

Free speech and free choice: the deregulation of american labor relations in the Reagan Era (1981-1988)

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Abstract

This research examines the american labor movement during the presidency of Ronald Reagan (1981-1988). We analyze the documents produced by the National Labor Relations Board (NLRB), the agency responsible for conducting union representation elections and judging unfair labor practices in the United States. The cases examined are related to a fundamental problem in labor relations: the legal limits to speeches and practices of employers and union representatives.

Key words:

Neoliberalism, deregulation, labor relations.

Introduction

In July, 1935, Franklin Delano Roosevelt, president of the United States, promulgated one of the most important laws in the history of American labor relations: the National Labor Relations Act, popularly known as Wagner Act. The act created the National Labor Relations Board (NLRB), an agency which would have the responsibilities of conducting union representation elections, protecting the rights of employees and judging cases of unfair labor practices. The result was an unprecedented increase in the unionization rate in the country. It did not take long before organized labor became a major force in America: in the mid-fifties, approximately one third of the U.S. labor force (not counting rural workers) was officially represented by a union.

Nevertheless, there is one important characteristic of the American labor legislation, including the Wagner Act, which could ultimately change the equilibrium against organized labor: it is full of gaps and therefore gives great power to the members of the NLRB to determine the fates of unions, workers and employers. Ronald Reagan nominated conservative members to the Board and was able to change American labor relations considerably.

Results and Discussion

We decided to analyze a specific topic in Board decisions: the conflict between the free speech of employers and union representatives and the free choice of the workers. This conflict has always been tense and complicated in the history of the Board. On the one hand, the agency must assure that employees are not coerced nor submitted to undue pressure in union certification elections and in decision to join a union. This imposes certain limits to the practices of unions and employers. On the other hand, the members of the NLRB try to guarantee that these restrictions are as few as possible. Our analysis of the documents produced by the Reagan Board has led us to some very interesting remarks. In that period, the NLRB gave much more importance to the freedom of expression of employers and labor representatives than to the free choice of the employees. The members nominated by Reagan decided that, from that moment on, the Board would no longer interfere in elections in which one of the parties had resorted to false information or altered ballots. Previous Board compositions had considered these sorts of actions

objectionable conducts and had usually recommended the annulment of the results and the holding of new elections. The Reagan Board also determined that interrogations of workers by employers would no longer be considered unfair labor practices.

Conclusions

President Reagan nominated conservative individuals to the National Labor Relations Board. These Board members had a very particular view about labor relations. Contrary to other Board compositions, they believed that workers were "mature individuals" (a very frequent expression), capable of judging campaign propaganda by themselves and of taking their own decisions. Government should only interfere in extreme situations. In addition to this new concept of employees, we believe the Board members were also motivated by a desire to reduce the bureaucracy of the agency by limiting the amount of cases the Board had to judge. There was also a desire to curtail union power and give more freedom to employers. We can relate these measures to the difficult economic situation the country was going through: there was a process of deep deindustrialization, with workers being fired and plants being closed. Many believed that excessive union power was making things difficult for business.

What we see, taking all this into account, is that Ronald Reagan was able to deregulate labor relations in America through his nominees to the NLRB. His conservative appointees favored freedom of expression over employee free choice and their decisions can be related to their view about workers, to the bureaucracy of the NLRB and to the economic situation of the United States in the eighties.