



Gordon Lafer, one of two resident scholars at the Wayne Morse Center for Law and Politics, has been researching labor law in the U.S. and hopes to advise students interested in labor on their thesis or term paper projects

Scholar criticizes labor law in U.S.

By: Jill Aho

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Membership in labor unions is declining in the United States, the Bureau of Labor Statistics reports. The number of people belonging to a union fell by 326,000 from 2005 to 2006 to 15.4 million.

Somewhere between 25 and 60 million workers report they want union representation but do not have it, Gordon Lafer one of two Wayne Morse Center for Law and Politics resident scholars, said.

Lafer has been researching labor law in the U.S. for the University's Labor Education and Research Center. His focus has been on the election process workers have to go through to form a union, and comparing it to what Americans traditionally think of as a democratic election.

Earlier this year, Congress visited the issue of federal labor law, and Lafer was called to testify during the debate in the House.

"We're at a point now where there is the possibility of changing federal labor law," Lafer said.

Lafer believes the current system favors employers.

"All kinds of things that are illegal in elections for president are legal in those kinds of elections," Lafer said.

And employers probably like it that way. Retail giant Wal-Mart has squashed attempts at unionization at many of its stores, going so far as to close departments and an entire store in Quebec to prevent a union movement. Although in some parts of the world, Wal-Mart has allowed unions to form, Lafer points out there is no punishment for stopping unionization.

"If you ask most people in America, most people believe there's a law you can't get fired unless there's a job-

related reason," Lafer said. "It's not true."

Labor law provides no punitive sanctions for offending employers. A union organizer could be fired, and often is, then must prove the reason is related to their union activities. The most the employer must do if found guilty is give the employee their job back and pay for lost wages.

"It's as if I break in somebody's house and steal their stuff and I'm caught red-handed. The worst thing that can happen to me is I have to go put your TV back," Lafer said.

In the last few years, employers have had to pay back wages to some 30,000 workers because they were fired for attempting to start a union, Lafer said.

"People are living in a state of fear we wouldn't be in normally," Lafer said.

People often don't think about the number of rights they give up at the workplace, a place they spend a lot of time. The BLS reported people in the U.S. working full-time spent an average of 9.3 hours working on days they worked. This is 46.5 hours of a five-day work week or 2,418 hours a year.

"It's like we're living in a democracy when we're asleep," Lafer said.

Lafer believes people are interested in unionization because there is more insecurity in the workplace. The National Coalition on Health Care reports that the number of uninsured people in the U.S. increased from 2004 to 2005, and the number of people covered by employment-based insurance fell.

Full-time employment may be difficult to find as well.

"Interest in having more control over your work life is growing," Lafer said.

Even lawyers are finding their work outsourced to India. The Wall Street Journal reported in 2005, Indian lawyers were processing paperwork for patent applications and divorce papers for Western clients.

"Nobody would have thought lawyers would have to compete with cheap labor," Lafer said.

Lafer looks forward to doing more research in this field, which the appointment to resident scholar will afford him. Lafer will guest lecture in a class on labor law taught by Michael Tedesco this fall.

Lafer has worked for the University for 10 years, and said he would like to meet students interested in working on labor issues and is willing to advise students on their thesis or term paper projects. Contact Lafer at glafer@uoregon.edu.

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