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Labor-Unions' Discriminatory Practices: Its Effects on Female and Minority Employment Opportunities in the U.S.**

Background

Labor unions, in general, are supposed to represent the community of interests of all of its members. It is widely perceived by many, that labor unions in the United States have been extremely successful and equitable in attaining such fundamental goals. Indeed, unions in the U.S. appear to have won important gains, not only in representing, but in improving the overall working conditions of their constituents. Therefore, the general perception of a labor union may be seen as “an agent of justice and fair play” (Rapping, 1970:451).

Notwithstanding, one should not ignore the long history of labor unions support of certain practices which have an adverse impact upon the employment opportunities of females and minorities. For instance, female participation in labor unions was not allowed until the 1920s and 1930s, long after the labor movement in the U.S. began. At the same time, their role, and that of minorities as well, was being limited by the same unions who encouraged their participation. As an example, Ortiz (in Asher and Stephenson, 1990:111) illustrates the experience encountered by many

Abstract

The role that labor unions have played in the U.S. appears to be subject of a great deal of debate. Many studies point out the positive effects and gains obtained by unions over the years. However, the issue of labor union discrimination against females and minorities is often overlooked. This paper discusses some of the practices that labor unions have strongly supported, and have resulted in discriminatory practices against females and minorities. The police and fire fighters unions in the public sector were used as examples of public labor unions which have a history of using practices that adversely impact the employment opportunities of protected class people.

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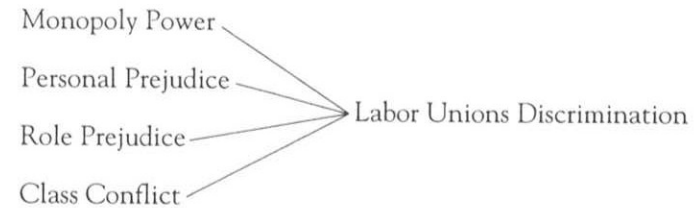
Puerto Rican workers (women and men) in the garment industry of New York City in the early part of this century as follows:

The union's male officers held tightly onto power within the union (ILGWU), imposing a standard of political, ethnic, and sexual homogeneity for the union that created a power structure dominated by anti-communist Jewish and Italian males. Puerto Rican and black workers, irrespective of gender, were almost excluded from the best paying jobs (e.g., cutters and pressers).

This point serves to illustrate the fact that labor unions in the U.S. have encouraged for years certain practices that hinder female and minority employment opportunities. It should be noted that this occurs in public and private sector unions alike and may stem from the fact that, in general, labor unions in this country tend to be dominated by a mostly white male majority. According to government figures in 1985 alone, 51.3% of the employed workers in the public sector in the U.S. were white male, of which 35% were unionized. In contrast, minorities represented 7.9% of public sector workers, of which 37.9% were unionized. Females, however, represented 31.9% of public sector workers, and 34.4% of them were unionized (Ricucci, 1990). In spite of their overall increase in the workforce, it will be shown that females and minorities have not increased their representation in certain occupations such as fire fighting and police.

The history of the labor movement in this country has been plagued by racial, ethnic, and sexist prejudices. As Ashenfelter (1973:88) clearly points out "racial, sexist, and other prejudices filter through the institutions of the labor market...", and labor unions may be considered as one of those institutions. Ricucci (1986) further expands this point of view by developing a framework that suggests several sources of labor unions discrimination against female and minorities (see diagram below). Her framework centers around several theories, such as the theory of monopoly power, personal prejudice, role prejudice, and class conflicts.

Figure 1: Typologies of discrimination in labor unions



While these theories won't be discussed in detail here; however, such typologies of discrimination do characterize the many attempts taken by labor unions in order to bar females and minorities from entering into certain occupations which traditionally have been, or are dominated by a white male majority.

In general, the typologies mentioned in Figure 1 seem to suggest that labor unions, as a group, express their concerns with regards to women and minorities in several ways, such as fear of associating with different people, stereotyping females as only being able to perform female-only jobs, excluding minorities from entering into certain occupations for fear of lowering the wage rates of their white male dominated occupations, and the like. In this sense, labor unions devise and rely on tactics such as seniority, entrance or physical examinations to control, that may result in discrimination against women and minorities. In addition, the employer's racial employment patterns have also influenced labor unions discriminatory practices. It is widely known that in many instances minority and female workers alike were used for strike-breaking purposes, increasing the animosities and class divisions between groups.

Labor unions practices, in many instances, have deprived females and minorities from the same working opportunities and earning conditions, when compared with their white male counterparts. It also has made female and minority entrance into the workforce much more difficult.

Dubinsky (1973:22) argues that in the case of black workers, "they have often found it exceedingly difficult, if not impossible to go from entry level jobs up the employment ladder as whites have done." Ricucci (1990) points out, however, that unions appear to be the most important barriers

preventing female and minorities from entering into apprenticeship programs, since labor unions tend to develop their own selection criteria for appointing workers in such programs. She adds that "unions do not nominate or select women or minorities, and the entrance tests they devise tend to adversely affect them" (Ricucci, 1990:80).

In sum, even though labor unions over the years have been able to obtain a great deal of benefits for its constituents, it has also been shown that this is not necessarily the case for females and minorities. An overall picture was presented in order to understand the reason(s) as to why labor unions may discriminate against women and minorities. In the next section some of the influencing sources of unions discrimination will be discussed.

Union Discriminatory Practices: Some influencing Sources

Discrimination tends to protect and serve the interests of a specific group of individuals. Within labor unions, discrimination has and may take place in order to protect the interests of union members, i.e., a mostly white male constituency.

According to Ashenfelter (1973:93) "most unions have at least policies regarding race... The espoused policies range from the open declarations of nepotism that have been associated with some of the unions in the building trades to the attachments to, and support from, civil rights organizations that have been associated with some of the unions in the government sector."

Racial policies within labor unions may be dictated, among other things, by the number of rank-and-file members of a specific race. Therefore, less support for racial, gender, and or ethnic issues will be found in those white male dominated unions, while more tolerance for such controversial issues may be found within more diversified groups.

Different kinds of labor unions may espouse different kinds of discrimination policies. In the skilled craft union sector, for example, its leadership has been accused of excluding minorities, particularly African-Americans, from entering into the workforce, by keeping them out of apprenticeship programs, or barring them from journeyman status (Ricucci, 1990; Leonard, 1985; Dubinsky, 1973). Leonard (1985:116) points out that "the most obvious way unions can affect the demographic composition of the workforce is by directly controlling hiring." In the case of industrial

unions, however, they seem to have less influence and control over the hiring practices. Nonetheless, labor unions have successfully prevented black workers from obtaining occupational mobility as a result of the constant support of seniority systems. In fact, Leonard (1985:116) argues that "...even a union with no direct influence in hiring is likely to affect wages, promotions, layoffs, grievance handling, and other working conditions of direct concern to potential employees."

Public Unions: Police and Fire Fighter Practices

Police and firefighters labor unions in this country play a significant role in terms of their strong influence over important managerial decisions, such as establishing minimum standards for recruitment, selection, and retention of candidates. Consequently, it has been argued that police and fire fighter unions seem to support certain practices, which are detrimental to females and minorities.

Available statistical figures are useful in order to illustrate the representation of protected class people in such professions. According to U.S. Department of Labor (1980), in 1978 the percentage of female members within police and fire fighter occupations was very low when compared with their white male counterparts. According to the figures, women comprised only 1.0% of the total members belonging to the International Association of Fire Fighters, while only 1.1% were members of the Fraternal Order of Police labor union.

By 1985, these figures had not increased significantly. Female representation in the police profession had increased up to 9.2%. However, in the case of the fire fighter profession, female representation was a mere .9% (U.S. Department of Labor, 1980). Male minorities, in contrast, appeared to have had a much better representation. In California alone, they represented 27.6% of the apprentices in jointly run firefighter programs between 1982 and 1986, but 64.6% were white males (Ricucci, 1990).

All this suggests that labor union practices in these professions negatively affect the employment opportunities of protected class people, and females in particular. Many such practices are employed. One such practice is the union supported apprenticeship programs.

The Apprenticeship Experience

In order to understand this particular issue, it is important to establish a clear definition of what apprenticeships are supposed to accomplish. According to Pettirew (in Dubinsky, 1973:33) the function of apprenticeships is "to train the cadre and the leadership, the core of really skilled men who provide guidance to others." From this definition, an important role appears to be ascribed to apprenticeships, and hence to apprentices in general. It seems that through this process, individuals are prepared to lead. That role requires, in addition, skillful knowledge of a craft.

Notwithstanding, such roles don't fit with the overall perceptions and stereotypes that police and fire fighter labor unions and their rank-and-file memberships have of females and minorities in general. These misperceptions have contributed to the adoption by labor unions of certain procedures and/or practices that seem to have resulted in the exclusion of females and minorities from their occupations.

Riccucci (1990:83) warns that labor unions, and in particular, those related to skilled craft unions, will continue discriminating against females and minorities, "once they gain access to the apprenticeship program". As an example of such practices, Silver (in Riccucci, 1990) points out that, "[s]exist and racist remarks... are an integral part of the apprenticeship culture; they are so engrained that incumbent craft workers view such remarks as harmless and friendly banter" (p.83). This situation create a hostile environment for females and minorities, which suddenly find themselves neglected and rejected by their fellow colleagues.

Such actions, in the end, may also have the effect of lowering female and minority morale and possibly forcing them to abandon their participation in such programs. Such negative feedbacks may benefit and perpetuate a vicious cycle of low expectations and low achievements usually associated with this group of people. This is precisely what the white male majority may strive for in order to keep females and minorities out of the competition. In addition, Simmons, et.al. (1975) point out that government sponsored apprenticeship programs are segregated as the job market itself, often admitting and preparing participants for entry into low-paying, low rewarding jobs. Riccucci (1990:91) argues that "in the public sector, both women and minorities are disproportionately represented in programs that are run unilaterally by government."

As suggested earlier, unions devise and/or support other practices that seem to affect women and minorities in general. The next section discusses some of the practices which seem to deter females and minorities from taking part of job opportunities within the police and fire fighter occupations.

Deterrent Practices: Physical Abilities Exams, Recruitment and Seniority Systems

Skilled crafts labor unions, such as the ones representing police and fire fighters, establish minimum standards and qualifications which, when applied, appear to have negative effects upon women and minorities. By imposing such standards, labor unions limits the role, working conditions, and job opportunities of these particular groups of people. For example, Riccucci (1990:81) points out the fact that "other craft unions may no overly exclude protected class members but will promote other practices indicating that women and minorities are not welcomed." In the public sector, this has been the experience of police and fire fighting unions, which for years have been strong enclaves of white males.

In the police and fire fighter occupations, traditionally white male dominated the exclusionary patterns over the years. In this sense, police and fire fighter labor unions representing the workers in these professions have constantly resisted allowing females and minorities into their ranks. As Riccucci (1990:92) has pointed out "...craft unions' such as police and fire have not been receptive to women and minorities."

Craft unions such as those representing police and fire fighters may restrict females and minorities from entering into their professions for several reasons. It is possible that by doing so, labor unions representing these two occupations may have the potential of raising their wages, keeping them high enough in order to further their monopolistic control over their professions. Further, by preventing their professions from being "flooded" by females and minorities, they may perceive that they are enhancing their occupations, which they may view as professions full of high prestige, status, power, and leadership, qualities that many white males don't see as attributes of neither females nor minorities in general.

Physical Ability Examination

As mentioned earlier, in the case of police and fire fighter occupations, many of the job related qualifications and standards are established by the unions themselves, further perpetuating the discriminatory cycle that seems to keep this profession segregated. Riccucci (1990:103) points out that “ironically, however, the elimination of some of these discriminatory practices led to the development of other selection devices such as physical agility exams which continue to have a disproportionately harsh impact on women.”

Booth and Rohe (1988) conducted a survey among one hundred U.S. municipalities regarding the recruitment problems that women and minorities have encountered when applying to traditionally dominated white male jobs. Among other things the study found the problem women faced when taking the fire fighter physical ability exam. The authors pointed out that “while there was a general agreement among the respondents that the tests, *if valid*, should not be de-emphasized in the hiring process, it has been our observation that certain modifications can be made which would eliminate artificial barriers created by the physical ability test” (Booth and Rohe, 1988:56). They also found that some equipment that must be used by female candidates in order to take the physical ability exam were not adequate for them to perform the test. “Even after successfully passing entrance examinations, female fire fighters frequently complain about the poor fitting bunker gear which handicaps their effectiveness” (p.56). As Riccucci (1990:109) points out “...today, women are severely underutilized in fire departments... it appears that women are not wanted in fire houses and so they are not recruited.”

Recruitment Practices

In the case of police and fire fighter occupations, for instance, recruiting systems operate in such a way, that in many instances the insiders will benefit from any job openings, leaving many qualified and well experienced individuals out of the selection process, evidencing once more some of the barriers supported by some labor unions which result in barring minorities from entering and competing for certain skilled, and sometimes, very well paid jobs such as police officers and fire fighters.

Therefore, it is quite possible that stereotypes and prejudice may play a significant role in barring females and minorities from entering into such occupations. Leonard Rapping (1970:453) has suggested the following:

The union members express their personal preferences through the political process of the union. Members will prefer to see friends and relatives rather than strangers share the union's good fortune. They will seek congenial, friendly coworkers who will enhance the nonwage advantage of the job, and they will seek status and prestige, commodities gained in part by the prestige of immediate associates.

Booth and Rohe (1988:58) findings support Rapping's argument. They have found, for instance, that “fire departments have primarily relied upon word-of-mouth to recruit firefighters. Word-of-mouth has tended to work well because fire fighters ‘pre-screened’ the applicants (i.e., they only tell those whom they like to see join the department), and they promote what is good about the job.” In this sense, females and minorities may be seen by this group of union members as inferiors, not suited for performing the job adequately, or even as lacking the necessary skills for the job. Riccucci (1990:107) argues that, in the case of women, “traditional role prejudices, which hold that women are not physically or psychologically capable of performing dangerous stressful or physically demanding duties, either have been perpetuated by unions or have not been challenged by union leaders.”

Male minorities also have faced discriminatory practices from police and fire fighter unions over the years, inhibiting them as well from the same job opportunities attained by their white male counterparts. This is clear evidence of some of the barriers which females, as well as minorities, must endure when applying for jobs traditionally held by white males, in particular, within fire departments.

Additional barriers that affect females, in particular, are also strongly supported by unions. Minimum standards for height and weight supported in the police sector by its unions are examples. As it was shown earlier, fire fighters union use and support physical strength and ability exams as requirement standards for qualifying for service and other examples.

To support the fact of how recruiting practices have affected females and minorities within the police and fire fighter professions, Gould (1972:156-158) points out that “one source of conflict is to be found in the use of written examinations and the view of black police that such

procedures are an obstacle to the recruitment of new black policemen". At the same time, he has pointed out that in the case of fire fighting occupations, the situation was worse than in the police departments. Here according to Gould (1972:157), "promotions for minority group members and written and oral examinations pose a major barrier."

All these actions have taken place with the wide consent and support of the labor unions in these sectors. As shown, unions within the police and fire fighting occupations have developed standards that have negative effects on females and minorities alike. These appears to be taking place, in spite of the protective legislation which clearly forbids discrimination against females and minorities on the basis of race, gender, and ethnic background, among other characteristics.

The next section will discuss how labor unions support of seniority systems has resulted in discriminatory practices against female and minorities in the workplace.

Labor Unions and Seniority: Discrimination Concealed

According to Rosenbloom and Shafritz (1985:136-137), seniority is regularly employed as a prime determinant in promotions, layoffs, and for other employment advantages. They define seniority as follows: "Preference or priority; often, but not always, because the person or thing came first in time. In employment, seniority may be a formal or informal mechanism that gives priority to the individuals who have the longest service in an organization" (p.136-137).

Craft (1975:750) argues that "seniority has come to represent an enforceable priority under a collective bargaining agreement which qualifies an employee for benefits from the employer and provides a common basis for employees to estimate their relative status in terms of job security and opportunities for advancement."

Labor unions generally have been strongly criticized over the years for their strong support of seniority systems, particularly because it affects females and minorities negatively. In this sense, these groups have been discriminated constantly by relying on seniority as a key basis for important personnel decisions. Labor unions in the police and fire fighter professions are also supportive of seniority systems. Riccucci (1990:119) contends that "police unions have supported not only plantwide seniority

systems but also departmental seniority systems, where seniority is determined by the amount of time worked in a particular department or job.

In many instances, labor unions' preferences on seniority systems affect females and minorities from competing for promotions on an equal basis with their white male counterparts, since they usually have less experience and years of service within a job. This is due to the fact that, as a group, females and minorities are relatively recent entrants into the workforce, hence narrowing down the available positions to them. In fact the writer considers seniority as another tool devised and used by labor unions, and employers alike, to further segregate the labor market, and hence further promote the existing wage gap between female, minorities, and white males.

Craft (1975:751) explains some of the obstacles that seniority systems have posed for some workers by pointing out:

A problem has arisen due to the effect that in many organizations black workers had traditionally been hired into a few predominantly black departments or jobs—in which generally less desirable work was performed and, on the average, had lower pay. The use of narrowly departmental or job seniority units, while insuring those in the units of better opportunities, effectively excluded blacks from access to the larger paying jobs and reduced chances for their promotion to higher job classifications.

In addition, seniority systems generally adversely impact on female and minorities, much more so than on whites, when they are used by labor unions and employers to make layoffs and reductions in force in the workplace. On those occasions when seniority is used to make termination decisions, length of time is used as the most important factor in both, public and private sector organizations. Hence, employees with the least amount of time accrued within a particular job, occupation, or department, are usually laid off first, a situation often referred to as *lifo* (last in, first out). Again, females and minority workers are more likely to be affected than their white male counterparts.

Riccucci (1990:54) points out that in the public sector, "fiscal crises portended massive reductions-in-force (*rifs*), generally decided on the basis of seniority." As a result, she argues, the employment gains of female and minorities in recent years appears to have been harmed by several factors, including departmental seniority systems.

In spite of these controversies, the U.S. judicial system has recognized seniority systems as a completely legal tool, leaving the door open for both, employers and labor unions, to keep relying on it to implement personnel decisions such as layoffs. Its use must rest on the basis that by implementing such decisions, female and minority workers won't be adversely affected. However, it is clear that no matter what is the reason for using seniority as a basis for personnel decisions may be, it will always have its effect upon minorities and females alike. It seems that labor unions' strong support of seniority is another way to further support the better and higher paying job opportunities and occupations for its constituency, the white male majority.

Conclusions

The practices discussed here illustrate the extent to which labor unions, in particular those in the police and fire fighting occupations, are able to discriminate, and/or affect the employment opportunities of females and minorities.

Overall, the discriminatory patterns discussed here appear to suggest that police and fire fighter labor unions, in particular, have supported different methods (some overt, others covert) have had a negative impact over females and minorities in general. The strong support of seniority systems, physical ability examinations, and recruitment pattern were presented as examples.

These practices are supported by police and fire fighting labor unions in order to protect the interests and needs of their mostly white male dominated rank-and-file, and their actions seem to perpetuate a vicious cycle which seems to keep these professions segregated, reflecting a general pattern of denying equal opportunities for protected people in general.

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