



THE INVISIBLE WORKFORCE

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“The triangular relationship posed a problem because I worked for a different company than the one where I was an employee. The temporary employment agency (TEA) is the employer but paws off to the warehouse worker. There is no joint responsibility between the TEA and the employer.

—Louis Kimmel, former warehouse worker, Founder of New Labor (Personal Interview)

“That first year 2011 I was elected by my peers to be a delegate leader. Whether it be today or 30 years from now, I will do what I can to speak, share, help and fight for who cannot!”

—Victoria Entzminger, SEIU 1199 Delegate, Personal Care Assistant (Personal Interview)

“No, I never wanted to unionize because the freedom to make as much money as you can and the potential to carve your own career path was too attractive. The return on investment in contracting was greater going forward even without the benefits.

—Anonymous, former consultant, High tech worker (Personal Interview)

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INTRODUCTION

Two-thirds of employers are currently employing contingent workers in the United States.¹ In 2011 and 2012 alone, the contingent workforce increased by 25,000 jobs each month.² The Randstad Workforce360 Study estimates the current number of contingent workers in the economy to be close to 8.3 percent of the labor force. It is no wonder that President Barack Obama tackled the issue of contingent work in his State of the Union address in 2014, when he said he would raise the minimum wage of federal contractors through an executive order. The mention of a contractor in the State of the Union address shows how common it is to be a contingent worker in our society. As the temporary worker becomes a subject that is part of common discourse, it is clear that he is here to stay.

The conditions that temporary workers face are important for workplaces across the nation. A temporary employment situation is one where a worker is expected to remain in the position for a specific period of time. This type of employment situation is the opposite of the traditional permanent employment situation. Temporary workers face high levels of mental stress, theft of wages in the form of a split wage, and dangerous work environments posing health and safety hazards. Many temporary workers want to change their working conditions considering the hardships but are afraid to do so on their own. For example, Louis, a former temporary worker in the logistics industry bluntly stated, “Everyone knows what the problems [in the logistics industry] are. Trying to solve it on your own doesn’t work. A collective action is necessary to effectively communicate your grievances to another party.”³ In response to the

¹ “U.S. Companies Elevating Contingency Staffing Plans to Permanent Policy.” *Randstad*. <<http://www.randstadusa.com/workforce360/workforce-insights/randstad-workforce360-study-us-companies-elevating-contingency-staffing-plans-to-permanent-policy/22/>>.

² Ibid.

³ Kimmel, Louis. “Interview with Louis, New Labor Worker Center.” Telephone interview. 14 Apr. 2014.

increase in hardships temporary workers face in the workplace, a worker center in Boston has started an initiative that helps educate temporary workers about their rights.⁴ In a similar vein, in Buffalo, the Western New York Council on Occupation and Safety Health (WNYCOSH) is tying health and safety trainings into the common discourse on temporary workers.⁵ The risky issues that temporary workers face and the number of temporary workers that currently are working in the economy demand attention as it means that there is an increase in the vulnerable worker demographic in the U.S.

The creation of the temporary employment agency has blurred the traditional relationship between an employee and the employer. The post 1970 decline in private-sector unionization in the U.S. has partly been a result of employer opposition to unionizing. Hiring temporary workers becomes a win-win scenario for the employer as the employer is able to pay low wages without fearing union organizing. However, there are examples of times where workers have successfully utilized collective action to address the issues that they face in the workplace. Hence, I pose the question, “What strategies allow temporary workers to overcome employer opposition to union organizing?”

ROADMAP

This paper consists of three sections in order to answer my research question. First, I provide an overview of the challenges in organizing in the high tech, home care and logistics industries and what these challenges mean for temporary workers.

⁴ “Temp Workers Right to Know Law.” *Massachusetts Coalition for Occupational Safety and Health (MASSCOSH)*. <<http://masscosh.org/policy-advocacy/temp-workers-right-know-law>>.

⁵ Smith, Liz. “Interview with Liz, Western New York Worker Center.” Telephone interview. 8 Mar. 14.

Second, I will look at case studies in the high tech industry of the 1980-1990s to illustrate examples of successes that temporary workers have had in organizing their workplaces. I will study a campaign by the Service Employees International Union (SEIU) to organize maintenance workers at Apple, a campaign by the Communication Workers of America (CWA) union to organize information technology employees at Microsoft, and a campaign by the Glaziers, Architectural, Metal and Glass Workers union to organize video game workers at Atari. I will explain the grassroots campaign tactics that are involved in each of the three cases and show how these tactics are used successfully.

Third, I analyze each of the cases through comparing and contrasting the conditions under which organizing takes place and the strategies which temporary workers utilize. In order to do this I look through each of my cases to see if there were certain strategies that workers used more than others. The strategies I study are the importance to an employer, community engagement, and worker attitudes towards organizing. I found that workers that were successful in overcoming employer opposition to unionization were those who had job duties essential to the business, those that were able to cultivate community support, and those that had a positive attitude towards union organizing. A combination of these tactics led workers to achieve their demands. I draw conclusions about why an organization effort succeeded and what strategies workers can use in the future to better their outcomes.

Fourth, I analyze an example of a case internationally in order to put my findings in an international context and to see if they hold true for other cases than the ones that I studied.

I end with a discussion of policy recommendations for organizing in the future. As high tech employers are hiring greater amounts of temporary workers, both employers and employees can utilize my recommendations to maximize their well-being and productivity. Not only this,

but my findings can be extended to other industries as the issues that temporary workers face in the high tech industry are applicable to other industries as well.

The reason I picked the high tech industry is three fold. First, there is a lot of information available because companies hire technical support in times of need such as seasonal fluctuations or potential downturns. High tech staff are transient workers who edge in and out of the workforce on a daily basis. The nature of this industry poses a threat to organizing since it is hard for temporary employees to define a bargaining unit when workers are called in for periods at a time.

Second, the high tech sector is a growing sector in the economy; and after the financial recession many workers became temporary workers in the high tech industry. Thus it is an important sector that deserves attention and study in order to better the outcomes for temporary workers.

Third, I am interested in the high tech industry because technology has had a tremendous influence on my life. It would be interesting to know how the high tech workers are treated and what issues they face in the workplace. I would also like to work in the high tech industry in the future and thus it gives me a preview into what can be done to better the working conditions.

CASE SELECTION

After reading the work of scholars who study contingent work, I decided to study the strategies of importance to an employer, community engagement, and worker attitudes. These strategies will serve as my independent variables. I chose these variables because they were prevalent in all of my cases and because they are tactics that workers have used in the past to organize. I will measure ability of employees to overcome employer opposition by the

employees' ability to achieve their demands. In the union engagement plan the grievances of the employees are clearly stated. These grievances are what I will use to measure my dependent variable of overcoming employer opposition to unionization.

I decided to study three cases to answer my question, "What strategies allow temporary workers to overcome employer opposition to union organizing?" The cases I chose are the Microsoft/WashTech case of 1999, the Apple/SEIU case of 1990, and the Atari/Glaziers case of 1983. The reason I chose to study these three cases is because they are landmark instances of high tech temporary workers fighting for their rights. If I find that the tactics that these employees used were not successful in overcoming employer opposition to unionizing then this will be important for temporary employees to keep in mind when creating their grievances in the future.

Secondly, these three cases were each in the high tech industry. This will help me control for miscellaneous variables such as differences in employee voice in different industries.

Thirdly, these three cases occurred before the 2000's. This will help me control for new laws and regulations that may affect employee voice more recently. By controlling for these factors I will be able to see if the variables I chose helped workers achieve their demands.

LIMITATIONS

It is important to keep in mind that there are some factors that may limit my study. For example, each case occurs in a different year. Cases of temporary workers challenging employer opposition to unionizing are unpredictable; the time difference is a confounding variable that I will not be able to address in my paper.

The threshold that each group of workers has set for itself for achieving their demands varies in each case. The attainability of achieving their demands in the cases I study varies since

some cases have low thresholds for workers' ability to achieve their demands compared to others. Due to the differences in the attainability of demands, this is a confounding variable. I could not address this variable because I wanted to compare three different cases and I could not find cases where the workers had similar grievances.

The study of tactics workers use to organize is most successful when it studies a number of cases. My study takes into account three cases. The small sample size of my study may impact the validity of my results. The three cases I picked are appropriate to draw general conclusions. In the future, I can draw a stronger conclusion by picking a greater number of cases to study.

HISTORIOGRAPHY

The word "contingent" is often used by scholars to describe temporary work. Kathleen Barker and Kathleen E. Christensen define contingent work as "any job in which an individual does not have an explicit or implicit contract for long-term employment of one in which the minimum hours worked can vary in a non-systematic manner."⁶

In February 1995, 6 million, 4.9% of the U.S. workforce was contingent workers.⁷ Ten years later in February 2005, 5.7 million, 4% of the U.S. workforce was contingent workers.⁸ In 2012, the Randstad Workforce360 Study estimated that the current number of contingent workers in the economy is close to 8.3 percent of the labor force.⁹ The employment law firm

⁶ Barker, Kathleen, and Kathleen E. Christensen, eds. "Contingent work: American employment relations in transition." Cornell University Press, 1998, 1.

⁷ Ibid, 2.

⁸ "Contingent and alternative employment arrangements." Bureau of Labor Statistics. United States Department of Labor. <<http://www.bls.gov/cps/lfcharacteristics.htm#contingent>>.

⁹ "U.S. Companies Elevating Contingency Staffing Plans to Permanent Policy," *Randstad*.

Littler Mendelson went further and forecasted that as much of 50% of hiring will be for contingent workers in the future.¹⁰

The increase in percentage of contingent workers is due to the current poor economic status of the country. Firms increasingly do not train their workers to learn firm specific-knowledge.¹¹ The deemphasizing of firm-specific knowledge implies a shift from treating workers as long-term investments to short-term assets which suggests that the contingent worker population will increase in the future.

The increasing prevalence of contingent workers has impacted women workers in the labor force more than male workers.¹² Contingent work impacts women workers in the labor force more than male workers because women work in occupations that are hiring contingent workers.¹³ Industries that have a high percentage of contract workers are garment, agriculture, janitorial and poultry processing.¹⁴ Industries that have a high percentage of part-time workers are nursing, health care, fast food, and higher education.¹⁵ The increased percentage of women working in the contingent labor force is not due to women being attracted to a contractual or part-time work arrangement.¹⁶ Rather, these industries where most women work has made contingent work arrangements popular.

¹⁰ "The Emerging New Workforce." *The Littler Report*. Littler Mendelson, Apr. 2009. Web. 26 Dec. 2013. <<http://www.littler.com/files/press/pdf/Emerging-New-Workforce-May-2009-Employer.pdf>>.

¹¹ Barker and Christensen, "Contingent work", 2.

¹² Ibid, 12.

¹³ Ibid.

¹⁴ Ruckelshaus, Catherine K., Bruce Goldstein, and Farmworker Justice Fund. "The legal landscape for contingent workers in the United States." Proceedings of the annual meeting- Industrial Relations Research Association. IRRRA; 2001, 90-130.

¹⁵ Ibid.

¹⁶ Hatton, Erin. "Temporary Weapons: Employers' Use of Temps against Organized Labor." *ILRReview* 67.1 (2014): 4.

The contingent work arrangement places high mental stress on the worker. Robert Drago conducted the Australian Workplace Industrial Relations Survey to learn about motivations for high employee involvement and learned that contingent work arrangements are related to job insecurity.¹⁷ In other words, contingent work arrangements put stress on mental welfare. For example, contingent workers are not offered training and this can cause them to feel like they are not part of a business and that they are replaceable.¹⁸ In addition, there are few family-work initiatives set in place for contingent workers.¹⁹ The employer's lack of initiatives to engender employee involvement creates stress for a contingent worker.

Wage theft is a common experience that many temporary workers face and was a theme in my interviews with temporary workers. Temporary agency employees get the short end of the stick because their wage is split and they only get a portion of what they earn because the rest is kept by the agency. The wages of direct-hire warehouses and distributions centers (W/DC) workers are not much better than the wages of agency workers since wages of direct-hires do not meet the established Self-Sufficiency Standard for New Jersey.²⁰ According to the Legal Services of New Jersey Poverty Research Institute, "to meet the Self-Sufficiency Standard for 2005, a single adult living in central NJ needed to make \$13.78 per hour."²¹ In other words, the wages of all W/DC workers were less than 13.78 an hour and were unsustainable for workers to live on. Wage theft can also occur in subtle ways such as deduction for transportation services. An example of this is when Louis Kimmel said, "Warehouse workers in New Jersey have to wait

¹⁷ Ibid, 13.

¹⁸ Barker and Christensen, "Contingent work," 15.

¹⁹ Ibid, 16.

²⁰ Gonos, George, and Carmen Martino. "Temp agency workers in New Jersey's logistics hub: the case for a union hiring hall." *WorkingUSA* 14.4 (2011): 508.

²¹ Legal Services of New Jersey Poverty Research Institute, *The Real Cost of Living in 2008: The Self-Sufficiency Standard for New Jersey*, <<http://www.selfsufficiencystandard.org/docs/New%20Jersey%202008.pdf>>.

to be picked up in trucks and get an amount deducted for their wages no matter how long it takes the truck to come or how overcrowded it is.”²² Another example of this is when Victoria Entzminger drives her client to doctor appointments, meetings, and other after school activities without reimbursement for the gas she uses to get there.²³ While these issues may seem small, in reality, wage theft traps the workers in a precarious state of employment.

Health and safety concerns are very important for employers that employ a large amount of temporary workers. Organizations that use temporary workers assign health and safety training responsibilities to contract agencies instead of the host plant.²⁴ This has often led to disaster, particularly in industries with hazardous chemicals. For example, “of 11 major workplace accidents in the U.S. petrochemical industry in the six months from January to June 1991, 9 involved contract workers.”²⁵ James Rebitzer, a scholar who studies health and safety concerns in the U.S. petrochemical industry, suggests that host plants offer more effective safety training and supervision to their employees than to contractors.²⁶ He says that to decrease accident rates, host plants should be penalized for failing to supervise contract workers adequately.²⁷ In other words, host plants need an incentive to treat contract workers and host employees equally. If host plants treat contract workers and host employees equally the working conditions for temporary workers will improve.

The increase in the contingent worker population leads to the decrease in freedom of association. Lance Compa, a scholar on the international labor movement, argues that the

²² Kimmel, “Interview.”

²³ Entzminger, Victoria. “Interview with Victoria, Delegate for SEIU 1199.” Telephone interview. 14 April 14.

²⁴ Hatton, “Temporary Weapons,” 4.

²⁵ Ibid.

²⁶ Rebitzer, James B., “Job Safety and Contract Workers in the Petrochemical Industry. *Industrial Relations: A Journal of Economy and Society*,” 1995, 34: 40–57.

²⁷ Ibid.

invisible boundaries that corporations place around its temporary workers seem harmless at first sight but hamper a worker's right to freedom of association. Compa says, "Many companies find it easy to maintain an appearance of an arms-length contractor-subcontractor relationship by avoiding such superficial indications of a controlling relationship. This way, the large company effectively maintains control over the subcontractor and the ability to cancel a contract where workers exercise their right to freedom of association."²⁸ The triangular employment relationship puts workers at risk by exposing them to companies violating the human right of freedom of association. This is a dangerous prospect for the future because a worker's right to the freedom of association in the past has helped secure many rights that workers have today. Thus, it is important to learn how to preserve the freedom of association in the triangular employment relationship.

The temporary work relationship puts mental stress on workers, promotes wage theft through wage splitting, puts workers in precarious situations with many health and safety risks, and hampers freedom of association. In order to appreciate the extent to which the issues are affecting temporary workers, I decided to research barriers to unionization that workers face in the logistics and home care industries. By researching barriers to unionization that workers face in these industries, I was able to measure how strict the barriers to unionization were for high tech workers compared to other workers in the contingent workforce.

²⁸ Compa, Lance. "UNFAIR ADVANTAGE: Worker Freedom of Association in the United States under International Human Rights Standards." New York: Human Rights Watch, 200. 230-80.

BARRIERS TO UNIONIZATION

HIGH TECH

The high tech industry began to see a surge of temporary workers in the 1980s. At the time the workforce was predominantly male, white, college-educated, in their thirties, and married.²⁹ In fact, “two thirds of the sample were permanent full-time employees and one-third were independent contractors or entrepreneurs.”³⁰

The history of Santa Clara County goes back to the 1960s. The high tech sector accounted for the highest employment in Santa Clara County.³¹ Santa Clara Valley was creating 20 percent of all high technology jobs in the United States through creating two thousand high tech companies to support these jobs.³² Santa Clara Valley earned the moniker Silicon Valley in 1980 due to its creation of two thousand high tech companies.³³

With this huge supply of labor on-hand, why couldn't unions organize the high tech workers? The barriers to unionization in the high tech industry are the demographics of the workforce, the competitive nature of the industry, the complex issues workers face, the size of the workforce, and the anti-union sentiment in the industry.

DEMOGRAPHICS

The immigrant and women workers in the high tech industry were harder to organize than white males in the 1990s. Although the high tech worker demographic was predominantly white

²⁹ Batt, Rosemary. "NET WORKING: Work Patterns and Workforce Policies for the New Media Industry." Washington DC: Economic Policy Institute, 2000, 5.

³⁰ Ibid.

³¹ Ibid, 6.

³² Ibid.

³³ Hyde, Alan. "Working in Silicon Valley: Economic and legal analysis of a high-velocity labor market." ME Sharpe, 2003.

male, there was also a high percentage of immigrants and women who worked in the high tech industry. According to statistics from the U.S. Department of Labor, women workers have more to gain from union representation than males through higher wages, better health care, retirement, and vacation benefits than women workers who are not represented by a union.³⁴ Through more statistics at the Department of Labor, it was found that male union members who worked full-time earned an average of 18 percent more than their non-union peers, whereas female union members earned 25 percent more than their non-union peers.³⁵ Thus, women workers under a union contract are better off than women workers who are not under a union contract.

Women and minorities in the high tech sector did not join unions because they felt that the unions were not working to voice the special concerns and needs of immigrants and diverse groups of women. In a study conducted in California's Silicon Valley between 1982 and 1993, "80 percent of the women immigrant high tech workers interviewed did not perceive traditional organizing movements as useful options for improving their work and life conditions."³⁶ Eighty-four women workers from a total of twenty-one countries were interviewed and expressed a need for a union that would take into account needs of class, gender, race, and nationality. While women and minorities favor unions in some industries, in the high technology industry this demographic wants unions to take their needs into account and commit to advocating for their population.³⁷

³⁴ Cornford, Daniel A. "Working people of California." Los Angeles: The Regents of the University of California, 1995, 408.

³⁵ Ibid.

³⁶ Ibid, 429.

³⁷ Ibid.

COMPETITION

Workers in the high tech industry typically work on projects essential to the company's bottom line. Workers want to have independent recognition for their work and often do not feel loyalty to one particular firm. As workers are entering into temporary employment relationships loyalty in the high tech industry is exacerbated and eliminated. The rapid transfer of knowledge that is possible in the high tech industry makes employees essential to the firm. Companies do not want to lose their employees who have an intimate knowledge of the inner workings of a particular technology. Thus, high tech workers are essential to a company's bottom line.

ISSUES

The issues that the high tech workers face are unparalleled and it is hard to rally workers around these unique issues. Union organizers in Silicon Valley have raised issues like the unsafe use of toxic chemicals in the work process, frequent layoffs, plant relocations, automation, and wages and benefits.³⁸ These issues are important and many high tech workers could rally around them, but the nature of the job is ephemeral that union organizers have gave up trying to create solidarity. Rosemary Batt interviewed high tech workers in the 1990s and found in her interviews that professionals and human resource managers routinely emphasized the short-term character of employment in the New York technology industry.³⁹ The high level of turnover in the high tech industry can be explained by the industry valuing a portfolio of diverse experiences and the businesses and firms emphasizing short term projects.

³⁸ Ibid.

³⁹ Batt, "Net working," 4.

SIZE

The sheer size in the workforce in high technology has grown exponentially in the past thirty years. For example, between mid-1997 and 2000, “the number of technology establishments in New York City grew by 25%, while the average number of payroll employees per establishment grew by 14%, and total payroll grew by 55%. In 2000, the new technology workforce in New York City was estimated to total almost 140 million people.”⁴⁰ In 1997, nearly half of New York City’s technology workforce were part-time, temporary workers or independent contractors.⁴¹ The enormous size of the population makes it hard for unions to organize high tech workers.

ANTI-UNION SENTIMENT

Due to the nature of the work in high tech, there are anti-union attitudes which pervade the industry. In a study entitled “Working People of California”, the high tech workers interviewed did not consider unions capable of helping them achieve better working conditions or job security.⁴² One interviewee said, “Union organizing drives threaten my job, for management's threats to automate or relocate if unions succeed have not been empty.”⁴³ The ability of employers to automate or relocate if unions are formed has undermined the ability of unions to gain a foothold in the workplace. Some employees do not want unions because they feel as though a union cannot do anything for them. One software developer said, “No, [I did not want to unionize] because the freedom to make as much money as you can and the potential to

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Cornford, “Working people of California,” 411.

⁴³ Ibid.

carve your own career path was too attractive. I was ready for the idea I had no benefits and would have to pay for training out of my pocket. The return on investment in contracting was greater going forward even without the benefits.”⁴⁴ While some find the freedom in the temporary employment relationship attractive, others think that a union could take away from the innovation and progress of the industry. One video game developer said, “People talk about VGD unions, but it’s a pipe dream. [...] The union is kind of anti-passion ... It brings everyone down to the same level, gives everyone the same working conditions. And in terms of innovation, it would be even worse than today, I think.”⁴⁵ In an industry that thrives on innovation, change, and competition, unionization is a hard sell because it is associated with factory work and is seen as an out-of-date method to solve problems.

LOGISTICS

The logistics industry began to see a surge of temporary workers in the 1990s.⁴⁶ At the time, the workforce entering the logistics industry was predominantly male immigrants.⁴⁷ Warehouse workers in California were organizing in the Inland Empire, which is the hub of warehouse work.

Jason Rowe looked at the temporary work conditions at the warehouses off of Exit 8A on the New Jersey Turnpike in a study in 2012. Rowe conducted surveys of temporary workers and collected data on wages as well as transportation issues in order to report his findings. He found that in the late 1990s until 2007 central New Jersey became the hub for warehouse work to

⁴⁴ Anonymous. “Interview with High tech Worker, Active in the 1990s.” Personal interview. 16 Feb. 14.

⁴⁵ Legault, Marie-Josée, and Johanna Weststar. “The Capacity for Mobilization in Project-Based Cultural Work: A Case of the Video Game Industry.” 2014. *Canadian Journal of Communication*, 19.

⁴⁶ Gonos and Martino, “The case for a union hiring hall.”

⁴⁷ Ibid.

support the global supply chain of multinational corporations.⁴⁸ This industry started to boom in the 2000s. Today, the New Jersey Turnpike from exit 8A down to 7A has warehouses that line either side. As multinationals demand lower costs from their suppliers; warehouse workers begin to hire temporary agencies to supply temporary workers for their warehouses. This results in a decrease in wages and working conditions for every worker in the multinational's supply chain. The barriers to unionization in the logistics industry are the hazardous working conditions that go unreported and the nature of the global supply chain.

First, the health and safety issues that warehouse workers face are not made public and many of the health and safety incidents go unreported. Health and safety issues that warehouse workers face include chemical exposures, ergonomic hazards, pallet jacks, and driving complex equipment such as forklifts.⁴⁹ Last year, a worker was crushed to death in an Amazon warehouse in Avenel, New Jersey due to minimal safety and health training and poor conditions.⁵⁰ The incident was difficult to report factually because the warehouse the worker was killed in was owned by Amazon, but operated by a third party logistics firm.⁵¹ The worker that was killed was employed by a temporary staffing firm, Abacus.⁵²

The Occupational and Safety Health Administration (OSHA) has spoken up about companies that employ temporary workers, currently two-thirds of all employers, in order to bypass safety standards.⁵³ Companies take advantage of the triangular employment relationship

⁴⁸ Rowe, Jason. "New Jersey's Supply Chain Pain." New Labor, Aug. 2012. 14 Jan 14. <<http://newlabor.org/wp-content/uploads/2012/05/white-paper-V-FINAL.pdf>>.

⁴⁹ Ibid.

⁵⁰ Del Ray, Jason. All things D. N.p., 17 Dec. 2013. 9 Feb. 2014. <<http://allthingsd.com/20131217/worker-killed-at-one-of-amazons-new-jersey-warehouses/>>.

⁵¹ Ibid.

⁵² Ibid.

⁵³ "Worker Safety Series: Warehousing." *Occupational Safety Health and Administration*. U.S. Department of Labor, 19 Jan. 14. <https://www.osha.gov/Publications/3220_Warehouse.pdf>.

and the misreporting in the press to avoid following workplace health and safety standards.⁵⁴

Amazon has a reputation for subjecting temporary workers to hazardous conditions, such as very hot temperatures in the factory; OSHA has investigated Amazon for their unsafe health and safety practices and Amazon has had to provide solutions addressing each of OSHA's complaints.⁵⁵ Amazon's proposal to OSHA shows that Amazon has installed a series of engineering and administrative controls in its warehouses to inform workers when conditions are severe, however a comprehensive training program and better working conditions are necessary to reduce the number of temporary worker injuries on the job.⁵⁶

Second, warehouse workers are part of a global supply chain and there is not one party that can be held responsible for working conditions. In the case of Amazon, Amazon is the retailer who hires a third party provider (warehouse) to store its goods. This warehouse then hires a temporary employment agency to hire temporary workers to work on moving the stored goods. Therefore, whenever a worker safety incident occurs, like the worker that was crushed to death in an Amazon facility, it is tough to inflict penalties on one party because the worker is technically an employee of the temporary employment agency. In order to resolve this conflict, "OSHA has begun to advise that firms who contract with employment agencies should spell out in the contract whose responsibility it is to record incidents and submit paperwork to OSHA."⁵⁷ Furthermore, OSHA has made temporary workers' health and safety its priority. Last year OSHA held employers accountable for incidents that involved temporary employees. The most common issue that arises

⁵⁴ Ibid.

⁵⁵ "OSHA investigates complaints at Amazon's Pennsylvania warehouse." *Chicago Tribune*. 23 Sept. 2011. 17 Nov. 2013. <http://articles.chicagotribune.com/2011-09-23/business/ct-biz-0923-bf-amazon-heat-20110923_1_heat-stress-management-plan-osha-work-in-excessive-heat>.

⁵⁶ An example of solutions that Amazon proposed is figure 1 of the appendix.

⁵⁷ Protecting Temporary Workers. United States Department of Labor, n.d. 9 Jan. 14. <https://www.osha.gov/temp_workers/>.

with a temporary worker is the lack of adequate work gloves or other equipment on the job. The staffing agency and the contracting firm do not know who is responsible for supplying this equipment.⁵⁸ A list of injuries of workers from the past couple of years that OSHA has investigated can be found on the U.S. Department of Labor's website.⁵⁹ A snapshot of the injuries aggregated in 2014 is available for public view on the website.⁶⁰

Through OSHA's investigations and commitment to making temporary workers' health and safety its main priority, more firms are spelling out whose responsibility it is to provide gear and submit paper work to OSHA in their contracts.⁶¹ Firms will have to understand how these guidelines can be practically applied to their workplaces in order to put them into action and reduce the number of injuries on the job.

HOME CARE

The home care industry began to see a surge of temporary workers in the 2000s and the workforce entering home care was predominantly female and minority workers.⁶² In California, the In-Home Supportive Services (IHSS) system's workforce was dominated by minorities. In 2000, Los Angeles County had 74,000 home care workers and 39% of these were Latino, San Francisco County had 8000 home care workers and 30% of these were Asian, and Alameda

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ For more information on "FY14 Fatalities and Catastrophes to Date" look at Figure 2 in appendix.

⁶¹ "Two Amazon Workers Crushed to Death on the Job." N.p., 20 Dec. 2013. 9 Jan. 14.
<<http://www.care2.com/causes/two-amazon-workers-crushed-to-death-on-the-job.html>>.

⁶² Delp, Linda, and Katie Quan. "Home care worker organizing in California: An analysis of a successful strategy." *Labor Studies Journal* 27.1 (2002): 1-23.

County had 7000 home care workers and 40% of them were African American. The home care industry is diverse in the make-up of its workforce.⁶³

The barriers to unionization in the home care industry are difficulty in attaining community support, the lack of partner organizations in the field, and the fact that there is not a clear cut employer to bargain with. The home care workers face significant challenges in garnering community support for their organization efforts. The consumers the home care workers serve are elderly. The public does not support the idea of home care workers striking because they think it will lead to elderly consumers not getting the care that they need.⁶⁴ Furthermore, the public is fed information from organizations that advocate for independent living such as the Centers for Independent Living and the World Institute on Disability.⁶⁵ In California, the advocacy of organizations such as these established a rule that consumers have the ability to hire and fire home care workers at will.⁶⁶ The challenge in organizing home care workers is that there is not a clear cut employer to bargain with due to the triangular employment relationship.⁶⁷

Home care workers lack effective strategies and allies in order to utilize coalition building as an effective means to achieve their goal of better working conditions. Even though home care workers face many of the same working conditions, many of them do not work together and therefore cannot form the camaraderie needed to mingle and unite over a particular issue. It is hard to garner community support because the home care workers have high

⁶³ For more information on the home care workers in IHSS look at figure 5 in the appendix.

⁶⁴ Ibid.

⁶⁵ Ibid, 20.

⁶⁶ Shepherd, Onika. "Interview with Onika Shepherd Coordinator for Home Care Organizing SEIU 1199." Telephone Interview. 28 Feb. 14.

⁶⁷ Freeman, Harris, and George Gonos. "Regulating the employment sharks: Reconceptualizing the legal status of the commercial temp agency." *WorkingUSA* 8.3 (2005): 293-314.

turnover.⁶⁸ Home care workers often work two or three jobs to survive since their jobs last for as long as the consumer is alive.⁶⁹

The attitudes home care workers have towards union organizing are positive. Home care workers are asked to go beyond their duties on a daily basis. Even though the home care worker is responsible for their client, sometimes they have to clean up after the client's entire family. If the duty of a home care worker is to cook for a client, family members expect the worker to cook for them as well.⁷⁰ These issues strike a nerve for home care workers and propel them to seek remedies for their grievances. One example of this is Victoria, a personal care assistant who has been working with a client for three years in Boston, Massachusetts. Victoria is heavily involved in the SEIU as a delegate for SEIU 1199. She joined the union after attending a SEIU meeting in June 2011. Now she goes to different places such as statehouses to speak on the behalf of home care workers and their grievances. These grievances include paid time off, sick days, work supplies, long hours, and wage theft. Victoria is happy she joined the union and reflects on her experience by saying, "That first year 2011 I was elected by my peers to be a delegate leader. Whether it be today or 30 years from now, I will do what I can to speak, share, help and fight for who cannot!!"⁷¹ Victoria now works to advocate on the behalf of fellow home care workers. She tells them to make sure to understand their duties and get their duties in writing before starting the employment relationship. She also tells them to take advantage of the training that SEIU 1199 offers. She speaks to the value of training certificates and continuing education which have

⁶⁸ Shepherd, "Interview."

⁶⁹ Ibid.

⁷⁰ Entzminger, "Interview."

⁷¹ Ibid.

been invaluable to her as a home care worker. Victoria aspires to be a certified nurse in the future.

Victoria's story shows that home care workers have a substantial skillset to offer their clients. For example, many home care providers have been certified nursing assistants, nurses, and home health aides with prior experience in hospitals as nursing professionals.⁷² Home care providers have undergone or will have the opportunity to take advantage of training opportunities to keep them up to date with current training developments.⁷³ The majority of home care workers will take advantage of training opportunities sometime through their careers.⁷⁴ Thus, due to the ample training opportunities available to home care workers, employers benefit from well-trained home care personnel since it is expensive to train home care workers themselves.

As seen above, it is difficult for unions to organize temporary workers in the high tech, logistics, and home care industries. However, many of the working conditions that temporary employees face require attention and need to be addressed by the employer. Employees across these industries have engaged in collective action in order to achieve their demands. The strategies that the workers have employed are important to an employer, community engagement, and positive worker attitudes. Through utilizing a combination of these tactics, employees were able to challenge employer opposition to unionizing.

⁷² Ibid.

⁷³ Kelly, Christopher M., Jennifer Craft Morgan, and Kendra Jeanel Jason. "Home Care Workers Interstate Differences in Training Requirements and Their Implications for Quality." *Journal of Applied Gerontology* 32.7 (2013): 804-832.

⁷⁴ Delp and Quan, "Organizing in California," 17.

STRATEGIES

IMPORTANCE TO EMPLOYER

Workers used their importance to an employer as a critical strategy in each case to help them achieve their demands. In order to measure importance to an employer I looked at whether the work that the workers were doing was integral to the business's operation. In other words, the importance to an employer was measured by whether a business would fall apart without the workers.

IMPORTANCE TO EMPLOYER IN MICROSOFT

In early 1999, a group of workers calling themselves "WashTech" collaborated with the Communication Workers of America (CWA) to demand that Microsoft reduce pay wage inequities across groups and upgrade certain job classifications.⁷⁵ The Microsoft employees were high skilled and thus had individual bargaining power due to their specialized knowledge.⁷⁶

At the time, Microsoft stated that it used temporary workers because it allowed the company to end the employment relationship at any time, the ability to add or reduce staff at different times in the product cycle, and because temporary employment agencies (TEAs) responded faster to change than Microsoft.⁷⁷ Hence, Microsoft valued its temporary workforce because they were essential to help the company run smoothly.

Microsoft changed some of its attitudes towards the workers' grievances after the movement started to gain momentum. Microsoft increased transparency and willingness to hear workers' views and published the rates it charged TEAs. Then, workers were able to calculate

⁷⁵ *Vizcaino v. Microsoft Corp.*, 120 F.3d 1006 (9th Cir. 1997).

⁷⁶ van Jaarsveld, Danielle. "Nascent organizing initiatives among high-skilled contingent workers: the Microsoft-WashTech/CWA case," *Industrial Relations* 43.2 (2004): 364-85.

⁷⁷ *Ibid*, 365.

the difference in amount to calculate their projected wage. This allowed workers to see the difference between what they earned and what they took home.⁷⁸ The union and Microsoft's joint action promoted transparency and openness in Microsoft. The workers were able to strategically use their importance to the business to advocate for their rights.

IMPORTANCE TO EMPLOYER IN APPLE

In 1990, the SEIU organized workers at Apple that were employed by a TEA called Shine Maintenance Co.⁷⁹ Apple contracted from Shine due to the cost savings it had by not hiring cleaning support in-house. Shine was able to profit by splitting the amount that they received from Apple and giving workers a split wage.⁸⁰ These temporary workers were responsible for maintenance work and janitorial services.

The workers were not essential to Apple because they provided skills that were easily replaceable. Furthermore, Apple could have easily gone to another temporary employment agency to hire cleaning support. In the Apple case, workers were not able to use their position to help them achieve their demands.

IMPORTANCE TO EMPLOYER IN ATARI

The Glaziers union tried to organize workers at Atari in the San Francisco South Bay Area in 1983. The union came close to approval for a National Labor Relations Board (NLRB) election two times, but eventually was thwarted because of controversies over legitimacy of signatures collected on union cards. Finally, the union was able to get signatures from 30% of the

⁷⁸ A comparison of benefit packages for full-time employees and a typical agency contractor can be seen in figure 3 in the appendix.

⁷⁹ David Bacon. "Land of the Open Shop: The Long Struggle to Organize Silicon Valley." *New Labor Forum* 20.1 (2011): 72-80.

⁸⁰ Gonos, George. "Free-Splitting Revisited: Concealing Surplus Value in the Temporary Employment Relationship." *Politics & society* 29.4 (2001): 589-611.

coin-operated games division, which was enough to call an election by the NLRB. The workers from the coin-operated games division who signed the petition were 179 assemblers, machine operators, and cabinet makers. The Glaziers were hoping to unionize these workers and then move to include more workers in the bargaining unit slowly.

The workers that signed the union authorization cards were not highly sought after since their job duties were not essential to the business product. The workers at Atari were low-skilled and low-wage and did not have individual bargaining power because their skills were not essential to the business.

IMPORTANCE TO EMPLOYER OVERVIEW

Employees who are essential to their job help incite employers to behave differently than they would otherwise behave. In the Microsoft case, workers were able to identify their importance to Microsoft's strategy to achieve their demands. In the Apple case, workers were not able to use their position to help them achieve their demands because their skills were replaceable. In the Atari case, workers were not able to achieve their demands since their skills were not essential to the product of the firm. Overall, importance to an employer was a factor in helping the workers achieve their demands as stated in their grievances; a lack of importance meant workers were not important to their employer and failed to achieve their demands.

COMMUNITY ENGAGEMENT

Community engagement is an important aspect of organizing because the way the public communicates with the workers offers immediate feedback in helping the workers achieve their demands. Community engagement is an idea that workers can connect with other workers and their community.

ENGAGEMENT IN MICROSOFT

Worker solidarity was non-existent in the WashTech/CWA campaign at Microsoft. The organization employed a strategy of mutual aid, which meant they did not discriminate between members and non-members of the organization in providing access to the organization's initiatives. The mutual aid strategy was pursued by WashTech/CWA as a way to raise awareness of their efforts across the company. Since Microsoft was not unionized, WashTech/CWA relied on word of mouth for advertising its campaign activities. While it was beneficial for WashTech/CWA to use the mutual aid approach, it hurt them when it came to having a consistent group of workers dedicated to leading the campaign effort. If the organization had made its benefits more coveted, then workers could have had solidarity through being a part of the organization. However, no one identified or took pride in the fact that they were part of WashTech/CWA. Hence, they did not engage with or try to get community allies in order to communicate their grievances.

In October 1999, WashTech/CWA requested member dues in order to provide services to the Microsoft workers. Unfortunately, non-members had a weak incentive to pay dues and join since they could be free riders. At the time, "Wash/Tech CWA had roughly 365 members, whereas 16,000 individuals subscribed to its list-serv."⁸¹ Non-members subscribed to the list-serv in order to learn about development opportunities.⁸² WashTech/CWA tried to diversify the training opportunities for members but failed to realize that workers could receive the same

⁸¹ van Jaarsveld, "Nascent organizing," 376.

⁸² Ibid.

training from a different vendor.⁸³ The lack of loyalty to WashTech/CWA led to a decrease in community engagement since there was not a united front among workers at Microsoft.

ENGAGEMENT IN APPLE

In 1990 local SEIU 1877 launched the Apple campaign. The focus of the campaign was to disrupt the public's image about Apple and take advantage of the mutual dependency that Apple had on the employees of Shine and that the employees had on Apple. The first two steps of the campaign were actions demonstrated by workers. First, a worker disrupted the 1991 MacWorld Expo during Apple CEO John Sculley's speech.⁸⁴ Second, a worker disrupted a shareholder's meeting by asking a question to Sculley.⁸⁵ The workers' disruptions at public events attracted media attention and helped SEIU attain support from community organizations.

Civil society was vastly important in helping the SEIU win their campaign. The SEIU formed a coalition with the Cleaning Up Silicon Valley organization (CUSV). CUSV targeted Apple to claim responsibility for the conditions of the workers instead of the contracting agency because CUSV believed that Apple was responsible for the overall business decisions. SEIU was proactive and realized that it had to impact Apple's bottom line in order for the campaign to be effective. CUSV was also helpful in negotiating and being the middle man when the representatives of the union and the employer did want to speak to one another.⁸⁶ CUSV eventually negotiated the terms of the contract for 130 maintenance employees where the SEIU won a year-long contract in 1992.⁸⁷ The South Bay Central Labor Council (CLC) helped the local SEIU 1877 achieve its gains. Richard Sawyer, a member on the CLC, was a SEIU member

⁸³ Ibid.

⁸⁴ Bacon, "The Long Struggle", 96.

⁸⁵ Ibid, 97.

⁸⁶ Ibid, 98

⁸⁷ Ibid.

who personally supported the maintenance workers efforts to win a contract.⁸⁸ Local politics, in addition to churches, civil rights organizations, and other unions were essential to put pressure on Apple to win a contract that was a good deal for the workers. This pressure also minimized concessions that the workers would have to take in order to sign the contract.

The Justice for Janitors campaign was happening in other regions of the country at the same time as the Apple campaign.⁸⁹ The SEIU was having some success with the grassroots tactics that they used in the Justice for Janitors campaign and they decided to put these same tactics to use in the Apple campaign.⁹⁰ SEIU 1877 borrowed tactics that were successful in Denver, Southern California, and the Washington Justice for Janitors campaigns.

The partnership with CUSV was instrumental during this time because SEIU and CUSV jointly came up with an accountability session open to any employee. In this accountability session, leaders of both the union and management listened to live testimony of the workers.⁹¹ Voss and Sherman, both well-known sociologists and labor scholars, advocate for this type of initiative because, “This approach [joint labor-management initiatives] contrasts with long-standing custom in business unionism, in which union staff take responsibility for resolving grievances and work site problems.”⁹² By taking the burden of proof off of the union, the public was able to more clearly identify the issues and to correct them. Through using Voss and Sherman’s tactics, workers were able to tell their stories and let their voices be heard to management.⁹³ This joint labor-management initiative was successful because it did not blame

⁸⁸ Ibid, 101.

⁸⁹ Fitzpatrick-Behrens, Susan. The SEIU: The Fastest Growing Union in the United States. N.p., 1 June 2010. 16 Feb. 14. <<http://nacla.org/news/seiu-fastest-growing-union-united-states>>.

⁹⁰ Ibid.

⁹¹ Bacon, “The Long Struggle”, 101.

⁹² Ibid, 313.

⁹³ Voss, Kim, and Rachel Sherman. “Breaking the Iron Law of Oligarchy: Union Revitalization in the American Labor Movement.” *American Journal of Sociology* 106.2 (2000): 303-349.

either side for the workers' conditions, rather it was an extravagant display of why the current system was failing and its detrimental effects of poor working conditions on the broader community.

There were three main takeaways that arose out of the accountability session. First, the current wages were unlivable for the workers.⁹⁴ Second, since the workers' wages were unlivable, workers were relying on state subsidies and state owned institutions in order to survive.⁹⁵ Third, many of the workers that were Latino felt racially discriminated against.⁹⁶ The accountability session was a success in its ability to foster dialogue and come up with items on which to take action that were supported by multiple stakeholders. As Milkman puts it, "in a political context in which the social problems created by growth were taxing municipal resources, a union contract that potentially reduced expenses to public budgets seemed like a favorable solution to politicians and community leaders."⁹⁷ The accountability session was a win-win; it was a good tactic for the union because it created a persuasive argument for why workers should earn a livable wage and it was a good tactic for the public because it allowed a reduction in public budgets by transferring the cost of a social safety net onto the regional employers.

The support of the community based organizations, the union, and the South Bay Central Labor Council isolated Apple's stance on the issues. The South Bay CLC was able to put pressure through its strategic use of elected officials.⁹⁸ Since the CLC supported the janitors, elected officials also had to get on board because they needed the support of the CLC. The

⁹⁴ Bacon, "The Long Struggle," 102.

⁹⁵ Ibid, 103.

⁹⁶ Ibid.

⁹⁷ Milkman, Ruth, and Kim Voss. "Rebuilding Labor: Organizing and organizers in the new union movement." Ithaca: Cornell University Press, 2004, 139.

⁹⁸ Ibid.

strategies that SEIU 1877 spearheaded were immensely successful because they generated publicity and led to a union contract.

ENGAGEMENT IN ATARI

In Atari, solidarity between workers and the community failed because the employer opposed unionization during the NLRB election. This created a “chilling effect” for the employees in the workplace who favored unionization. A chilling effect is when employees are hesitant to speak up in the workplace due to an employer’s previous actions. In February 1983, while Atari was in between two union elections, Atari announced that it was moving production overseas and would have to lay off 1,700 production employees in order to relocate. Atari also handed out anti-union petitions, pressured supervisors to sign these petitions, threatened workers who were pro-union and pressured them to sign these petitions, and finally invited workers to company-sponsored parties.⁹⁹ Workers that were hostile to the union used a fire hose on workers that were ready to sign the union authorization cards.¹⁰⁰

It is not surprising that the workers at Atari were not successful in forming solidarity with their peers or the community. In addition to employer opposition, there were other factors that inhibited workers from achieving their demands. When the Glaziers were organizing in 1983, it was early for the video game development industry as not many groups had heard about the plight of video game developers (VGDs).¹⁰¹ This was before the watershed whistleblowing case of the “Electronic Arts spouse” who wrote an open letter that engaged the public and exposed working conditions of VGDs.¹⁰² The workers at Atari were hired to work on portions of the

⁹⁹ Hossfeld, Karen J. “Why Aren’t High-Tech Workers Organized?” *Working people of California* (1995): 1405.

¹⁰⁰ Ibid.

¹⁰¹ Weststar, Johanna, and Marie Josée Legault. “Are Game Developers Standing Up for Their Rights?” N.p.

¹⁰² Ibid.

game at a time and therefore had very little time to see each other to discuss their grievances with one another.¹⁰³ Workers could have communicated with each other online, but this was before the dotcom bubble so workers were not able to use the internet as a platform to voice their grievances.¹⁰⁴ Without knowledge of similar issues and without a platform over which to unite, the workers failed to form solidarity.¹⁰⁵ The failure of worker solidarity went hand-in-hand with lack of community engagement since workers were not able to speak publicly of the issues they were facing because they didn't feel that they had the support to do so.

ENGAGEMENT OVERVIEW

Community engagement helped workers achieve their demands because engagement promoted feedback mechanisms and transparency. The transparency was threatening to the employers who wanted as much privacy as possible on the issues that workers faced. In the Microsoft case, engagement was absent due to lack of loyalty to WashTech/CWA. The lack of loyalty to this organization led WashTech/CWA to fail. In the Apple case, engagement was provided through the SEIU, the CUSV, and the CLC working together. In the Atari case, engagement was absent due to employer tactics that divided workers who opposed and favored the union.

WORKER ATTITUDES

Worker attitudes toward unionization were critical to employees achieving their demands because the will of a worker to commit to the drive was important to its success. Attitudes towards unionization played an important role for workers' success in receiving their demands.

¹⁰³ Hossfeld, "Why Aren't High-Tech Workers Organized?"

¹⁰⁴ Weststar, Johanna, and Marie Josée Legault. "Are Game Developers Standing Up for Their Rights?" N.p.

¹⁰⁵ Ibid.

WORKER ATTITUDES IN MICROSOFT

WashTech/CWA was not able to change the workers attitudes towards union organizing. Though there were a select group of individuals that were interested in changing their situation, the majority of workers wanted nothing to do with the union.¹⁰⁶ WashTech/CWA was not following a blueprint on how to organize high tech workers so it struggled to have success at Microsoft.

Though the workers' attitudes towards organizing came from the nature of the high tech industry, workers were also facing public skepticism from the media that made them shy away from the idea of unionizing. Many of the workers at Microsoft were subject to the negative public attention which unions trying to organize in the high tech industry were receiving. For example, in the late 90s, newspapers were reporting that high tech workers in Seattle took pleasure in \$400 restaurant meals, waterfront mansions, Range Rovers, and BMW's.¹⁰⁷ Moreover, the press reported that high tech workers annually made between \$350,000 to 400,000.¹⁰⁸ The media undermined any public support for unions that were trying to organize high tech workers even if this information about their lifestyles was not true. This type of public shaming is similar to the one that investment bankers and others on Wall Street experienced in the face of the Occupy Wall Street movement. The negative public attention put stress on the Microsoft workers and disenfranchised them from the WashTech/CWA movement.

WORKER ATTITUDES IN APPLE

The employees who worked for Shine Co. were facing poor working conditions, low wages, and no benefits. They were being taken advantage of by the rich denizens of the Silicon

¹⁰⁶ van Jaarsveld, "Nascent organizing initiatives," 370.

¹⁰⁷ Ibid, 371.

¹⁰⁸ Ibid, 379.

Valley area. The SEIU undertook an effort to try to win the workers representation by using the increasing income disparity in Silicon Valley to their advantage. The SEIU used non-traditional tactics to unionize its workers. The workers had positive attitudes towards unionization and often went above and beyond to participate in actions which put pressure on Apple.

For example, in order to put pressure on Apple, the workers participated in hunger strikes in front of the Apple headquarters. The hunger strikes brought about much needed public awareness on the conditions that the workers faced. Mike Garcia said, “We helped people to understand that the company was exploiting immigrant janitors, and we forced Apple to take responsibility - we told Apple 'it's your system - you control the contractors; you're causing the exploitation.’”¹⁰⁹

In 1991, Apple won a restraining order against SEIU 1877 hoping to hamper future worker protests. However the fight pushed on as CUSV took on the work that the union could not do due to the restraining order. CUSV organized protests and press conferences and by November 1991 the newspapers reported, “CUSV is the group organizing events like worker protests in support for the janitors at Shine.”¹¹⁰ SEIU held hunger strikes in front of Apple’s headquarters and titled the name of their campaign “Rotten Apple”. They also got more press coverage by exploiting the fact that Apple was not living up to its title as one of the “top ten companies for working mothers to work” in *Working Mother*.¹¹¹ Due to the mounting publicity, Apple responded to the allegations that their workers were being treated poorly. Apple spokesperson Cindy McCafferty said, “Apple has always tried to gain a good environment for

¹⁰⁹ Bacon, “The Long Struggle,” 103.

¹¹⁰ Milkman and Voss, “Organizing and organizers in the new union movement,” 140.

¹¹¹ Lapp, David. “Rotten Apple.” *Multinational Monitor*. Dec. 1991. 2 Feb. 14.
<<http://www.multinationalmonitor.org/hyper/issues/1991/12/index.html>>.

our employees, and we expect the same from our vendors. What we understand, and we've looked into the union's allegations, is that [Shine's] wages and benefits are competitive.”¹¹²

In late 1991, Apple signed a contract with Shine giving employees health insurance and higher wages for the following year. The maintenance workers were not happy with these new terms. The workers wanted a guarantee that these terms would be secured. The president of SEIU 1877 Mike Garcia said that he would ramp up pressure on Apple and demand a multi-year contract.

In the end of 1991, SEIU 1877, “launched an international support network that pushed for a boycott of Apple products”.¹¹³ In January 1992, two workers filed sexual harassment claims against their manager at Shine.¹¹⁴ Finally, Apple had enough of the negative publicity and signed a contract with SEIU in March 1992.¹¹⁵ The new contract was negotiated between representatives of CUSV, Shine and Apple. Union negotiators negotiated the terms of the contract through CUSV which was the labor representative at the table. Apple ceased operations with Shine and hired a unionized firm to do its work.

WORKER ATTITUDES IN ATARI

The workers’ attitudes to unionize in Atari were mixed. On the day of the NLRB election, workers came to the election wearing anti-union t-shirts and buttons while others vocalized their discontent.¹¹⁶ One Atari worker said, “I don’t believe they can give me anything more than I have now, I feel that I have it pretty good now and I wouldn’t want to go into

¹¹² Ibid.

¹¹³ Milkman and Voss, “Organizing and organizers in the new union movement,” 140.

¹¹⁴ Ibid, 141.

¹¹⁵ Ibid.

¹¹⁶ “Atari workers at California plant vote to reject union.” *The Telegraph* 5 Dec. 1983: 10.

something unknown.”¹¹⁷ The types of attitudes that some workers held heavily influenced other workers at Atari. The closed mindset towards unionization on the part of some workers impacted the ability for all the workers to achieve their demands. Through an NLRB election, the workers voted against union representation.¹¹⁸

WORKER ATTITUDES OVERVIEW

Worker attitudes helped workers achieve their demands because individual attitudes worked hand-in-hand to spark collective actions. In the Microsoft case, workers did not have positive attitudes towards unionization, due to the nature of the work and public opinion at the time. A lack of positive attitudes resulted in the failure of WashTech/CWA to sustain a unionization movement at Microsoft. In the Apple case, workers had positive attitudes towards unionization which was exemplified by the workers’ participation in actions throughout the campaign. The participation from the workers led Apple to hire a unionized firm to do its work. In the Atari case, workers did not have positive attitudes towards unionization due to the nature of the work and prevalent anti-union attitudes in the workforce. The attitudes of the workers resulted in the inability of the Glaziers to win a collective bargaining agreement.

FINDINGS

The Apple case was a successful example of temporary workers organizing in the face of employer opposition; the workers in this case achieved their demands as stated in their grievances. Microsoft and Atari are not successful examples of temporary workers organizing in

¹¹⁷ Ibid.

¹¹⁸ *The Telegraph* newspaper article that broke the story can be found in figure 4 in the appendix.

the face of employer opposition because the workers did not achieve their demands as stated in their grievances.¹¹⁹

A combination of importance to an employer, community engagement, and positive worker attitudes helped workers achieve their demands. I found that one strategy by itself was not sufficient to help workers achieve their demands; at least two strategies were necessary to successfully overcome employer opposition to unionizing.

The Microsoft case had one strategy, importance to an employer, in its outcome. The workers at Microsoft were not able to achieve their demands of flexibility to move to other work groups and to have transparency in TEA pay. The demands that were achieved were higher wages and this was not useful because the workers were still in precarious situations and the higher wages were not permanent as they would be in a long-term contract. Another strategy was needed to help the workers overcome employer opposition to unionizing.

The Apple case had two strategies, community engagement and positive worker attitudes in its outcome. The workers at Apple were able to achieve their demands of higher wages, safer working conditions, and permanent union representation. Community engagement and positive worker attitudes led to the workers overcoming employer opposition to unionizing.

The Atari case had no strategies in its outcome. The workers at Atari were unable to achieve their demands of removing crunch time and receiving adequate overtime pay. Two or more strategies were needed to help the workers overcome employer opposition to unionizing.

¹¹⁹ See figure 6 in the appendix for a table of results.

All in all, a worker's ability to overcome employer opposition to unionizing is different in each case depending on the stakes involved. Perhaps the most important thing for workers to consider is that one tactic by itself does not lead to success in achieving demands. Workers ought to utilize multiple tactics such as leveraging their job duties in the business, creating community engagement, and retaining positive worker attitudes in their drive to overcome employer opposition to unionizing.

INTERNATIONAL CASE

The idea of temporary work is not a new idea. However, as businesses are reaping the benefits from temporary work arrangements, more and more of them have started to outsource their work globally and have created the idea of a “perma-temp”. A perma-temp is a worker who by definition is a temporary worker, but in practice has been working for more than a temporary amount of time and performs the same duties as that of a permanent worker.¹²⁰ Employers who make use of the perma-temp get the best of both worlds: they get to hire workers without paying for their benefits, and they have no threat that their labor force will unionize because the workers are not protected by a union.

Due to the prevalence of the perma-temp relationship, it is important to look at international examples of workers that have been able to organize in the face of employer opposition. The examples internationally will shed light on how to help employees combat employer opposition in the U.S. In the video game development firm Ubisoft headquartered in France, temporary workers' achieved their demands by creating a virtual union, similar to a

¹²⁰ Gonos, George. “The Interaction Between Market Incentives and Government Actions.” *Contingent Work: American Employment Relations in Transition*. Ithaca, NY: Cornell University Press, 1998, 170-191.

collective action organization. The case of workers at Ubisoft reaffirms that workers succeed in bettering their working conditions through recognizing their importance to the employer, cultivating community support, and having positive attitudes towards unionization.

IMPORTANCE TO EMPLOYER

Video game developers (VGDs) formed a virtual union at the French video game development firm Ubisoft in order to achieve their rights.¹²¹ The workers complained about unpaid overtime, the lack of a wage scale, little open dialogue, absence of a hierarchical plan, unclear criteria for recruitment, and multiple back-to-back short term working periods.¹²² The issues that the workers faced stemmed from the firm's lack of a central HR department or ombudsman to hear employee grievances. In December of 1998, six employees created a website which they called "Ubifree" and collectively posted their grievances to start a dialogue with other workers and to raise awareness of their working conditions.¹²³ VGDs who worked on the technical aspects of video games and faced the brunt of many of the issues that workers faced created the virtual union. The UbiSoft workers were essential to the firm and they chose a busy period of time to attract attention.¹²⁴ Through understanding their importance to the employer and using a strategic time to launch their virtual union, VGDs were able to achieve their demands.

¹²¹ Baumard, Philippe, and William H. Starbuck. "Where are organizational cultures going?" *The International Handbook of Organizational Culture and Climate*. Chichester: John Wiley & Sons (2001): 521-531.

¹²² Stoll, Stephanie. "How a dot.com got dot.unionised." *The Guardian*. 6 Dec. 2011. 15 Feb. 2014. <<http://www.theguardian.com/technology/2000/dec/07/internetnews.onlinesupplement3>>.

¹²³ Baumard and Starbuck, "Where are organizational cultures going?" 525.

¹²⁴ Ibid.

COMMUNITY ENGAGEMENT

Community engagement was present in the case of Ubisoft through the media and public support the workers garnered. The French media approved of the workers' actions and started to generate publicity for the virtual union. Due to media coverage, Ubifree received 30 to 40 messages every day from the public expressing outrage at the conditions of the workers.¹²⁵ Ubisoft gave into workers' demands in early 1999 after being exposed to continuous pressure from workers, media, and the surrounding community.¹²⁶ Many of the follow up movements were even more successful than the initial movement of Ubisoft.

A similar site, Ubifree 2.0, has recently been created that delivers an exposé of working conditions at Ubisoft in Montreal, Canada.¹²⁷ The Ubifree 2.0 says its mission is, "A long time ago, a company exploited its employees. The employees tried to organise themselves and used the Internet as tool for their fight, and they created Ubifree. A few years later Ubisoft is doing it again and then here comes Ubifree 2.0."¹²⁸ The Ubifree movement set a precedent for other examples of worker organizing at VGD firms such as Electronic Arts, Rockstar Games, 38 Studios, and Team Bondi.¹²⁹ Interestingly, many of these firms cease to exist due to complications that arose from media attention of poor working conditions. This was the case in Team Bondi which was sold in 2011.¹³⁰ The workers at Ubisoft were not only able to make a difference at their studio, but at other studios around the world.

¹²⁵ Stoll, Stephanie, "How a dot.com got dot.unionised."

¹²⁶ Ibid.

¹²⁷ Legault and Weststar, "Are game developers standing up for their rights?"

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Tassi, Paul. "LA Noire's Team Bondi Shutting Its Doors." *Forbes*. 5 Oct. 2011. 6 Feb. 14. <<http://www.forbes.com/sites/insertcoin/2011/10/05/la-noires-team-bondi-shutting-its-doors/>>.

WORKER ATTITUDES

At Ubisoft, the workers had positive attitudes towards organizing and felt that something had to be done to change their working conditions. When a worker was asked his motivation for creating the virtual union he said, "At the time, we had no choice but use devious means to defend our working conditions. We had to put pressure on the company image. But it does not always work, because the media cannot always echo our claims." He continued by saying, "Those who had started to talk with the management, had never come back to the table."¹³¹ After going to management once and not having a successful result workers were capitulated to do something to change the status quo. The workers' efforts were rewarded; Ubisoft created employee representatives to management committees for workers to voice grievances' in the workplace.¹³² The workers shut down the virtual union after Ubisoft addressed their concerns through the formation of these representative committees.¹³³

POLICY RECOMMENDATIONS

Workers can succeed in bettering their working conditions through employing the strategies of recognizing their importance to the employer, cultivating community support, and having positive attitudes towards unionization. This argument leads me to advocate for informal mechanisms in which to employ these strategies. The ability to unionize and leverage bargaining power to better working conditions is an important skill to have, but union representation may not be the best fit for temporary workers in the high tech industry. Unions are not the best fit for the high tech industry due to the demographic of the workers and the nature of the industry. The

¹³¹ Stoll, Stephanie, "How a dot.com got dot.unionised."

¹³² Legault and Weststar, "Are game developers standing up for their rights?"

¹³³ Ibid.

alternatives to a union include a hiring hall, a collective action organization and creating legal regulations.

The hiring hall model is one example of an alternate to unionization. A hiring hall is a collection of workers that can come together and form a non-profit to supply workers to employers.¹³⁴ Hiring halls recruit workers through temporary employment agencies but do this in a more humane way. An advantage to the hiring hall method is that workers have the ability to maintain lists of qualified and available workers that employers can use during times of need.¹³⁵ The workers themselves would know which worker to select since they are around each other every day. The second benefit is that it prevents an oversupply of labor to a particular employer by putting the responsibility on the workers.¹³⁶ The workers will want to distribute themselves evenly so that they all have jobs. This is because it is in the hiring hall's self-interest to spread the work fairly in order to retain members and collect member dues. Thus, it is an efficient system because the workers are being spread out evenly and the workers that the employers get are well qualified and able to do the job. Third, the hiring hall can also conduct training programs through revenues from dues which will be to the employers benefit because they will have a work-ready workforce.¹³⁷ The training can be part of a certification process to increase the benefits to the employer.¹³⁸ Thus, hiring halls are beneficial for both workers and employers.

Secondly, a collective action organization could be formed as an alternative to unionization. A collective action organization is a pseudo-union, usually a third-party, working

¹³⁴ Gonos and Martino, "The case for a union hiring hall", 511.

¹³⁵ Ibid.

¹³⁶ Ibid, 513.

¹³⁷ Ibid.

¹³⁸ Litwin, Adam. "Interview with Adam, Professor Johns Hopkins University." Telephone interview. 6 Mar. 14

to improve workers' rights.¹³⁹ A good example of this is the International Gaming Developers Association (IGDA), which is a professional organization that represents video gamer developers around the world. IGDA works on finding employment for VGDs, honing VGDs' skills by providing training and giving VGDs the ability to voice key issues.¹⁴⁰ In fact, in 2009, the IGDA pooled the health and benefits plan for members and supporters of IGDA volunteered to help roll out the benefits.¹⁴¹ IGDA also set up a grievance committee to help VGDs have voice in the workplace on working conditions.¹⁴² Interestingly, IGDA is an organization that has the support of both labor and firms in its actions. In order to join IGDA, a member has to pay dues. Some employers pay the fees for IGDA voluntarily because this allows the employees to attend professional conferences for free.¹⁴³ This investment in professional development is unique from management towards a workforce that is precarious. However, employers do this because the benefits of paying membership pay off in the future because they do not have to pay out of pocket for additional training or continuing education fees.

Collective organizations are particularly successful because they can substitute for a union without being branded as one. This helps the workers because they are able to achieve gains in strategic ways. Though collective organizations lack legal enforcement mechanisms to enforce workers' grievances, collective organizations can put workers in touch with legal services so that workers can get the legal help they need.¹⁴⁴ A collective action organization

¹³⁹ Uzzi, Brian, and Zoe I. Barsness. "Contingent employment in British establishments: Organizational determinants of the use of fixed-term hires and part-time workers." *Social Forces* 76.3 (1998): 967-1005.

¹⁴⁰ Weststar, Johanna & Marie-Josée Legault. "Facts and discussion about hours of work in the videogame industry." Conference Proceedings from Videogame Cultures and the Future of Interactive Entertainment, 4th Global Conference, Oxford, UK. (2012, July).

¹⁴¹ Ibid.

¹⁴² Weststar, Johanna. "Occupational Community: Opportunity or Threat to Collective Action among Video Game Developers?" (2011).

¹⁴³ Weststar, Johanna. "Interview with Johanna, Professor University of Western Ontario." Telephone interview. 28 March 14.

¹⁴⁴ Uzzi and Barsness, "Organizational determinants of the use of fixed-term hires and part-time workers," 969.

takes the burden off the worker so the worker does not have to go through the trouble of trying to organize himself like the workers did at Microsoft. The NEA, the National Education Association, is one example of an organization that started as a collective organization and then was able to unionize its workers.¹⁴⁵

Collective action organizations can also be created from the ground up, by workers' themselves. At the New Labor Worker Center in New Jersey workers are setting up committees called "consejos" which allow workers to have a voice in every day workplace decisions.¹⁴⁶ Consejos are similar to works councils and are responsible for organizing, recruiting, and training workers.¹⁴⁷ Consejos proactively monitor low wage labor markets and educate workers so that they can rise above poor working conditions.¹⁴⁸ Consejos are important to the growth strategy of New Labor because they have "allowed New Labor to have a presence in towns where there is not a physical center and to foster relationships with churches and other community partners."¹⁴⁹ Consejos also have a binding agreement signed with employer called a Responsible Employer Pact (REP).¹⁵⁰ The REP is a list of standards that a temporary agency can sign on to in order to promote fair working conditions.¹⁵¹ This list can be enforced by a court of law and thus is an important progress in the area of temporary workers' rights. Employers accept the consejos since it gives them an advantage because it means that workers can stay longer and that they are more productive while on the job.

¹⁴⁵ "Our History." *National Education Association*. <<http://www.nea.org/home/1704.htm>>.

¹⁴⁶ "Empowering Low Wage Workers in Walmart Supply Chains." *New Labor Worker Center* (2009).

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid, 2.

¹⁵⁰ See figure 7 in the appendix for an example of a Responsible Employer Pact.

¹⁵¹ Ibid, 3.

Thirdly, legal regulation that clearly defines who a temporary worker is and what rights they have in the workplace could be passed to protect temporary workers. The number one reason workers persistently face poor working conditions in the workplace is because the workers do not speak up. Without raising awareness of working conditions no one will take the time to try to come up with a solution to better the working conditions that temporary workers face. By passing laws that protect temporary workers, workers could have the freedom to speak up more frequently and more honestly.

Laws protecting temporary workers have been instituted across the globe. Countries have passed laws to protect temporary workers in the workplace. In a study done by the Organization for Economic Development (OECD), the U.S. ranks 41 out of 43 for developed countries and economies that have protections for temporary workers.¹⁵² Half of the countries in the study protect temporary workers by passing legislation to restrict the duration of workers' short-term assignments to a range from three months to three years.¹⁵³ Twelve countries in the study banned companies from hiring temporary workers in dangerous industries or to do dangerous work.¹⁵⁴ The report from the OECD is telling because it proves that it is possible for laws to be passed that protect temporary workers. In fact, half of the countries that OECD considers as having developed economies has already passed these protections. If the U.S. wants to remain competitive in the future, it could learn from and model examples of countries that have

¹⁵² Fanning, Charlie. "The Shameful U.S. Record on Temporary Worker Protections." *AFL-CIO NOW*. 26 Feb. 14. 1 Mar. 14. <<http://www.aflcio.org/Blog/Political-Action-Legislation/The-Shameful-U.S.-Record-on-Temporary-Worker-Protections>>.

¹⁵³ Grabell, Michael. "U.S. Lags Behind World in Temp Worker Protections." *ProPublica*. 24 Feb. 14. 1 Mar. 14. <http://www.propublica.org/article/us-lags-behind-world-in-temp-worker-protections?utm_campaign=sprout&utm_medium=social&utm_source=twitter&utm_content=1393257957>.

¹⁵⁴ Ibid.

successfully addressed the rights of temporary workers. One way to do this is to pass legal legislation that protects them.

CONCLUSION

The road to achieve fair working conditions for temporary workers is a long and challenging one. However, it is crucial to explore methods and ideas to raise workplace standards for temporary workers because of the high percentage of the precariat in the American labor market.¹⁵⁵

Fortunately, organizations have been able to contemplate the future and have started to mobilize the temporary workforce. Through my research, I showed that workers succeeded in bettering their working conditions through recognizing their importance to the employer, cultivating community support, and having positive attitudes towards unionization. These three strategies are easy mechanisms that workers can use in order to resolve issues in the workplace. My findings are especially important because temporary workers are part of the vulnerable workforce and are more likely to face circumstances that violate their rights than permanent workers.

Lastly, civil society as a whole is better off if temporary workers have fair working conditions. The abuse of temporary workers is reaped by society who has to pay for the abuse through taxes and cost of safety net services. A decent wage is beneficial to all members of society because it improves the outcomes for society as a whole. As seen in the Apple case, the money that is being spent by the public on safety net services for temporary workers could be

¹⁵⁵ Standing, Guy. *The Precariat. The New Dangerous Class*. London: Bloomsbury, 2011.

spent by the employer to raise workers' wages. Thus, organizing temporary workers is not a minority issue, it is an issue for those who want tomorrow to be better than today.

My research led to some strategies and not others because the industry I am studying has a homogeneous workforce. In the future, it will be important to research other strategies that enable workers to achieve their demands. For example, I could pick tactics such as worker demographic, predisposition towards unionization, and attitude towards capitalism.

In order to strengthen the research and to understand whether the strategies I identified led to overcoming employer opposition to unionizing, it would also be interesting to expand the number of case studies. I chose three domestic case studies and one international case study because I thought that these studies were sufficient to see patterns and draw preliminary conclusions. However, next time expanding the number of cases would strengthen my conclusion.

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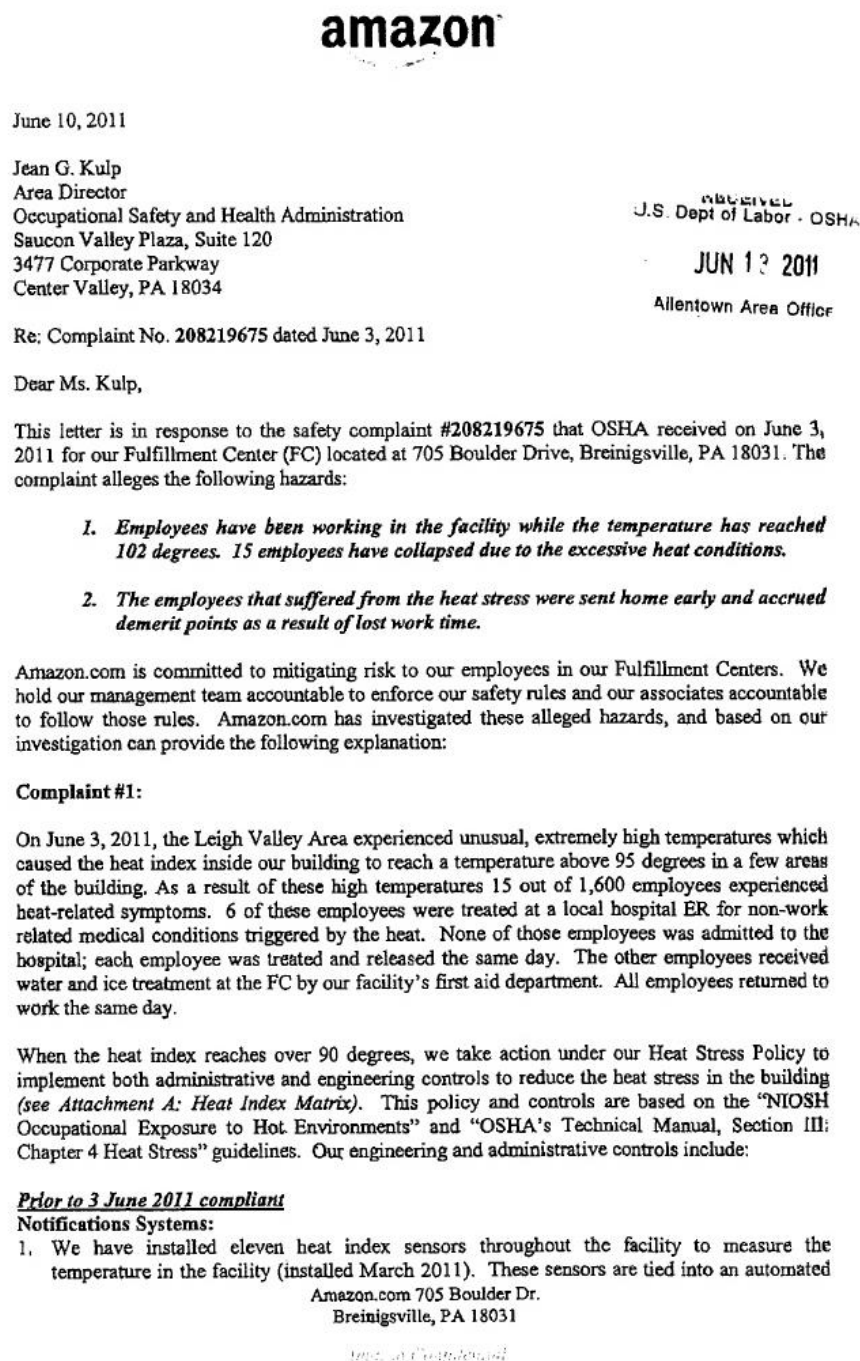
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APPENDIX

FIGURE 1



Source:

"Amazon Letter to OSHA." *The Morning Call* [Allentown, PA] 2011: Web. 10 Jan. 2014.
<<http://www.mcall.com/news/local/amazon/mc-amazon-document-3,0,115333.htmlpage>>.

FIGURE 2

FY14 Fatalities and Catastrophes To Date			
Date of Incident	Company, City, State, ZIP	Preliminary Description of Incident	Fatality or Catastrophe
3/22/2014	Graham County Land Company, Hannibal, OH 43931	Worker struck and killed by falling tree.	Fatality
3/21/2014	Dolly DYK Cleaning Corp, Boston, MA 02116	Worker killed in fall down elevator shaft.	Fatality
3/21/2014	Mack's S & S Construction, Catoosa, OK 74015	Worker crushed by dump truck.	Fatality
3/20/2014	Baker Hughes, Meshoppen, PA 18630	Worker killed in tractor trailer collision.	Fatality
3/20/2014	Ensign United States Drilling Inc., Killdeer, ND 58640	Worker struck and killed by traveling blocks while working on a drilling rig.	Fatality
3/20/2014	Haas-Anderson Construction Ltd, Sinton, TX 78387	Worker struck and killed by motor vehicle.	Fatality
3/20/2014	Midwest Farmers Cooperative, Tecumseh, NE 68450	Worker died from exposure to anhydrous ammonia released during transfer from tanker trailer to bulk storage tank.	Fatality
3/20/2014	Vision Pool, Newport Coast, CA 92657	Worker drowned in pool.	Fatality
3/20/2014	Volles Dairy Farm LLC, Marietta, NY 13110	Worker performing maintenance on truck was crushed by hydraulic dump body.	Fatality
3/19/2014	Chicago Doorways LLC, Chicago, IL 60611	Worker died after falling from ladder.	Fatality
3/19/2014	G.E. Drywall, Bella Vista, CA 96008	Worker killed in fall from height.	Fatality
3/19/2014	Ingram Ready Mix, Converse, TX 78109	Worker struck and run over by truck.	Fatality
3/19/2014	Mendocina County Sheriff's Office, Cleone, CA 95437	Worker shot while in pursuit of suspect.	Fatality
3/19/2014	Redwing Electric, LLC, Pasadena, MD 21122	Worker killed in fall from water tower.	Fatality

Source:

Protecting Temporary Workers. United States Department of Labor , n.d. 9 Jan. 2014.
<https://www.osha.gov/temp_workers/>.fa

FIGURE 3

TABLE 1
A COMPARISON OF BENEFITS PACKAGES FOR MICROSOFT FULL-TIME EMPLOYEES AND
A TYPICAL AGENCY CONTRACTOR

Type of Benefit	Microsoft	Volt Services Group
Health benefits	Medical, dental, vision, and supplemental life insurance	HMO medical, vision, and life insurance
Performance incentives	Performance bonuses twice a year	Employee pays \$15.81 per week Overtime pay, sometimes straight time, sometimes time and a half
Stock options	Stock purchase plan with 15% discount Stock options of several hundred to thousands of shares	None
Retirement	401(k) plan with company match of up to 3% of salary	401(k) plan with no match
Vacation	Minimum 2 weeks' vacation annually, 10 paid holidays, 10 days of paid sick leave	Eight paid holidays annually, 40 hours of paid vacation for every 1500 hours worked
Training	Training assistance	Free technical training for software testers

Source:

van Jaarsveld, Danielle. "Nascent organizing initiatives among high-skilled contingent workers : the Microsoft-WashTech/CWA cas." *Industrial Relations* 43.2 (2004): 364-85.

FIGURE 4

10 *The Telegraph* Monday, December 5, 1983

Atari workers at California plant vote to reject union

MILPITAS, Calif. (AP) — A vote by Atari Inc. workers to reject a union is a clear slap to labor's hopes of gaining a foothold in the high-tech Silicon Valley, the company said, but a union leader said the campaign will continue.

Some workers cheered outside Atari's coin-operated games division after balloting conducted by the National Labor Relations Board showed 143 employees opposed union representation and only 29 favored it.

The vote came after two years of organizing at Atari by Glaziers, Architectural, Metal and Glass Workers Local 1621 whose organizer, Kathy Ruiz, had said a victory would start "a domino effect" of unionization in high-tech industry, giving other workers "more courage" to join unions.

The defeat was the latest in a series for unions trying to break into the mainly non-union industry, but a trade group official warned that electronics companies should not become complacent but instead, "make sure you're listening to your workers."

"The union can come back again and probably will," said Charles Elkind, a spokesman for the American Electronics Association.

Ed Jones, a Glaziers union organizer, quickly declared the Atari election "illegal" and promised to ask for a repeat vote, claiming the company threatened workers with loss of benefits if the union won.

His allegations echoed charges filed last week in two unfair labor practice suits. Atari cited

Atari spokesman Bruce Entin said the allegations were "totally untrue."

Entin added: "The employees have spoken and ... given a message to all unions as loud as it is clear: we don't need a union at Atari."

Union officials had cited hundreds of recent layoffs by Atari in their bid for workers' votes.

Some employees wore anti-union T-shirts and buttons to work and voiced opposition to the labor drive.

"I don't believe they can give me anything more than I have now," said Kery Drake, an Atari employee for three years. "I feel I have it pretty good now and I wouldn't want to go into something unknown."

The vote was the first since 1980 among electronics firms in the Silicon Valley, which takes its name from the chips of silicon used in computer brains. The valley is at the south end of San Francisco Bay.

Three years ago, the International Brotherhood of Electrical Workers waged an unsuccessful drive to unionize Raytheon Corp. of Mountain View.

Companies in the area where unions represent workers include Lockheed Missiles & Space Co. Inc., Westinghouse and General Electric, where unions have been in place many years.

A survey by the American Electronics Association showed that of a dozen elections reported to it between 1977 and 1982, none were won by a union.

The Glaziers union has five days to challenge the Atari election, triggering an investigation that could lead to a repeat vote, according to NLRB official John Montoya. Otherwise, the union must wait a year before another election is held.

A victory at Atari would have affected only 179 assemblers, machine operators and cabinet makers, but Ms. Ruiz said, "Our union is committed to doing this, to organizing the Silicon Valley."

In their campaign, union supporters said that 2,500 job cuts at the financially troubled company since late February, including 500 in the coin-operated games division, occurred with little or no notice.

"This company's hungry and they are ruthless in their actions," said Chuck Governor, a 27-year-old Atari utility worker.

But Entin responded that "the unions cannot create jobs. They cannot save jobs."

The organizing campaign hostility and anti-union workers at Atari, and in workers turned a fire hose on others after efforts to get election authorization signed.


Widow sues motel

FORT WORTH, Texas (AP) — The man who was killed in the June 14 R Central fire has sued the motel and companies for more than \$4 million.

In the suit filed Thursday, Maria Juvenal of Wichita said her husband Nickolas smoke inhalation because the motel did not have smoke detectors and maintained which would allow a fire to start and spread.

Five people died and 34 were injured in a two-story wing of the motel, which was obstructed exits.

FINAL FACTORY SALE



**WHY THE WORST TIME
YEAR TO DIET IS THE
TIME TO JOIN CLORIA**

Source:

"Atari workers at California plant vote to reject union." *The Telegraph* 5 Dec. 1983: 10.

<<http://news.google.com/newspapers?nid=2209&dat=19831205&id=cIVKAAAIAIBAJ&sjid=G5QMAAAAIAIBAJ&pg=6973,1069268>>.

FIGURE 5

Table 1: Ethnic Composition of Home Care Workers

Los Angeles County* 74,000 workers	San Francisco County** 8,000 workers	Alameda County*** 7,000 workers
39% - Latina 25% - African American 14% - Armenian or Russian descent 7% - Asian/Pacific Islander	30% - Asian/Pacific Islander 30% - African American & other English-speaking workers 25% - Russian 5% - Latina	40% - African American 30% - Caucasian and others 15% - Asian Pacific Islander 9% - Latina 5% - Middle Eastern

Source:

Delp, Linda, and Katie Quan. "Homecare worker organizing in California: An analysis of a successful strategy." Labor Studies Journal 27.1 (2002): 1-23.

FIGURE 6

	Imp. to Employer	Community Engagement	Worker Attitudes	Effective?
Microsoft	Yes	No	No	No
Apple	No	Yes	Yes	Yes
Atari	No	No	No	No

FIGURE 7

Responsible Employer Pacts (REPs)

1. A Living Wage! (\$12.00)
2. Recognition of New Labor Consejos as the REP community/worker representative
3. Policies and procedures for providing workers with mandatory written job orders containing crucial information informing them of their job assignment, rate of pay, safety protection requirements and the name of their workers' compensation provider
4. Rules and procedures for a dispute resolution process—one that empowers workers through the Consejos, solves workplace grievances, educates workers, and enforces the terms of the REPs
5. Recognition of REP Councilors—elected and/or appointed by the Consejos to enforce the REPs on the job and resolve disputes between temp workers and agency managers prior to engaging the formal dispute resolution process
6. The establishment of joint labor-management Health and Safety Committees
7. New Labor Rules for the Road policy and procedures (see attached New Labor/On Target MOU)—Rules for the Road policy and procedures will include requiring all van operators to sign Rules for the Road MOUs.
8. The establishment of joint training programs for temp workers and managers who are elected/appointed to participate on the dispute resolution and health and safety committees and a requirement that the committees meet monthly
9. An agreement to join and participate in the Rutgers OTEC, REP Training Partnership
10. A statement that all signatory temp agencies will comply with all state and federal employment laws and standard

Source:

"Empowering Low Wage Workers in Walmart Supply Chains." *New Labor Worker Center* (2009).

INTERVIEWS

HIGH TECH

Source: Anonymous. "Interview with High tech Worker, Active in the 1990s." Personal interview. 16 Feb. 14.

1. As part of the temporary work force, did you ever want to organize?

No, because the freedom to make as much money as you can and the potential to carve your own career path was too attractive. I was ready for the idea I had no benefits and would have to pay for training out of my pocket. The return on investment in contracting was greater going forward even without the benefits.

2. What was the allure of being a temp worker?

You can make your own terms. The harder you work the more the employer sees your productivity. Usually the employer doesn't have expertise in-house so he wants to see you succeed. I found myself being trained on the job even though contractors' training was not paid for. Another big incentive for being a temp worker is the tax benefits. You can write off the external costs associated with temp work such as insurance, training, etc. so that taxes cannot be deducted from it. In the tech field, the allure of being a temp worker was especially strong in the 90's. Since you weren't chained to one employer, you could always learn new technology. The creation of the internet created a lot of demand and it was easy to get a new contract at the drop of a hat. If you like to constantly learn new things then the career path would unravel at warp speed which was very attractive to me.

3. Is the temporary work arrangement sustainable?

No, it is not sustainable in the long-term. However if you have expertise that is a niche-based expertise then it may be sustainable. It is hard to have this niche-based expertise because niches are constantly changing. I think that the upcoming niches are robotics, energy, and sound and light integration.

4. What do you think of the over-all prospects of the temporary worker?

As the prospects for a full-time employee are becoming dimmer, the prospects of contract work are becoming greater. The current economic situation is a huge opportunity for contractors who are interested in entrepreneurship and forging their own career path. The size of the opportunity depends on the discipline that a contract enters into. For example in IT/programming there is an advantage to being younger because this profession looks for people who are up-to-date with the newest technologies and who are willing to learn and to take a lower wage. These people tend to be younger. In engineering, there is an advantage to being older because this profession looks for experience and experience only comes with age.

5. What kind of obstacles did you encounter as an agency contractor?

I didn't face any obstacles I wasn't prepared for. It was hard to be integrated into the work culture as a contractor because you are excluded from work activities, but this disadvantage was expected with the job.

VIDEO GAME DEVELOPER

Source: Weststar, Johanna. "Interview with Johanna, Professor University of Western Ontario." Telephone interview. 28 March 14.

1. How many temporary workers are in the industry?

There is no count. Entertainment Software Association keeps data on the status of the industry. International game developers association do a survey at the end of April. Most times people are full-time employees, but there are a growing body of people who are self-employed, workers working on contract by game studio to work on a piece of a game.

2. Any temporary worker part of temporary agencies?

No. Scenarios where game studios will hire people to test their games may occur. TEA's might hire these people from a beta-testing pool. UB soft studio in Toronto people signed on contract to test the games. These people are students, VG aficionados, or people trying to move up the ranks.

3. What do these workers do?

The largest part are computer programmers. They write code (same as software developer/computer developer). There are artists who do graphic design to do art/animation/3d modeling. Then there are quality assurance people who test and repair games. Lastly there are sound developers who do voice of characters. And there are managers of all the pieces.

4. Are their skills easily replaceable?

Historically, in the late 70's, their skills were specialized and a lot of knowledge was needed. The work has become deskilled over time. Canned programs lower barrier of entry for workers. Specialized education programs for game developers also lower the barrier for entry.

5. Are there other workers who have similar grievances as VGs?

They are standard IT workers (programmers). Working conditions are similar to IT workers. They experience overtime, crunch time, the death march. VG share relationship with entertainment workers as well such as TV, film, specific sound vibe/feel work can share with that side of cultural industry.

6. What are their attitudes towards unionization?

Mixed. Assumption is that they are against unionization. They do have skills and make good salaries. They are good at what they do. They possess high individual bargaining power. There is a lack of women and diversity. In 2009, IGDA did a survey where they asked would you join a union?

1/3 skipped the question, 1/3 said yes, and 1/3 said no. There are now articles on unionization in the game industry but it is not a thing right now. People who are support staff may be unionized. The IGDA professional organization functions as a union for VG workers. They represent VG developers around the world. ED, few staff paid through dues, work based on volunteers, don't have ability to do things about it, do things but then it falls away, advocacy, training/networking issues, have moved into area of unions. 3rd party interest arbitration. Quality of life surveys. Some developers don't think the IGDA is useful. Some studios will pay IGDA membership in advance, a professional development opportunity for VG workers. UB soft union in France was a virtual union for a few days but then shut down. Ethos – employer anti-union, employees want a different kind of union.

7. What are suggestions for the future improve working conditions and help video game workers achieve their demands?

Everyone should have a union. Norms set in the industry over. Recognize that it is nature of the work. There is something that needs to be fixed in compensation. Risks that employees face when their projects end. Fix the employment insurance, retirement insurance, and other job security issues. I interviewed 100 game developers in Canada. The results of the interviews are below.

Source: Legault, Marie-Josée, and Johanna Weststar. "The Capacity for Mobilization in Project-Based Cultural Work: A Case of the Video Game Industry." 2014. *Canadian Journal of Communication*, 19.

Overtime issues

I don't really know people who won't work the overtime. Because if you're on a team, let's say if the programmer refuses to work overtime, the game doesn't get finished for that day and doesn't get sent to the people at headquarters who have to review it every couple of days and he gets blamed. No I don't think you really can. You can but you'd probably be fired quickly... [...] I know I get evaluated every six months and I know it will affect my evaluation if people perceived me as being the girl that doesn't go the extra mile. (F-10-16-G-26-06-08-01-07)

...I wanted the overtime to be justified. I wanted to be paid, and of course, you can ask the employer, but obviously he'll say he's entitled. And then when you call later for help, there is none, and then you don't want to battle a giant like those huge companies on your own. Obviously a class action is needed. It takes a torchbearer. No employee will do it. That's usually the union's role. But we don't have one here. (H-13-08-U-03-06-08-01-07)

You know, especially at the end of a project, they try to get people to put in just a bit more extra effort. [...] The company doesn't make me do the hours. I do it because I want to. But at the same time, the constraints of working in video games mean that it's hard to get ahead without doing it [overtime]. (H-01-16-U-29-05-08-01-07)

...If I'm working for a project that I put my own personal stamp on, that I invested in, [overtime's] sort of my choice. (H-13-11-A-17-06-08-01-07)

Exploitation

That's pretty [much] what seals the deal, if a project is interesting enough, people would put up with anything, they will work crazy hours if they love the project...so people will go "Oh yeah, it's going to be a great game." So they use that, a company uses that to make people do more work than they should do [...] Sometimes they use that to exploit you so they don't pay you as much...they know you like it, so they don't have to pay you because they know you'll do it anyway, they know you'll accept it. (H-13-11-A-17-06-08-01-07)

So they have trouble coming to see us and saying: "Right, I've got a job to be done. How long will it take you?" When they're planning, they put down that it's going to take a day, when we know damn well it'll take two or three days. So we wind up with plans that are absolutely never followed. And towards the end of production, when the deadline looms, you can't put it off: it's the customer's deadline. (F-13-19-A-23-07-08-01-07)

Team budgets are getting smaller and smaller and producers take it for granted that people will do overtime. They shorten the timeline, they do it on purpose to fit the most possible into a shorter time. (F-10-12-U-12-05-08-01-07)

Wage theft

For example, one programmer (F-13-19-A-23-07-08-01-07) complained that 80% of her time was spent on the upkeep of the computer (i.e., downed servers, slow networks, broken parts) as opposed to new work, yet the time needed for these regular events was not accounted for in the schedule. As another developer said, "...there are projects that go wrong because people underestimated the difficulty or planned poorly" and he further suggested that the project-based environment is not sympathetic to such errors, "Deadlines don't get pushed back because of a mistake like that." (H-06-05-U-05-06-08-01-07)

In the other cases of overtime, when the publisher says: "Oh, can we have this?" - "Can we have that?" - "We don't like that." - "This doesn't work anymore." - "We're gonna change this" So that has a huge impact on the production because it's not something that's planned and it's usually something that comes very late and the reason why it happens is usually that the [...] license holders or any sort of third party owner of this intellectual property might only get involved towards the very end of the project, so then that's when things start getting really messy[...] (F-12-16-A-16-06-08-01-07)

[When you consider the question of hours ...] It's not just the company, it's the whole industry. The industry is aggressive, highly competitive. You always have to try and stand out. Of course,

the company I'm with is one of the top five in the world. Just to stay in the top five, you have to be demanding, have a great catalogue that will attract players, that will sell, that will be fun, so there's a lot ... (F-01-01-U-31-07-08-01-07)

So if I didn't do it [overtime] and no one else did it, it wouldn't show in the final product and we have a certain amount of pride and a certain attachment to the final product, the common goal. So it's not just repetitive work delivering a certain number of products, it's the quality of the final product. (F-18-02-U-22-07-08-01-07)

It's a young industry, so we still don't think about how to properly plan a game yet. We wouldn't need to do as much overtime if we'd plan things better. Generally we don't really know what we are doing a lot... Like we know how to make the game, but ... things change all the time and right at the very last minute and I think it's maybe lack of experience, we still sort of rush in, rush in, right to the last, last bit. So that causes these extra crunch times. (F-05-20-U-25-06-08-01-07)

Attitudes towards unionization

I see professional associations as more for providing tools, training, advice, things like that. I see them more as a community of people working in the same occupation who can talk and discuss the subject. I don't really see them as backing me in case of problems. A professional association isn't like a trade union, either. It's really a group of people who do the same job, who may be able to give me cues here and there for getting ahead, tools to do the job better. (F-01-20-U-06-06-08-01-07)

I think that right now, people don't feel they need a union. Why? Because there's a lot of work. You don't need to defend yourself. Even though there are disparities between some [...] people who do the same job, there's still great satisfaction with pay, because it's driven by market pressures. We've got the long end of the stick. (H-12-16-16-A-04-06-08-13-19)

[...] we do change companies a lot, so if you work hard and try to get one company to implement something and then you just move to the next one, then you have to work hard to get it done again, so I think that probably in a long run, it's better through politics and sending standards on having something that is more universal. (F-05-20-U-25-06-08-01-07)

Well, the thing I want to emphasize was that the industry is very international and it's a little bit tricky to look at it only in national level [...] like people that work for [studio] and then go to [Asia] lose their civil rights, or people that are from Sweden and move [...] don't have the same child care [...], but they still have the same family. You know, there's just so many things related to people crossing borders constantly. [...] For me, investing so much in retirement that I'll never be able to collect on because it's part of a national system... It doesn't belong to me; really, it's paying into a system that will pay back out to me. (F-08-11-I-01-08-08-01-07)

People talk about VGD unions, but it's a pipe dream. [...] The union is kind of anti-passion ... It brings everyone down to the same level, gives everyone the same working conditions. And in terms of innovation, it would be even worse than today, I think. It could really put the brakes on ideas and people's commitment ... It's employee commitment that gets a game out. So if your employees only work from eight to five, nothing's going to get done. Montreal's reputation is going to suffer and that will be like ... I'm afraid that what's happening in Europe right now could happen in Montreal. No one trusts the Europeans to make games anymore. (H-06-16-G-23-07-08-01-07)

It's the problem of being seen as a [trouble maker]: Don't cause too many problems because HQ arbitrarily fires people sometimes. It just seems that if it's like at the end of a project and if it got really well, everyone's safe, but if it hasn't, they'll fire the producer and the designer and someone else. [Without any explanations?] It happened before and they would just say "we didn't work well together", "work didn't go fast enough", "the project didn't go that well, it's your fault." [...] Without a warning. (F-10-16-G-26-06-08-01-07)

A lot of people say, "Oh, if the game industry is unionized, it will move to China, period, and that's the end of that. They'll pay people who live to work, rather than people who work to live, and ..." You know, they often tell us it's impossible to unionize and employers would go elsewhere. Everyone would love to find a solution, but no one is very well informed or does anything to change anything. (F-03-18-U-13-06-08-01-07)

There are initiatives like the IGDA that attempt to formalize things like getting your name in the credits. For example, there are people who've done fifty percent of a game and they don't get credited ... When you apply for a job, the idea is really there ... People will say, "How many titles have you delivered, how many projects have you worked on?" It's good to have your name [in the credits], because your reputation is based on credits. Those standards are developed by the IGDA, for example. It's a kind of association, but it's not a union. (H-12-16-16-A-04-06-08-13-19)

HOME CARE

Source: Entzminger, Victoria. "Interview with Victoria, Delegate for SEIU 1199." Telephone interview. 14 April 14.
Recording available on request

1. What made you want to be a personal care attendant?

I was asked if I would be interested. What is it that, I need to do? I thought “maybe an avenue to medical field” simple enough, I thought I’ll try I enjoy helping people. I have patience, much more than the average person.

2. What are the daily duties of personal care attendants (PCAs)?

A PCA’s duties can vary. It is based on an individual’s needs. It could be from getting/helping them up and/or out of bed. Assistance in the bathroom/shower, because they may not be able to do it by themselves or might need one maybe two cues at a time.

3. What kind of obstacles do you encounter as a personal care attendant?

A) Distance, I moved 30 minutes away, not a lot of hours. I did live 10 minutes away. I am burning quite a bit of gas to and from my client’s home. I haven’t been compensated for unnecessary travels.

B) Getting paid on time! Mail goes directly to consumer. So, I have to go and pick my check up sometimes days after, I mean many days after it arrives. I’ve said you keep the envelope send me my check in the mail!!

C) I have to accompany my client to all appointments. Most of the time I have to drive my car to and from appointments and I do not get compensated for gas.

D) Payroll keeps shorting my hours. Half and hour, sometimes an hour. They just paid me for two months ago.

4. What are some solutions to the obstacles you face?

A) Allotment to go towards travelling or just help put something in your tank. Local is easier, than having to travel 35-45 minutes to an appointment. And sometimes an hour getting back.

B) Direct deposit is great or money card, money is on card when check should be in my hands.

C) Schedule transportation soon as possible, not waiting to last minute and they can't do it.

D) Payroll pay attention to our hours and money better than what they have.

5. How easy is it to communicate your grievances to others in the industry?

Personal care attendants have similarities anywhere from cooking for clients, family members expect you to cook for them. Washing client's clothes, family members says you need to wash my clothes as well. Clean up kitchen/wash dishes family members destroy the kitchen; you see sometimes next time you arrive.

6. What made you want to be a part of the Massachusetts PCA campaign/What was your involvement?

Intrigued! Concerned! Excited! Not just seeing what happens! But to be active and take part. I cared for my mom & sister for a few years without a degree. When I would go with them to their appointments, inquire about or respond in a way that I knew or had an idea as to what they were talking about. They would ask "what medical field are you in"? I am her "personal caring assistant". I first went to a rally that was being held in cape cod. (love to travel) I brought my

client because it was a Saturday; I wanted to see what happens! From that first rally I have been actively involved. That first year 2011 I was elected by my peers to be a delegate leader. Whether it be today or 30 years from now, I will do what I can to speak, share, help and fight for who cannot!

7. How many part-time workers are in the homecare industry? Full-time?

Some of us may have to work two maybe three part time jobs to make almost a decent living. Flexibility works sometimes. Then some of the time it gets in the way of family time. Massachusetts 30,000 plus personal care attendants. Just about all of them. If not all of them.

8. How many are employed by temporary employment agencies?

Not sure, I believe none.

9. Are the homecare workers high-skilled?

Many have been CNA's, nurse's and home health aide's having prior experiences of hospital and some nursing. Majority, who has; will be or has taken advantage of training opportunities, to keep us up as professional healthcare homecare providers.

10. Is working as a personal care attendant sustainable?

Being that we have a large number of personal care attendants, that number is going to have to increase. Some are living longer or requiring services. Many of us will need the care of a personal care attendant more than likely will have a mental and or physical challenge; that will keep us from being independent.

We deliver personal care in their homes, some may and will be family members, and may and will not. Absolutely, care with love, respect and dignity.

LOGISTICS

Source: Kimmel, Louis. "Interview with Louis, New Labor Worker Center." Telephone interview. 14 Apr. 2014.

1. What made you want to do warehouse work?

Back in 1999, I graduated college. After college, I wanted to get involved in helping workers achieve their rights in the workplace. Thus, I founded New Labor with Carmen Martino. Right now I am responsible for helping our members with ESL to counter education-based problems. He is working on establishing a peer to peer learning model at the worker center right now.

2. What are daily duties of warehouse workers?

Warehouse workers work on the line, packaging materials, put stuff on the line, unload trucks, reload trucks, bottle detergents. An example of something a warehouse worker does that is dangerous to his health/safety is the manufacturing of malaria pills.

3. What kind of obstacles did you encounter as a warehouse worker?

The obstacles I encountered were that there was no health and safety training, there was on-the-job training, van transportation, more than 15 people on a truck. There were unpaid wages, checks that bounced. The triangular relationship posed a problem because I worked for a different company than the one I was an employee of. The TEA is the employer but paws off to the warehouse worker. There is no joint responsibility between the TEA and the employer.

4. What are some solutions to obstacles?

I believe that there are certain things you can do with people and with policy. The policy route includes things like the “right to know” law, and transparency initiatives. However, the problem with the policy route is that it lacks teeth for enforcement mechanisms.

The people route includes things like what New Labor is doing with “consejos”, works councils, which work on plans of actions to solve problems from the ground up. In Newark, they are training people in the workplace through the creation of health and safety committees in all agencies. Joint management and labor committees are proved to benefit the worker and create a forum for worker voice in the workplace.

5. How easy is it to communicate your grievances to others in the industry?

Everyone knows what the problems are. Trying to solve it out your own doesn’t work. A collective action is necessary effective communicate your grievances to another party.

6. What made you want to be a part of New Labor/what is your involvement?

New Labor provides the forum for the kind of collective action that might change the workplace. It is similar to wildcat strikes.

I liked the politics of Carmen and Richie (the co-founders) and they gave a presentation on workers’ rights in school. I like the work and values. I am trying to create the next labor movement. I want it to be self-sustainable.

7. Are warehouse workers high-skilled?

No, they are a body to do something. It is easier to control and developing skills.

However, forklift operators and cherry drivers are skilled.

8. Is temporary work sustainable?

No, but you can survive. It affects everyone because there is less work to go around.

Temporary workers have to do multiple jobs and multiple shifts to survive. They face issues like overcrowded housing.

9. What are some solutions to combat problems of temporary work?

Some solutions are collective action with fans or AC's. Also, more communication with the agency and client firms. New labor is trying to foster more communication with agency and client firms through developing health and safety committees. OSHA is in charge for implementing the health and safety committees. This is a new idea that we hope will help workers and employers work together proactively to solve problems about temporary work.