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LOS ANGELES LABOR UNION RESPONSES  
TO THE GROWTH IN IMMIGRANT  
LABOR AND PLANT CLOSINGS

by

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## OVERVIEW

Within the last decade, the Los Angeles economy has undergone a major transformation. Basic manufacturing diminished in importance and has replaced by "high tech" and service sector employment. During the decade of change, plants making rubber tires, autos, and steel closed triggering the highest rate of unemployment since the Depression. The rash of plant closings was seen as part of a process of industrial restructuring in reference to the reorganization of productive capacity currently taking place in the U.S. As the structure of production changed, work itself was becoming increasingly bifurcated into high and low skill jobs, with few occupational ladders in between (Bluestone, Harrison and Gorham, 1984). Subcontracting increased as firms realized they could pass on some of the uncertainties of the economy to supplier companies, and as a result, low wage employment was further expanded (Noyelle and Stanback, 1984). With the shift to service sector employment, jobs with limited occupational mobility or permanence predominated. As a result, the economic restructuring has been accompanied by a rise of dead-end, low skill, low wage jobs that are increasingly being filled by immigrant workers. Jointly, the loss of basic manufacturing jobs through plant closures, and the growth of the immigrant labor force have presented serious challenges to organized labor. This paper will examine how a sample of Los Angeles labor unions responded to the changes in an effort to determine the constraints and opportunities posed by the situation.

### **Unions in the Context of Industrial Change**

Since World War II, U.S. industries have been undergoing a process of restructuring. This was particularly evident when firms began shifting production to foreign locations. In some instances, they organized production around multiple sourcing and parallel plants in different countries so as to select from the least expensive places. In other cases, the assembly process was exported to low cost labor sites, notably export processing zones in developing nations, where employers could take advantage of U.S. tariff codes that tax only the value-added of goods for the U.S. market. Since internationalization lowered production costs, plants facing serious foreign competition began closing their U.S. facilities in order to relocate overseas. The most devastated regions were those dependent on basic manufacturing, such as the Northeast and the Midwest. Nonetheless, all parts of the country were touched, as were all sectors. Within California, this resulted in a loss of nearly 175,000 jobs during the period of January 1980 to February 1984 (Shapira, 1984). As the employment base shifted from manufacturing which had strong union representation to services which is largely unorganized, the unionized portion of the labor force decreased. In some instances, the threat of plant closure led to decertification. Illustrative of the trend, the percent of unionized workers in Los Angeles County dropped from 30% in 1971 to approximately 21% in 1983. As shown in Charts 1 and 2, the decline of manufacturing and rise of services in Los Angeles has been characterized by a loss of union representation.

Although capital flight was an endemic response to economic pressures during the seventies and eighties, when relocation was not possible, work

CHART I

EMPLOYMENT BY MAJOR INDUSTRIES,  
L.A. COUNTY, 1950-1985

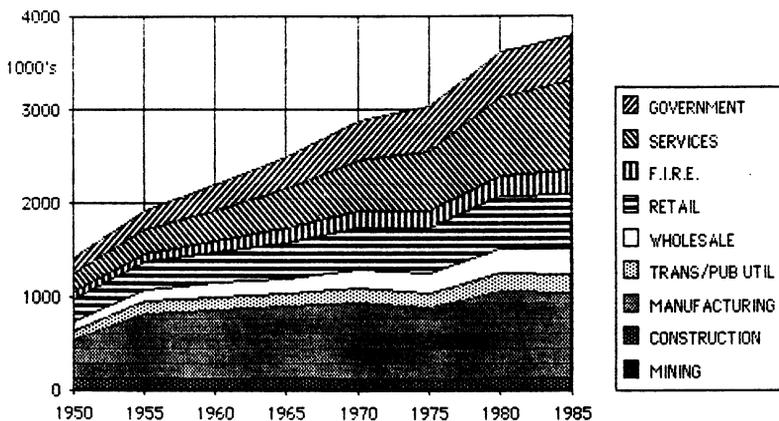
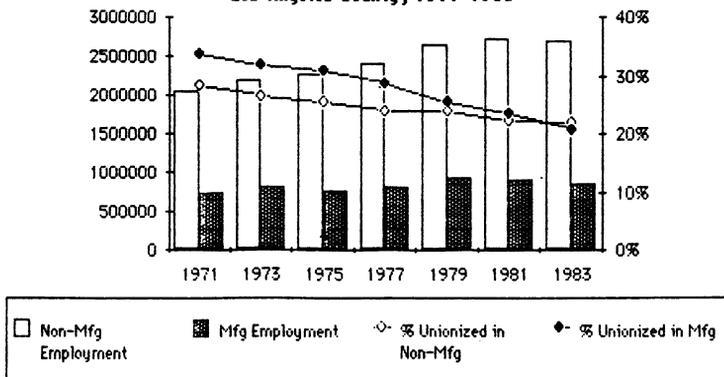


CHART II

TRENDS IN EMPLOYMENT AND UNIONIZATION:  
BY MANUFACTURING AND  
NON-MANUFACTURING SECTORS:  
Los Angeles County, 1971-1983



was often reorganized within the U.S. to introduce sub-contracting. In this way, risks in the economy were transferred from the most oligopolistic firms (including public sector employers) or the market leaders, to the more marginal or competitive segments. Through subcontracting, employers could minimize both the costs and loss of corporate control associated with unionization since the subcontractors were often not unionized. The appeal of this strategy was evident when industries as distinct as motion pictures and hospital services changed their method of production around a policy of subcontracting (cf. Christopherson and Storper, 1985).

Yet another alternative to the exportation of production has been the importation of labor. Using both contractual arrangements and immigrant labor, employers, particularly in electronics and garment, relegated their most labor intensive work to subcontractors employing immigrants (Sassen-Koob, 1985). All too frequently, the subcontractors established sweatshops (firms operating below minimum wage and labor standards) or revived the practice of homework (industrial work performed at home) (cf. Maram, 1990). In this way, the employment of immigrants in these sectors put a downward pressure on prevailing wages and weakened working class solidarity (Morales, 1982; North and Houston, 1976; Castells, 1975).

Many employers benefitted from immigrants and undocumented workers but in general, they tended to be of three types: (1) small basic manufacturers undergoing restructuring (2) firms in traditionally competitive sectors and (3) firms in growth industries organized around subcontracting.

Among small manufacturing firms undergoing restructuring, the workers served as a low-cost controllable labor force that could be easily laid-

off. The workers allowed firms to pursue a temporary strategy for maintaining production in the U.S. until longer term production solutions could be established. Los Angeles automobile parts manufacturers, for example, introduced immigrants and undocumented workers in order to weaken union strength, keep wages low, and promote competition among workers of different race and citizenship (Morales, 1983). Since economic recovery ultimately involved either a change in location or a change in production technology, both of which required a deskilling of labor, the temporary use of immigrant and undocumented workers as "transitional" labor was a key first step in disassembling existing internal labor markets (Morales, 1983).

The second category were firms in traditional immigrant industries such as the garment industry. These employers faced extremely fragmented domestic markets which were easily entered, and in which they were technologically constrained from realizing economies of scale. Often in combination with extensive subcontracting arrangements jobs were customarily filled by low cost immigrant workers (Cornelius, Chavez and Castro, 1982).

The last group was comprised of firms in rapidly expanding sectors, such as electronics, that competed in the international market. Production was characteristically undertaken by either highly skilled and unskilled workers, with the latter being either foreign workers overseas or immigrants employed by subcontractors in the U.S. These employers either lacked the financial capacity to move their production to foreign sites or were confined by constant innovation to a U.S. location near research and design activities (Sassen-Koob, 1985).

The impact of undocumented workers on the Los Angeles labor market has been significant. According to a recent Urban Institute report, from 1970 to 1980, undocumented immigrants comprised 64% of the county's new immigrant population for a total of 565,000 persons. In light of 1980 U.S. Census figures which suggest that approximately half of all undocumented persons in the nation reside in California, the magnitude of their impact on Los Angeles county is greater than elsewhere in the country (Los Angeles Business Labor Council, 1985.)

Together, the hypermobility of capital, and the rise of immigrant workers often placed organized labor in conflictive situations. For example, in response to plant closings, the UAW lobbied for import quotas, despite the possibility this could encourage more capital intensive production. Similarly, at one point the AFL-CIO supported proposed national immigration legislation because it included employer sanctions provisions, although other portions, such as a temporary worker program, would pose enormous difficulties for organized labor. There are many examples of how the recent choices made by organized labor pitted men against women, older workers against the younger generation, Anglos against minorities, Chicanos against "Indocumentados," and so on. The following analysis of union responses to changes in the Los Angeles economy must be viewed in this context and understood as arising out of a time when depleted resources and desperation led to an uneven mix of defensive positions juxtaposed with highly creative solutions.

Conceptually, union reactions can be categorized as either protectionist or structuralist. Here, protectionist refers to a vision of the economy as a zero-sum game, where a loss of jobs in the U.S. is viewed

as a gain by workers overseas or immigrant labor in the U.S. Thus, demands for trade import quotas to provide a favorable edge for U.S.-made products in the domestic market (frequently overlooking the fact that foreign production is often undertaken by U.S.-owned subsidiaries) is consistent with this point of view. Protectionists cling to the achievements of organized labor of past decades, hoping to return to the context which provided previous gains. In contrast, structuralists see the economy as undergoing fundamental, structural changes which in turn are reflected in the growth industries, types of jobs, concepts of work, and uses of labor. Structuralists conclude that the transformation of the economy is changing the "rules of the game" in ways that are placing unions in a disadvantaged position. From this perspective, neither wage stability nor wage increases can be maintained by pro forma strike threats when corporations are footloose or have the option of turning to a large reserve of low wage labor. Instead, international organizing, active organizing among immigrants and women, and new types of union activity emerge as salient alternatives to the current challenges, as illustrated in the following analysis. Information contained in this study is based on extensive interviews undertaken in 1984 with nine Los Angeles unions representing workers in light and heavy manufacturing, and public and private services to determine how they were adjusting to the changing economic trends. Unions from both declining and expanding sectors were included in this sample. In order to situate the Los Angeles experience, examples from beyond the region are also occasionally introduced.

### **The Loss of Union -- Organized Labor and the Vanishing Workplace**

Many unions were caught short by the magnitude of transformation in the globalized Los Angeles economy (Soja, Morales and Wolff, 1983). For example, in 1978, the nine union locals examined in this study had a total of over 85,000 members. Five years later, they all had experienced plant closings, resulting in an aggregate membership decrease of 26% and a total closure of one local.

The impact of closings varied with each local, although most lost staff and all had to reduce the level of services provided to their members. A major impact of plant closings was the "chilling effect" it had on members who began to doubt their union's capabilities especially since the leadership frequently had to deal with complex problems at a time of diminishing resources (Lawrence, 1983).

Dual themes prevailed among unions facing closures. First, was the identification of plant shutdowns as a part of a concerted anti-union attack by business and segments of government which included demands for wage cuts, reductions in benefits, reorganization of work rules, contracting out, reduction of government assistance to unemployed workers, relaxation of Occupational Safety and Health Administration regulations, adverse National Labor Relations Board rulings, union busting and decertification efforts. Plant closings were thus viewed as part of the arsenal of weapons used by business to intimidate employees and to discipline organized labor. Second, was a realization by labor leaders of the looming difficulties associated with the rash of plant closings: membership loss; decline in union income; and reduced effectiveness in servicing members and organizing new work sites.

Because union locals are local, and the economic changes have been part of a global process, it has been difficult for organized labor to recognize, much less address, the source of the challenge. However, their interpretation of plant closings as either a temporary phenomenon or as part of a long term structural change influenced the responses adopted by the union locals.

For example, among unions taking a protectionist posture, attention tended to be fixed on day-to-day union matters. Consequently they had difficulty specifying the cause of plant closings and massive layoffs, except to view them as associated with business cycle disruptions to be rectified by a more pro-labor national administration or an "inevitable" recovery of the U.S. economy. Thus the protectionist view led to a "more of the same, we don't need to change, we just have to try harder" response.

In contrast, unions adopting a structuralist position perceived the economic changes as fundamental ones, requiring different strategies and tactics than those relied upon by protectionists. Rather than "riding out the storm," they sought tactics that provided immediate relief and protection for the present workforce, as well as those that might have longer term payoffs for unions in declining or transforming industries.

Union responses to plant closings can be distinguished not only by the extent to which a structuralist perspective guided the action, but by the arena and scope of the response. These have been identified accordingly: (1) providing services to workers; (2) redefining relations with employers; (3) reconstructing the membership; and (4) strengthening avenues of political influence.

1. Providing Services to Workers: Many initial union responses to plant closings were reflex reactions. When locals had an indication, that a plant was about to close, meetings were called to assess the situation and design alternative courses of action. Often it was up to activists to organize a "fight-back." On occasions when plant closure seemed inevitable, the union tended to be more concerned with the terms of their severance agreement than in preventing their employer from shutting down.

The size of the job site was important in shaping union responses because if a large number of people involved, a greater effort was required. For example, when a large Los Angeles plant in basic manufacturing shutdown, rather than dissolving, the union local initiated a solidarity-building experience while in trusteeship. They established a services and food bank program to assist unemployed workers and their families, whether or not they had been union members. Assistance to unemployed workers at other locations consisted of informal jobs banks, or unemployment services in conjunction with the State of California's Employment Development Department. Rarely did local unions have the resources to provide job retraining because of their declining staff and reduced resources. Nor could most locals retain contact with their members following major layoffs and plant closings. Nonetheless, one large local sent questionnaires to unemployed members to see how they were faring in their job searches. This outreach provided important information for initiating union activities at other sites.

Because social disruptions were often severe, plant closings and their threat provided educational opportunities for explaining the process of disinvestment and capital mobility to rank and file workers, stewards and

officers. At times, classes on plants closures and response strategies were offered by community-religious-labor coalitions, which helped to galvanize what were previously disparate community interest groups.

2. Redefining Relations With Employers: In most cases, a plant closing led to a near panic response because union locals rarely engage in long-term contingency planning. Frequently, unions sought a conciliatory outcome from the threat of plant closing. When confronted with an imminent plant closing, they pursued the route of concessions, hoping this might make a difference in management's calculations. However, there was no case of a plant closing decision being reversed because of concessions. At best, concessionary workers experienced a delay. In several cases, locals changed their strategy after noting the futility of concession offers. One local president even proclaimed that by refusing to give in to concessions and pursuing an aggressive fight-back strategy, they had been able to keep a large plant open.

Three types of unions appeared better able to respond when threatened by plant closings or major lay-offs threatened: public sector unions with a history of defending their membership's interests on an annual basis; unions in an industry where frequent closings and openings were common due to high business failure rates and low barriers to entry; and unions with a tradition of militant adversarial stances toward management. The various types of responses adopted by these unions are reviewed below.

**Contract Language:** One long-term, anticipatory response was to include plant closing language in new contracts providing for formal advance notice, as well as explicit coverage of workers' rights in case of closure (Lawrence and Chown, 1983). Usually this took the form of six

months advance notice, liberal severance or pension benefits, and occasionally, retraining or relocation.

**Buy-Outs:** In none of the union locals was there any attempt to buy out the firm or the site which was being closed, however, it had been considered in several cases. A fundamental difficulty with buy-outs is the lack of time to plan and assess the feasibility of such a strategy (Stern, Wood, and Hammer, 1979; Parzen, Squire and Kieschnik, 1982). Time rather than ideology appeared to be a major constraint.

**Research:** With a vision toward the longer term, some unions are investing scarce resources in monitoring and researching investments, product lines, and market trends of their employers, and of specific industries. In addition to information provided by international headquarters, several staff members and international representatives spent time in university libraries reviewing trade journals and employer documents in order to identify business plans and anticipate economic trends. Some union locals have also taken advantage of national computer data on firms available through the AFL-CIO in Washington, D.C. via the Los Angeles Orange Counties Organizing Committee.

**Pension Funds:** Another long run strategy under discussion is the use of pension funds for corporate campaigns or as a source of equity capital for job creation. Because of acknowledged difficulties in assuring an adequate return on investment, this approach has yet to be implemented here (Rifkin and Barber, 1978).

**New Products:** The introduction of alternative product lines as a strategy for smoothing out employment variability created by seasonal or contractual fluctuations has also been studied by a few unions in the Los

Angeles region but the idea is neither widespread, nor have concrete steps been taken in this direction.

**Regional Boycotts:** Perhaps the most aggressive response has been a threatened regional boycott if a local car maker were to shutdown. The movement to keep the Van Nuys General Motors plant open has gained popular support across broad segments of society. If the boycott is effectively evoked, it is projected to have a devastating impact on the largest car market in the U.S.

3. Reconstructing the Membership: A third type of labor union response to plant closings has been the reconstruction of their membership. Unions accomplished this in four ways. Most prominently, they have sought to compensate for membership losses by organizing additional sites, despite associated problems. (Craft and Extejt, 1983). For example, one union which actually grew in the past five years suffered a decrease in staff and resources because of nationwide setbacks. In another case, the international representative was threatened with removal if he persisted in organizing because the union had decided to emphasize organizing on the east coast.

In beginning to identify employer practices that could undermine presently organized sites, new groups of unorganized workers have emerged. Perhaps the most serious problems have resulted from work contracted out to non-union plants. This practice has prompted a strong opposition to subcontracting, combined with an effort to organize contractual employees. For public sector unions, organizing these workers often involved negotiating with private sector firms. Several unions have also attempted

to make cross-national links with workers in parallel plants in Mexico, although this has had limited success (Puente, 1985).

A completely different route for expanding membership adopted by another local was to merge with a smaller, but somewhat related union. The advantage was that it consolidated overhead costs, resources, and membership thereby strengthening the base for future activities.

4. Strengthening Avenues of Political Influence: When first confronted with a plant closing, unions turned to allies for support. These included coalitions of community and religious groups which in turn, brought in other unions. Among the locals examined, each had been affiliated with the Coalition to Stop Plant Closings, which later became the Los Angeles Coalition Against Plant Shutdowns (LACAPS). The logic of coalition building is fairly straightforward. Coalitions amplify the breadth of involvement, make the plant closing issue a public issue, and are a vehicle for soliciting aid. However, a problem of coalitions is that their existence is usually contingent upon immediate "payoff." For example, the broad-based LACAPS was discontinued after a few years because locals turned to it only on an "as needed" basis.

Traditionally, unions have attempted to influence the political process through their support of candidates to office. This avenue has reemerged as critical for directing attention over plant closures. Participation with the California Economic Adjustment Team (CEAT), a combined taskforce of government agencies designed to provide assistance to workers experiencing plant closings, was yet another way unions worked with public officials.

Unions also helped design state bills addressing plant closings, notable examples including Senator Bill Greene's SB-1494 (1980) and SB-1109 through 1119 (1981), and Assemblywoman Maxine Waters' AB-2839 (1982). Organized labor contributed money and personnel to support these bills, each of which provided for advanced warnings and assistance to dislocated workers and their communities.

Finally, unions influenced public policy through local economic development programs (Nissen, 1983). Economic policies, national industrial policies and proposals which include plant closing issues have been developed by several international unions, and disseminated at the local level (cf. I.A.M., 1981).

### **An Uneasy Union -- Organized Labor and Immigrants**

Applying the distinction of protectionist and structuralist union responses toward immigrant labor, it is readily evident that protectionists see immigrants as a problem and do not actively organize them. In contrast, unions taking a structuralist position have done just the opposite. Because organizing and maintaining immigrant workers requires effort, it is an anachronism for a union to have a substantial immigrant membership and not reflect a structuralist viewpoint.

Among the nine unions surveyed, four specified that immigrants had grown in importance. In the five years from 1978 to 1983 for three of these unions, the increase in immigrants was countered by a drop in overall membership ranging from 16% to 55%. Those unions with the highest amount of immigrant workers also had a high or increasing percentage of female workers. In all of the cases, immigrants tended to hold entry level jobs.

However, it was also noted that the work places consisted of both labor intensive and highly automated methods of production, suggesting that the demand for immigrant labor is far more varied than commonly assumed.

Three dominant themes surfaced whenever union representatives discussed immigrant workers: language, race, and citizenship. These were sometimes referenced selectively, jointly, or as in conflict with each other. As might be expected, the issue of citizenship was often the most sensitive since it touched on some of the thorniest problems. The blurring of undocumented workers with immigrant workers was a common perceptual phenomenon displayed by union leaders. Unions rarely make citizenship a formal criterion for membership, except when their workers are employed in defense industries and U.S. citizenship is required. Thus, there are no formal union lists of either undocumented workers or immigrants. Rather, there is an informal awareness which is based on impressionistic evidence. Though immigrants are frequently assumed to be undocumented, their legal status is usually treated as secondary to their more general immigrant status. Only as the number of undocumented workers becomes a substantial percentage at a particular plant site or local is the union forced to consider them because of the additional precautions required by these workers, as well as the internal conflicts that sometimes arise between documented and undocumented workers.

A full enumeration of union responses to the needs or problems created by immigrants included the following: (1) the method of organizing and communicating to the membership; (2) educational classes; (3) informal agreements with employers; (4) contract language; (5) litigation; (6)

political action; and (7) international organizing. Drawing from the sample of nine unions these approaches will be discussed in detail.

1. Method of Organizing and Communicating With the Membership: A common practice within nearly all of the unions studied was to employ bilingual organizers and/or business representatives, regardless of the size of the immigrant workforce. Organizing, personal discussions, and contracts were often bilingual. However, notices were generally only in English, and meetings were almost always conducted in English. One local did use simultaneous translations however, which has become a significant issue as illustrated by the following two cases.

In February, 1984, three Spanish-speaking members of a local hotel union filed suit requiring their union to provide a translator at meetings. They claimed that the Labor-Management Rights and Disclosure Act (29 U.S.C. S411) mandates bilingualism when a substantial segment of the membership is non-English speaking (*Zamora v. Local 11, Hotel Employees and Restaurant Employee's International Union, No. CV-84-0672; C.O.Cal.*). After two years of litigation, a federal court judge in Los Angeles recently ruled on behalf of the workers.

Since then, yet another local of approximately 3,000 workers with 60 percent Latino non-English speaking members was challenged by its members over bilingualism. In this instance, not even contracts were translated. As a result of such cases, a campaign was initiated that would have AFL-CIO member unions provide translation services as warranted.

Although bilingual communication is reasonable in principle, in practice it can become unwieldy. All too often a union will confront a situation where several very different languages prevail, or where

employees in a firm will shift ethnicity, from Latin American for example, to Korean or Vietnamese, before the union has either the time or resources to provide native-speaking organizers or business agents. The Los Angeles-Orange Counties Organizing Committee (AFL-CIO) is seeking to minimize this problem by making available labor representatives fluent in Vietnamese to communicate with immigrant workers. This approach clearly requires a substantial amount of inter-union cooperation, but it carries considerable potential in a region such as Los Angeles where well over 100 languages are spoken.

2. Educational Classes: There are essentially three types of educational programs: (1) those directed at helping workers overcome language barriers by teaching English; (2) classes that educate immigrants about unions, the U.S. legal and political systems, and their rights as workers; and (3) those that teach native-born workers about immigrants. Unions have the option of initiating these classes themselves or utilizing other means such as the Community College system, the Institute for Industrial Relations at UCLA, or the Center for Alternative Education in Los Angeles. Because educational programs can be costly and time consuming, unions commonly defer to outside sources. This may be a critical error because immigrants who have not been properly introduced to fundamental concepts can later generate serious problems. An example along these lines arose from a union local that traditionally represented one immigrant group, but suddenly found itself having to accommodate many new immigrants of different ethnicities. The older immigrants became increasingly unwilling to share the job market with incoming immigrants. In the process, their attitude toward a much discussed proposed national

immigration policy shifted, putting them in conflict with both the leadership and newer members. In another instance, an undocumented worker, upon obtaining a legal work permit, immediately alerted the Immigration and Naturalization Service (INS) of an undocumented co-worker who had been offered a promotion he himself wanted. Such disruptions could have been prevented by educational classes specifically designed to address worker solidarity issues.

3. Informal Agreements With Employees: Several union presidents have obtained informal agreements with employers regarding their actions in the event of an INS workplace raid. In most instances, these employers agreed to alert union representatives at the initiation of a raid so they could observe the activity and provide legal counsel. By remaining informal, the arrangement brings little attention to either the company's or the union's willingness to protect the rights of undocumented workers. In at least one case, informal support also took the form of union distributed identification cards to workers and their families listing a summary of workers' rights and the phone number of union attorneys.

4. Contract Language: There are at least two ways contracts can be written to protect undocumented persons as workers. The first is to provide generous leaves of absence in case a worker is forced to depart suddenly and return with a different identity. In this instance, the employer is expected to rehire the worker as long as they are satisfied it is the same person. The second specifies how an employer should act during an INS raid. The following actual contract language illustrates both provisions.

Pursuant to the collective bargaining agreement the Company shall:

- a. Notify the union immediately, or as soon as practical in the event any I.N.S. agent is seen at or near the Company premises.
- b. Refuse admittance to any agents of the I.N.S. who do not possess a valid warrant.
- c. Notify the Union and the shop steward as soon as possible, to enable an authorized representative or attorney for the union to take steps to protect the rights of its members.
- d. If the I.N.S. produces a valid search and/or arrest warrant, then as soon as possible the Employer agrees to give telephone notice to the (Union) and oral notice to the authorized shop steward of the search and/or arrests.
- e. The employer agrees not to reveal any names, addresses or immigration status of any employees unless required to do so by law.
- f. The employer agrees to reinstate any employee who has been absent due to I.N.S. proceedings and who has returned to work within seven (7) days of the start of that absence, or has requested an extension of time to report within that same seven (7) day period. Such extension shall be at the sole discretion of the Employer.
- g. The Employer shall recognize any worker for the purpose of continuous service who during his or her employment has legally undergone a change of name, sex, social security number of identity, and who to the satisfaction of the Employer is the same person prior to the change.

Though well-intentioned, explicit contract language could make both the employer and the union culpable if a national immigration bill is adopted with sanctions on employers which knowingly hire undocumented workers and on unions that recommend these workers for employment. For this reason, specificity in contract language is usually avoided.

5. Arbitration-Litigation: Recently, lawyers have also noticed an increase in arbitration or litigation over immigrant issues. Three examples illustrate this point. One involved a suit over an administrative regulation of the California Unemployment Insurance Code issued in December, 1983, by the Employment Development Department (EDD). Under the

older regulation, claimants could volunteer their citizenship status on eligibility forms. With the new regulation, however, employers had to request documentary evidence of a worker's citizenship status, which in turn had to be sent to the INS for authentication in order for a worker to qualify for unemployment insurance. Despite extensive negative public comment, it is expected that the California Office of Administrative Law will soon approve the regulation. If they do, the California Rural Legal Assistance, Legal Aid Foundation of Los Angeles, and the Mexican American Legal Defense and Education Fund intend to enjoin EDD from implementing the regulation.

Another case involved reinstatement of an undocumented worker who was fired for using a false social security number (R & G Sloane Manufacturing Company, Inc. and United Automobile, Aerospace and Agricultural Implement Workers of America, Amalgamated Local 645, Re: Alvaro Padilla, August 30, 1983). In this instance, the federal court refused to reinstate the worker stating that doing so would force the employer to violate public policy.

The final case dealt with an employer who knowingly hired undocumented workers, yet reported them to the I.N.S. when they voted in favor of a union (Sure-Tan, Inc. and Surak Leather Company vs. National Labor Relations Board, No. 82-945 of the Supreme Court of the United States, October Term, 1983). The employer was found responsible for providing back pay and was required to offer reinstatement within a limited period. Yet, it was further stipulated that this was contingent on the workers returning legally to the United States. Thus, although the judgement was in favor of the workers, it was highly conditional.

In these three cases, the rulings ranged from modestly protecting undocumented workers to being against their interests. Consequently, some lawyers have stated reservations about pursuing legal routes. Nonetheless, with arbitration and litigation taking greater importance, several locals have contemplated retaining lawyers as full-time staff.

6. Political Action: In the last four years or more, most political action has centered around lobbying for or against various aspects of proposed immigration legislation. Union positions on this bill have been split with the AFL-CIO only recently shifting from a pro to a negative position. Divisions among locals and their national unions have surfaced, particularly when the national headquarters are distant from Los Angeles. The situation has led to confusion as to organized labor's position with respect to immigration reform and has made a constructive alternative policy adopted by a consensus difficult to formulate.

7. International Organizing: The notion of binational organizing is mentioned often. In reality it is generally beyond the scope of most locals or even regional offices. Past attempts have been unsuccessful in large part due to different customs, laws governing unions in other countries, and various real or perceived trade barriers that stifle worker unity. In the Southwest, most of the emphasis on international organizing has focused on Mexico. One creative effort to transcend obstacles to binational organizing was undertaken by the Arizona Farmworkers Union. They initiated an economic development program supported by worker and employer contributions, combined with grants and loans. The purpose was to stabilize employment conditions in Mexican communities from which the workers migrated on a seasonal basis. From 1979 to the present, the

program has grown into a 7 million dollar operation resulting in over 4,500 acres being brought into productive capacity, the creation of numerous producer and consumer cooperatives, and a marketing and distribution service. In time, it is hoped that the "push" toward migration will be diminished.

More often, international efforts have led to disappointments. Recently, when a Los Angeles union was about to strike, it attempted binational organizing with a Mexican maquiladora. Anticipating the problem of production shifting to the non-striking plant across the border, the union developed extensive plans for a coordinated strike at both sites. It took the lead by arranging financial strike support assistance for the Mexican workers. Despite planning and agreements with a counterpart Mexican union, the international strategy failed when high-ranking Mexican union leaders backed down. In the words of one observer, they had been "bought off."

Though international cooperation has been fraught with setbacks, these experiences have not deterred union leaders on either side of the Mexican border from continuing in this direction. Efforts to broaden international dialogue and cooperation continue despite the many obstacles at the local and national levels.

Observations: Seen as a whole, it appears that union responses to immigrants are beginning to move in several directions: toward (1) more informal agreements; (2) increased litigation; (3) more political action; and (4) new organizing strategies. These activities have underscored the need to reexamine staffing priorities. For example, it is clear that unions will have to conduct more research on workers, firms, and the

economy to guide their decisions. Secondly, it is apparent that unions will require more shared resources, such as bilingual organizers, even among locals of different unions. Yet another way in which the efforts of unions would be facilitated would be through better enforcement of existing labor legislation. In the Fall of 1980, the Notre Dame University Law School, Center for the Study of Human Rights, identified federal legislation that fit into this category. Examples include a more vigorous enforcement of the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act, and the Income Tax Withholding and Federal Unemployment Tax Act. As noted in this study, "to focus on the (hiring)...of undocumented migrants rather than on wages, hours, working conditions and the right to organize is to confuse priorities. If enforcement were effectively guided by current labor law, the benefits would accrue to the total U.S. laborforce. Proper enforcement would reduce the assumed 'extra' attraction of undocumented migrants to unscrupulous employers" (Notre Dame University Law School, 1981).

### **Conclusion**

Unions in Los Angeles are in a period of transformation, responding to the changes brought on by the recent economic restructuring in the United States. The challenges facing the unions come from a dramatic loss in the historically prominent manufacturing base as well as the change in the composition of the union membership itself.

During this time of transition, the future of the survival by organized labor depends upon how well they respond to the changes in the labor force, including the introduction of immigrants, and the challenges

resulting from the hypermobility of capital. As a result of this study, a few observations are apparent. First, unions have had severe difficulties in adjusting and responding to the major economic restructuring that defines the present era. Second, despite the inherent response lag associated with organizations, even the protectionist unions and leaders are becoming aware of the need to adapt their organizations and responses to the changes taking place. Third, in both the areas of the growing immigrant labor force and plant closings, unions are discovering they must adopt a broader conception of their arena of responsibility and action than the workplace and immediate worksite. Due in part to community organizations, and to the emergence of community based activities, a new, and broader form of union may be on the rise at the local level. Thus, union responses to plant closings and immigrants suggest that more significant changes are developing within the unions as well.

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