro-union voting, but only a -0.38 correlation between total non-economic satisfaction and pro-union voting was reported.\(^9\) Kochan similarly found a -0.297 correlation coeffi-

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90. See Kochan, supra note 85, at 23. The 1977 Quality of Employment Survey of 1,515 workers was conducted for the Department of Labor by the Survey Research Center at the University of Michigan. See id.
91. See id. at 24 tbl.1.
92. See id. at 30 tbl.4.
93. See id. at 25.
94. See Kochan, supra note 85, at 25.
95. See Chester A. Schriesheim, Job Satisfaction, Attitudes Toward Unions and Voting in a
cient between willingness to join a union and satisfaction with "bread and butter" issues, and only 0.160 correlation between willingness to join a union and desire for influence on the job. Among workers who believe it is their right to have greater participation on their job, "only those who are unable to influence their work environment through other, more informal, individualistic, or employer-initiated participation programs are likely to turn to unions as an alternative."  

2. Expressive Individualism and the Decision to Join

The question arises whether the general shift in American attitudes towards greater concern with the intrinsic, expressive aspects of employment has rendered unions less attractive instrumentalities for achieving worker goals.

Unions rose to the fore in the era in which "scientific management" principles held sway. Frederick Taylor's philosophy of work organization argued that there should be a complete separation between managerial decisions regarding the operation of the business, and the workers who perform the tasks assigned by management. This management philosophy meshed well with the concept of "bread and butter" unionism. The union was not expected to interfere with managerial decisions, and workers were satisfied as long as the union was able to deliver better pay and working conditions. Workers did not want a say in managerial decisions, and showed no great interest in how their union was able to accomplish gains at the bargaining table. This scheme also led

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96. See Kochan, supra note 85, at 25-26.
97. Id. at 26.

An employee representation plan is functionally an attempt to overcome inadequacies in company structure. It does so by providing more adequate communication from and to management. It is not surprising that there is generally lukewarm response on the part of workers. They have little interest in communication for its own sake. Furthermore, employees have relatively little interest in improving and perfecting inadequacies in the management of organizations... [The worker sees the union] as an instrument for providing adequate bread and butter to him through his job... [H]e will judge the union and continue his allegiance to it in proportion to its ability to deliver to him better contract terms and more adequate administration of agreements.

Id.

100. See, e.g., Edwin M. Chamberlin, What Labor is Thinking, 14 PERS. J. 118 (1935) (discussing a survey of 200 Textile male workers in Massachusetts indicating little interest in what goes on behind the scenes in labor-management conferences).
to the development and acceptance of adversarial relationships between labor and management and the assumption that one side’s gain is the other side’s loss.\textsuperscript{101}

There is reason to believe that the historic congruence between worker aspirations, management philosophy and “bread and butter” unionism is undergoing a fundamental change. The recent survey conducted by the Princeton Survey Research Associates at the direction of Richard Freeman and Joel Rogers reveals that Americans now want more say in their workplace, and are currently unsatisfied with the nature of their participation in workplace decision-making.\textsuperscript{102} There seems to exist a “participation gap” between workers’ actual ability to influence decisions that directly affect them, and the amount of influence they actually desire.\textsuperscript{103} Union membership seems to do little to close the participation gap.\textsuperscript{104}

The quest for participation in managerial decisions discourages employees from considering representation by unions, which are associated with adversarial relations between management and labor. A 1988 Gallup Study of Public Knowledge and Opinion concerning the labor movement indicates that an overwhelming majority (ninety percent) of respondents believed that employees should have an organization to discuss and resolve concerns with their employer.\textsuperscript{105} But sixty percent held the view that the presence of a union increases tension


\textsuperscript{102} See Freeman & Rogers, \textit{Wave One}, supra note 89, at 11. The survey was conducted in two waves. \textit{See id.} In wave one, phone interviews were conducted in late 1994 of 2408 adults employed nationwide in private companies or non-profit organizations. \textit{See id.} at i. The information gathered sought to answer three core questions: (1) Do employees want greater participation and representation at their workplace than is currently provided? (2) What do employees see as essential to attaining their desired level of participation and representation? (3) What solutions do employees favor to resolve any gap between their desired participation/representation and what they currently have? \textit{See id.} at 11; Freeman & Medoff, supra note 87, at 5-11. Wave two involved a follow-up interview in which 801 respondents who took part in the initial survey were questioned again in January 1995 to explore in greater depth the information analyzed by the first survey. \textit{See Freeman & Rogers, \textit{Wave Two}, supra note 89, at 1.}

\textsuperscript{103} See Freeman & Rogers, \textit{Wave One}, supra note 89, at ii.

\textsuperscript{104} In fact, union members are less likely than non-union workers to say they are very or somewhat satisfied with their ability to influence company decisions: 69% of union members were satisfied with this aspect of their jobs, compared to 76% of non-union workers. \textit{See id.} at 33.

between employees and employers. Implicitly these latter responses indicate interest in an alternative representation form other than conventional unions. The Gallup poll also indicates that respondents, who disapproved of unions, also rated unionized workplaces as better in wages and benefits. But they worried about advancement, promotion opportunities and recognition for work well done in unionized environments.

These surveys powerfully suggest that worker preferences are shaped by expressive individualism. Workers today are interested in influencing and controlling personally their working environment and the way their job is to be performed. The presence of a union does not solve workers’ expressive concerns because union representation does not enable workers to communicate directly with management, but rather through an agent. The new worker is seeking essentially a form of effective “direct dealing.”

Certainly, workers in the past desired more influence. But the influence sought was of a different nature. It was focused on attaining economic gains rather than in involvement in managerial decisions such as job design and work goal setting. More importantly, workers did not feel it was necessary to practice their influence directly, but rather found it congenial, and even inescapable, that participation on their behalf would be administered by a collective agent, i.e., the labor union.

Today, by contrast, most Americans think that a new type of employee organization is needed to give them more say in workplace decisions. When offered three ways to increase employees’ say in the

106. See id.
107. The percentage of respondents disapproving of unions, but supporting alternative employee associations did not deviate very much across occupational classes: 86.1% for professional workers, 78.2% for skilled trade workers, 87% for semi-skilled, 82.6% for managers and executives, and 75% for clerical employees. See id. at 33 tbl.4.
108. See id.
109. See id. at 33.
110. See Freeman & Rogers, Who Speaks for Us?, supra note 105, at 33.
111. See id. at 59-61.
112. See id.
113. See id. at 57-59.
114. See id.
116. See id.
117. See Freeman & Rogers, Wave One, supra note 89, at 45. In the Freeman-Rogers survey, an overwhelming majority (86%) preferred an organization run jointly by management and employees. See id. Only nine percent of respondents opted for organizations run by employees only. See id. at 49.
workplace, an overwhelming majority of respondents in the Freeman-Rogers survey opted for employee management committees, while traditional unions came up second and more protective laws last.  

Another problem with the traditional labor organization is that it is founded on the notion of obtaining group leverage for all employees in a unit to extract higher wages, improved working conditions, better benefits, and so forth.  But this system relies on conformity to the union's rules, on some sacrifice of individual autonomy for group power.  Once the majority of workers elect a labor union, all employees in the unit are covered by the terms of the collective bargaining agreement, even if they are not members of the union.  The individual employee is bound to the policies of the union and cannot negotiate for himself better terms of employment, or deal directly with the employer on those issues.  Unions insist that employers adopt wage policies that are based on job rates, in which all workers classified in a given category are paid a wage that is either the same or within a narrow band based on seniority rank, as opposed to pay based on merit, for example. The union also typically controls the grievance process in the workplace and decides which grievances will be brought before an arbitrator.

Once a union secures bargaining authority, its position is legally secured, offering dissatisfied employees few exit options. The hurdles

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118. See id. at 46 tbl.20. Sixty-three percent of respondents chose employee/management committees as the most effective means to attain more influence and fair treatment; 21% chose unions; and 15% opted for increasing protective employment legislation. See id. One should note that among people already participating in employee involvement (EI) programs, the desirability of employee-management committees received even higher ratings (72%). See Freeman & Rogers, Wave One, supra note 89, at 46 tbl.20.

119. See id. at 49.

120. See id.

121. See 29 U.S.C. § 159(a) (1994). Section 159(a) reads: [R]epresentatives designated or selected for the purpose of collective bargaining by the majority of employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.


123. See RICHARD B. FREEMAN, LABOR MARKETS IN ACTION, ESSAYS IN EMPIRICAL ECONOMICS 203 (1989).

124. See Vaca v. Sipes, 386 U.S. 171, 184-86 (1967). Union discretion in these matters is limited somewhat by its duty of fair representation to all unit employees. See id.

to decertification of the representative are considerable. In order to promote the stability of the collective bargaining process, the law erects presumptions of majority support for the elected union. This structure — understandable in a scheme that emphasizes group leverage to promote economic goals — undoubtedly undermines the notions of unlimited choices and personal control that are hallmarks of modern expressive individualism.

D. Social Factors Contributing to the Attenuation of the Collective Impulse

Another social factor that helps explain the change in worker attitudes towards union representation is a general diminution of collective impulses in the United States. Always an individualistic society, the social structure of the country has become even more individualistic and solitary in recent decades. People are less trusting, more self reliant, and less a part of what was in the past a network of mutual help within the family or community. The attenuation of collective impulses in favor of a more pronounced individualist orientation is not conducive to the flourishing of civic organizations.

Consider the disintegration of the family, and its broader implication for civic participation. There are now fewer marriages, more divorces, less children and weaker ties to the peripheral family (parents, siblings, cousins). In past generations it was presumed that each person would assume responsibility for his parents, siblings, spouse and children. Family relations were given substance by the expectation of mutual reliance as a fact of life. Today, mainly because of the independence of the elderly through government social security plans and

127. See id.
128. See AFL-CIO REPORT, supra note 125, at 13. Sixty-five percent of non-union respondents expressed agreement with the statement that “unions force members to go along with decisions they do not like;” and 63% believed that “union leaders, as distinguished from union members, decide when to go on strike;” and 57% believed that “unions stifle individual initiatives.” See id.; Thomas A. Kochan, How American Workers View Labor Unions, 102 MONTHLY LAB. REV. 23, 24 tbl.1 (Apr. 1979).
130. See id.
132. See RUSSELL, supra note 131, at 20-29.
133. See id. (referring to charts based on surveys conducted regarding family values).
pension arrangements, the declining size of families, and the rise in divorce rates, we have reduced not only family burdens but also the family ties felt by the individual. 134

The rise in importance and range of individual rights and personal freedoms has undermined community obligations and a sense of belonging. The modern era stresses tolerance and acceptance of all individuals, but the evolving rights ethics also brings with it a sense of indifference and disinterest in the well-being and needs of others. 135 Scholars such as Lawrence Friedman view the struggle of minorities for civil rights as an illustration of radical individualism, and not as a quest for group rights. 136 Friedman contends that the essence of each liberation movement is the demand that society treat each individual as an individual, a unique person, and not a member of a race, class, religion or group. 137 The civil rights movement focuses on the abolition of discrimination in all areas of our daily life: housing, work, education, politics, and government benefits. 138 This welcome revolution has helped promote heterogeneous communities at work, school, and in the neighborhoods, while in the process lessening the ties, commitment, trust and solidarity people had felt toward each other in their previously sheltered homogeneous communities.

Decline in levels of trust can also be noted, whether towards public officials or in a steady decline in kinship. 139 The expansion of govern-

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134. See Caplow & Bahr, supra note 129, at 38.
137. See id.
138. See Donohue, supra note 135, at 31.
139. See Friedman, supra note 136, at 533. According to the Louis Harris and Associates poll, which over the years probed a national adult sample, decline in levels of trust toward public officials is evident, the following question has been repeated over the years: “Do you tend to feel that people running the county do not really care what happens to you?” See Roper Center at University of Connecticut, Lewis Harris Poll (1994) (unofficial survey on file with the Hofstra Labor & Employment Law Journal). In 1968, only 36% of respondents agreed with the statement, while 64% disagreed. See id. Twenty years later, in 1988, 55% agreed. See id. In 1991, 61% were willing to agree. See id. Finally, by 1993, 71 percent of respondents agreed, while only 20% did not feel this way (nine percent were not sure). See id. Similar results can be found in a long running survey conducted by the National Opinion Research Center. See Roper Center at University of Connecticut, National Opinion Poll (1995) (unofficial survey on file with the Hofstra Labor & Employment Law Journal). The question posed was “Do you agree that most people in government are not really interested in the problems of the average man?” See id. In 1964, 44% agreed with the statement. See id. By 1977, 63% agreed. See id. In 1994, already 74% of respondents agreed. See id.
ment also undermines community responsibility. If in the past people seeking assistance turned to their families and neighbors, today people rely on government and commercial institutions. As government grows, so does the expectation that what was in the past the family or community's responsibility will become the duty of the government.

Demand for union representation is affected by general social behavioral changes. Union membership is also a social activity, which cannot be detached from current social norms and behaviors. People do not operate one way in their personal lives, and another way at work. If they do not feel comfortable with collective action outside work, they will not opt for collective action as a means to achieve their goals in the workplace. Certainly, in the past people did not join the union for altruistic reasons, but rather to enjoy personally the benefits of union representation, whether economic or social. But they were more disposed to the collectivist method, by which unions operated, because it was congenial to their patterns of behavior outside the workplace.

140. See Friedman, supra note 136, at 532.
141. See id.
142. See, e.g., William H. Form & H. Kirk Dansereau, Union Member Orientation and Patterns of Social Integration, 11 INDUS. & LAB. REL. REV. 3, 3 (1957). In this study, five surveys were conducted in 1953-54 in Lansing Michigan within the United Automobile Workers; 200 union members were interviewed. See id. at 5. Sixteen percent demonstrated a social orientation. See id. at 6. For them, the main function of the union was to provide a social world. See id. This category of members was also found to be the most active in the union; 78 of the socially-oriented members attended at least half of the meetings, and voted on half of the issues or more. See id. at 7. By contrast, for the economically oriented members consisting 20% of the sample, the main purpose of the union was to raise wages and guarantee economic security and fringe benefits. See Form & Dansereau, supra, at 7. Only 67 of the economically-oriented employees were active members. See id.
143. See Edward W. Bakke, Why Workers Join Unions, in UNIONS, MANAGEMENT AND THE PUBLIC 41, 42 (Clark Kerr & Edward W. Bakke eds., 3d ed. 1967). The article reads:
A Worker's willingness to join a union varies with the degree to which association with, and participation in, the union will reinforce normal group attachments and interests, and would involve practice consistent with his normal ways .... To classify unionism merely as a mechanism for collective bargaining for economic advantages is to underrate its importance. The contribution of unionism at its best is its provision of a pattern of life that offers chances of successful adjustment and goal realization for the working class.
Id.; see also FRANK TANNENBAUM, A PHILOSOPHY OF LABOR 1 (1951) (discussing trade unionism as embodying a social response to the destruction of community relationships brought about by industrialization and the division of labor).
144. See Bakke, supra note 143, at 42.
145. See id.
1. Heterogeneous Workplaces

If in the 1950s the standard image of the worker was a white male wearing a blue collar and working in a manufacturing plant to earn wages to support his whole family. Today, workers are more likely than ever to be women or minority employees. The entry of women, racial minorities and disabled individuals into the workforce due to the passage and enforcement of anti-discrimination laws at the federal, state and municipal levels has weakened the sense of kinship among workers. Heterogeneity also undermines the possibility of successfully organizing a working unit. It seems that the greater the homogeneity, the more likely collective action will occur. Furthermore, homogeneity and shared values increase group consciousness. By contrast, heterogeneity can create conflicts between groups within the workforce.

2. Declining Trust

Public distrust of government and public officials has also affected the willingness of workers to put their faith in the promises of union organizers as well as in the ability and integrity of union leaders.

146. See Robert N. Bellah, Habits of the Heart: Individualism and Commitment in American Life vi (1985). One can detect the weakening sense of workers' kinship for each other from surveys collected by Roper Starch World Wide. See id. In response to the question how satisfied one was with his co-workers, in a 1976 poll, 52% stated they were completely satisfied with their co-workers. By 1994, this number dropped to 38%. See id. at vii.

147. See Robin M. Williams, American Society: A Sociological Interpretation 217 (3d ed. 1970). One of the most important ingredients for successful organization is a socially homogeneous workplace. See id.


149. See Seymour Martin Lipset, Labor Unions in the Public Mind, in Unions in Transaction: Entering the Second Century 287, 291 tbl.1 (Seymour M. Lipset ed., 1986). Lipset compiled data from Harris surveys over the years. See id. The question repeated over the years was: “As far as the people running organized labor are concerned, would you say you have a great deal of confidence in them?” Id. at 291. The percentage reporting a great deal of confidence in labor leaders has declined. See id. In 1965, union leaders received a 22% confidence rate. See id. By 1985, the level of confidence had dropped dramatically to 13%. See Lipset, supra, at 291. Lipset also reports of declining approval, in general, of labor unions, compiled from Gallup polls over the years. See id. at 301. The question posed was: “In general, do you approve or disapprove of labor unions?” Id. In 1936, 72% approved and 20% disapproved. See id. By 1953 (the high point of private sector union density), as many as 75% approved of the institution, while 18% disapproved. See id. By 1981, approval declined drastically; only 55% approved of labor unions and 35% disapproved. See Lipset, supra, at 301.

Lipset's main argument is that the state of public opinion regarding trade unions directly affects unionization rates, and that the change in public opinion, especially in relation to general
3. Government Intervention

Recent decades have witnessed an increasing level of government regulation of the labor market. Through protective minimum standard laws, workers may come to feel that they have less of a need for a union (which, among other things, they would have to finance) to protect their interests, expecting the government, on federal, state, and municipal levels, to legislate protective labor statutes, and regulate (at public expense) employer workplace decisions.

4. General Decline in Civic Engagement

Robert Putnam's *Bowling Alone: America's Declining Social Capital* highlights a general decline in civic engagement, including declining participation rates in the national, state and local elections, church attendance, involvement in parent-teacher associations (“PTA”), membership in fraternal organizations, and membership in bowling leagues (although the number of people that bowl alone rather than through leagues has increased). Viewing it as part of the general phenomenon, Putnam also mentions the decline of membership in trade unions.
E. Search For Individual Action and Cooperative Relations in the Workplace

In the past, workers believed that their only hope of securing higher wages and better working conditions was through concerted action. Therefore, they favored the intervention of unions on behalf of their interests in an adversarial manner. Both positions are no longer as popular.

In a 1959 survey, regarding the necessity of unions, seventy-three percent of respondents agreed with the statement that "[l]abor unions are necessary to protect the working man." In a 1982 Opinion Research Corporation survey, already sixty-four percent respondents agreed with the statement that "[o]verall unions in this country are no longer necessary to protect the interests and well-being of the average worker." In the 1984 Union Image Survey, fifty-eight percent of respondents agreed "that most employees today do not need unions to get fair treatment from their employers."

Regarding the viability of the adversarial model, employees polled by the Freeman-Rogers survey preferred cooperative relationships with management. Workers' preferences for the ideal employee organization were strongly influenced by their belief that in order for workers to at-

Missouri industrial plant. See id. Thirty-three percent of the union members reported attending union meetings at least once a month (active members). See id. Active union members also tended to be more socially active. See id. at 532. Union members who were members of other formal organization tended to be more active union members than those who did not belong to other organizations (29% v. 17%). See id.; Gregory Huszczo, Attitudinal and Behavioral Variables Related to Participation in Union Activities, 4 J. LAB. RES. 289 (1983). Huszczo surveyed 500 union members, who represented a geographically stratified sample of the county. See Huszczo, supra, at 289. He found that union participation was highly correlated (.35) with community political activities. See id. at 294, Huszczo concluded that active union members may view unions as part of a socio-political movement, above and beyond their economic and protective functions. See id. at 296.


155. See WALTER UPoff & MARVIN Dunnette, UNDERSTANDING THE UNION MEMBER 10 (1956). When union members were questioned about their attitudes to the workplace and the union, 92% of the officers, and 78% of the rank and file members agreed with the statement that "[t]he selfishness of employers can be fought only by strong unions." Id.


157. Id.

tain more decision-making power, management cooperation is essential. “By an overwhelming margin of eighty-six percent to ninety percent of workers preferred an organization run jointly by employees and management, rather than an independent employee run organization.”

Freeman and Rogers also concluded that workers do not want the employee organization to interact in an adversarial manner with management.

In the past individualism was thought to be available only for the prosperous and well born. Up until the 1950s there was still broad acceptance of this social structure, and workers found union membership and activity as a path to gain social recognition in the local community or work setting. Unions are, however, no longer perceived as broadly constituted social forces representing the common interests of working people. The commonality of the work group evaporated with the increased diversity of interests among workers in a single workforce, the change in convictions regarding the acceptability of individualistic behavior, and actual material gains attained by workers.

Workers increasingly are looking to individual action, suspicious of the concepts of mutual guaranties and majority rule that were once...
the norm in the American workplace, and still part of the dominant ethos of traditional labor organizations. These more recent survey results contrast sharply with the findings of adherence to group objectives and union norms that were commonplace up through the 1950s.

Union activity is related to a belief in group goals. Active union members manifest a strong commitment to collectivism. The Wagner Act itself is a form of collectivist-utilitarian legislation, in which interests of the collective (the public good, general welfare, employees' welfare) are deemed politically prior to the interests of the individual members of the group. The aggregate welfare of the group is prior to the interests of the individual. The essential theoretical and practical thrust of the labor laws clashes with the orientation of today's workers, who are influenced greatly by ideas of individualism, and the pivotal position of personal interests.

It can certainly be argued that a self-interested individual should under some circumstances pursue collective action, such as joining a trade union, as a mean of advancing his own individual interests. The prospect of such calculations made is undermined by the “prisoner’s dilemma” that each worker faces. For the worker who is increasingly individualist in his orientation, cooperation will not be chosen out of fear that his interests will be mistreated (or ignored) in the group decision-making process, leaving him in a worse situation than in the initial position in which he pursued his interests individually. Because unioni-

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other hand, for problems of a more personal nature the individual approach was plainly favored. See id. Sixty-five percent of respondents stated they would rather deal individually regarding sexual harassment problems, as did 58% for problems resulting of unfair treatment by a supervisor, and 54% for matters relating to individual training. See id.; RICHARD B. FREEMAN & JAMES L. MEDOFF, WHAT DO UNIONS DO? 30 (1984).

164. See Roper Center at University of Connecticut, Opinion Research Corporation Poll (1980) (unofficial source on file with the Hofstra Labor & Employment Law Journal). According to a survey conducted in 1980 by the Opinion Research Corporation, for the National Right to Work Committee (an advocacy group opposed to “compulsory unionism”), 68% of respondents agreed that employees who do not want to be represented by a labor union should have the right to bargain for themselves. See id. Only 21% believed that the current legal rule (the union represents all employees in a unit, regardless of their wishes) is justified. See id.

165. See, e.g., UPoff & DUNnette, supra note 155, at 10 (discussing a survey administered to union members from 13 union groups, representing about 14,000 union members).


168. See id. at 339 (stating that utilitarianism is a collectivist ethic in that it gives priority to the net good or happiness of the relevant group, even if this can be easily identified to be in conflict with the good, happiness and well being of one or more individuals, and ultimately what matters is the aggregated net benefit for the group).
zation involves a process of aggregating preferences and group decision-making, the individualistic worker will not be attracted to the collective-representation model. The dynamic is further aggravated by diversity and conflict of interest in the workplace between the different groups of workers, where arrangements reached by the collective representation cannot realistically please all that are affected by them.

Of course, this dilemma always confronted workers who considered unionization. But the issue was not as important in the past, for two main reasons. First, as we have demonstrated, the workplace today tends to be more heterogeneous (with the entrance of women, minorities, disabled people, and older workers into the workforce). Thus, the range of interests that have to be mediated by the collective representative has been substantially broadened. Second, with the expansion of individualistic values, people are less accepting of structures that promote group interests at the expense of personal interests.

**F. Confronting the High Unionization Rate in the Public Sector**

A powerful counterargument to the view taken in this paper is that it cannot explain the rise of public sector union density over the same period of time that has witnessed a decline in private sector unionism. Consider the following chart:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRIVATE SECTOR UNION DENSITY</th>
<th>PUBLIC SECTOR UNION DENSITY</th>
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<tbody>
<tr>
<td>1953</td>
<td>35.7%</td>
<td>11.6%</td>
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<tr>
<td>1960</td>
<td>31.9%</td>
<td>10.8%</td>
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<tr>
<td>1970</td>
<td>29.1%</td>
<td>32%</td>
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<tr>
<td>1975</td>
<td>26.3%</td>
<td>39.6%</td>
</tr>
<tr>
<td>1980</td>
<td>20.6%</td>
<td>35.1%</td>
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<tr>
<td>1985</td>
<td>14.3%</td>
<td>35.7%</td>
</tr>
<tr>
<td>1990</td>
<td>11.9%</td>
<td>36.5%</td>
</tr>
<tr>
<td>1996</td>
<td>10.2%</td>
<td>37.7%</td>
</tr>
</tbody>
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169. See id. at 293.
170. See id. For example, when bargaining for seniority rules, in a time in which layoffs are foreseen, the union gives preference to the interests of the senior workers over those of the junior ones. See id.
Presumably, if a theory based on social change and rising levels of individualistic behaviors are to explain labor's decline, it should be supported by similar trends in the private and public sectors. Otherwise, it can be argued that the disparity in union density between the private and public sectors is principally due to developments on the "supply" side of the story. The supply of unionized jobs may be driven down by higher levels of employer resistance to organization drives in the private sector, substantially raising the costs of union organization. Or we might look to the competitive-market hypothesis for the answer. This theory states that the absence of profit constraints in the public sector, coupled with the fact that public sector employees do not suffer from the same trade-off between wages and employment, leads to greater "supply" of unions in the public sector. Another argument made is that the difference in unionization rates can be attributed to differences in the laws regulating the two sectors. It is true that the burst of unionization in the public sector, occurring in the 1960s and 1970s, followed a reform in the labor laws governing the public sector that sought to bring the model of pri-

172. See Richard B. Freeman, Contraction and Expansion: The Divergence of Private Sector and Public Sector Unionism in the United States, 2 J. ECON. PERSPEC. 63, 79-80 (Spring 1988) [hereinafter Freeman, Contraction & Expansion]; Richard B. Freeman, Through Public Sector Eyes: Employee Attitudes toward Public Sector Labor Relations in the U.S., in PUBLIC SECTOR EMPLOYMENT IN A TIME OF TRANSACTION 59 (Dale Belman et al., eds., 1996) [hereinafter Freeman, Through Public Sector Eyes]. Freeman analyzes data from a 1995 survey of 1000 public sector workers. See id. The questions presented are parallel to some extent to those presented in the Freeman-Rogers First and Second Wave surveys of private sector employees. See Freeman & Rogers, Wave Two, supra note 164; see also Richard B. Freeman & Joel Rogers, Workers Representation and Participation Survey, in REPORT ON THE FINDINGS 41 (Princeton Surv. Res. Assoc. Dec. 1994) [hereinafter Freeman & Rogers, Wave One]. Freeman stresses the point that in response to the question, "How might your management respond to a union drive?" there were significant differences between private and public sector employees. See id. While 17% of public sector employees (both unionized and non-union) responded that management would welcome the union, only three percent of non-union private sector workers agreed (five percent of private sector employees who actually experienced an organization drive). See id. at 72 tbl.7. From this data, Freeman concluded that management behavior is critical in affecting employee attitudes, making it more likely that organization drives will succeed in the public sector. See id. at 80. Moreover, there seems to be greater pressure for public sector managers to follow the spirit and letter of the law. See Jack Fiorito et al., Explaining the Unionism Gap: Public-Private Sector Differences in Preferences for Unionization, 17 J. LAB. RES. 463, 466 (1996).

173. The wage-employment trade-off does not exist because a budgetary increase can raise the levels of both. See Richard B. Freeman, Unionism Comes to the Public Sector, 24 J. ECON. LIT. 41, 61 (1986).

174. See id. But this argument is weakened by the fact that labor law for the public and private sectors greatly converged during the 1960s and 1970s. See id.

175. See Melvin W. Reder, The Rise and Fall of Unions: The Public Sector and the Private, 2 J. ECON. PERSPEC. 89, 104 (Spring 1988).
vate sector industrial relations to the public sector. Today the labor laws governing both sectors are similar, and thus any claim that disparity in union density is due to a difference in legal regimes must fail.

If we turn to the "demand" side, are there explanations for the disparity in union density stories in the two sectors? Perhaps, the demographic composition of the workforce in each sector is different. Perhaps the public sector employs a relatively larger proportion of workers, with characteristics associated with union membership, than the private sector. According to Richard Freeman's analysis of current population data, this is not the case.

Another explanation, which I adhere to, is rooted in the differences in perceived instrumentality of union membership in each sector. Public sector employees are more inclined to join unions because they view unionization as more beneficial than do their private sector counterparts. This explanation is consistent with the theme of this paper that "expressive individualism" and social changes have curtailed the ability of traditional labor unions to thrive. It simply accepts that in the public sector there are additional factors, which offset, to some extent, the basic resistance of contemporary workers towards unions.

When comparing the basic attitudes of workers in both sectors, it seems that there is great similarity in ruling out the theory that the val-

At the federal level, the relevant change came via a series of Executive Orders initiated in 1962 by President Kennedy (Executive Orders No. 10988) that extended recognition to unions of federal workers. At state and local levels, a wide variety of statutes were adopted: some merely prescribed that government officials "meet and confer" with union representatives; others specifically required that there be collective bargaining, and still other prescribed compulsory arbitration to terminate bargaining impasses.

Id. 176. See Freeman, Contraction & Expansion, supra note 172, at 49.

177. See Freeman, Through Public Sector Eyes, supra note 172, at 64.

178. See Freeman, Contraction & Expansion, supra note 172, at 63. Freeman argues that although no statistical significance between the two sectors was found, on the whole, contrary to popular belief, characteristics of public sector workers make them less likely to be union members. See id. at 64. They are more educated, and more likely to hold white collar or professional jobs. See id.; Fiorito et al., supra note 172, at 475.

179. Accurate comparison is made possible thanks to the two surveys conducted by Freeman and Rogers, relating to the private and public sectors, and utilizing the same questions in both surveys. See Freeman & Rogers, Wave One, supra note 172. The Public Sector Workforce Survey ("PSWS") was conducted for the Secretary of Labor's Task Force on Excellence in State and Local Government Through Labor Management Cooperation. See RICHARD B. FREEMAN & JOEL ROGERS, PUBLIC SECTOR WORKER ATTITUDES TOWARD WORKPLACE REPRESENTATION AND PARTICIPATION? 1 (Princeton Surv. Res. Assoc., Feb. 1996). The survey covered 1002 workers in state, county and municipal government departments and agencies, and public schools. See id. For the results of the PSWS, see id. at 4.
ues of public sector employees are different. This, of course, is not surprising because general social values and trends, which are shared by workers in both sectors, influence attitudes towards work.

Public sector employees are influenced by expressive individualism as much as their peers in the private sector are. According to the Freeman and Rogers survey of workers in the public sector, they also desire greater influence in workplace decisions. The representation/participation gap is similar in both sectors. In both sectors, employees prefer an employee organization jointly run by management and employees. Public workers also think that what is most needed is more opportunity to advise management on how to improve their workplace (twenty-nine percent), followed by more power to make decisions about how their workplace operates (twenty-seven percent), and a minority stressing better pay and benefits (twenty-six percent). These are views congenial with values of expressive individualism. We come now to consider the special setting of public sector labor relations, which enabled unionism to flourish, notwithstanding the increasing shift toward expressive individualism and disdain for collective action. One main difference between public and private sector unionism is that in the public sector, unions participate in the political arena. “Public employees realize they are working in a uniquely political environment, which has the potential for enhancing the economic power to be gained through collective action.”

Unions in this setting have the ability to influence employer behavior through the political process.

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180. See Russell L. Smith & Anne H. Hopkins, Public Employee Attitudes Toward Unions, 32 INDUS. & LAB. REL. REV. 484 (1979). The data was drawn from a questionnaire administered in 1975 to 1300 state government employees. The authors concluded that public sector worker attitudes towards unions are influenced by the same factors that other researchers have found to be important in the decision to join unions in the private sector. See id. at 494.

181. See Freeman & Rogers, Wave One, supra note 172, at 41.

182. See Freeman, Through the Public Sectors Eyes, supra note 172, at 67.

183. See id. at 76. The percentage preferring this model is around 85% for both sectors. See id.

184. See Freeman & Rogers, Wave One, supra note 172, at 17.

185. Duane E. Leigh & Stephen M. Hills, Public Sector-Private Sector Differences in Reasons Underlying Expressed Union Preferences, 16 J. COLLECTIVE NEGOTIATIONS PUB. SECTOR 1, 8 (1987). The major finding of the authors is that there is a relatively larger demand for collective action among public sector employees, compared to private sector employees, which is reflected in higher unionization rates. The explanation they proffer is the unique political role unions play in the public sector. See id. at 10. Public sector employees help elect both the executive and legislative branches of government and thus play a role in determining the agenda for those facing them at the bargaining table. See Jack Fiorito, Political Instrumentality Perceptions and Desire for Union Representation, 8 J. LAB. RES. 271, 277 (1987).

186. Leigh & Hills, supra note 185, at 8.
lic employer realizes that he must appeal to his workers and their unions who help him get elected. In many localities unionized workers are a powerful voting bloc, often the only organized bloc other than business groups. The ability of government workers through unions, to impose political costs on employers who disagree with them contributes to the increased instrumentality of unions in the public sector. In the private sector, by contrast, unions present only an economic force that in the end places job security at risk.

Another difference is that labor relations in the public sector are less adversarial than are labor relations in the private sector. Management initially is more willing to share power with its workers and the unions. The less adversarial climate is a consequence of the fact that public employees help elect management's superiors through the political process, and the fact that unions can be an important ally in convincing the electorate or legislator to increase budgets. Finally, the belief that government employees should not have the right to strike has spurred a public sector interest in arbitration to resolve impasses. This interest itself alters the nature of the labor-management conflict.

A final demand-side explanation for the disparity in union density is that unions in the public sector work within a civil service system that provides wage structures not very different from the sort that private sector unions typically provide. Thus, public sector employees have a choice between an administrative wage system set by the government and an administered wage system set through collective bargaining. In contrast, private sector employees have a choice between an individualized, market-oriented wage system and an administered wage system set

188. See Fiorito et al., supra note 172, at 474 (finding that the political instrumentality of unions in the public sector leads to stronger demand for unionization).
189. See id.
190. See id. Public sector employees are less likely than their private counterparts to view unions as fighting change, and as associated with the likelihood of strikes. See Freeman & Rogers, Wave One, supra note 172, at 19; Fiorito et al., supra note 172, at 476.
191. See Freeman, Through Public Sector Eyes, supra note 172, at 60-62 (comparing data from both surveys (private sector vs. public sector) regarding workers' evaluation of management, Freeman argues that public sector employees view their management more favorably). A sizable difference was found regarding the perceived willingness of management to share power and authority. See id. at 69 tbl.6.
through the collective bargaining process.\textsuperscript{193} Although both segments of the workforce are seeking more individualized treatment and greater personal control in the workplace, the alternatives they face are different and therefore affect their decisions regarding unionization. While private sector workers have a real choice between individualized or collective treatment, their peers in the public sector must choose between two non-market pay systems, and understandably pick the collective bargaining alternative, which provides greater employee control.\textsuperscript{194}

Therefore, high union density in the public sector is consistent with the view, that changes in the underlying attitudes of American workers affect their willingness to form unions. The high rate of unionization in the public sector is due to the unique characteristics of labor relations in this setting, which softens workers' initial resistance to collective action and the methods by which traditional unions operate.\textsuperscript{195}

\section*{II. CONCLUSION}

As far as we can predict, it seems that the era of traditional unions in private firms is coming to an end. This is partially due to a transformation in values and attitudes in our society. From a country shaped by values of utilitarian individualism and strong community orientation, we have moved toward the values of expressive individualism with a solitary configuration. Individualism has altered traditional views that workers have had about the desired form of workplace representation and the attractiveness of collective organization and collective bargaining.


\textsuperscript{194} See id.

\textsuperscript{195} See id. It should be noted that in the past 25 years union membership in the public sector has stagnated. See id. The unionization rate hovers between 35\% and 39\%, with its peak at 39.5\% reached in 1975. See id. at 105.