

## **Adjusting and Trusting: A Guide for Progressive Organizations and Their Workers Who Unionize**

By Larry Kleinman and Kim Fellner <sup>1</sup>

Progressives believe in the labor movement. We support unions and believe that workers are entitled to a collective say in the terms and conditions of their employment, free from the arbitrary dictates of management.

But what if the management is you? When it comes to nonprofit (or “NGO”) social justice organizations—and the funders who help sustain the work—the response is often, “Yes, but...”

And what if you’re the union? When workers organize in a progressive nonprofit—even one that accepts unionization—the approach is sometimes no different than it might be with a hostile or profit-making employer.

We, your authors, decided to undertake this guide because we were fielding a growing number of calls about organizations in crisis. Too often, groups we value were struggling to fulfill their important movement missions, while being shredded from within, often about issues of unionization. While we both have decades of experience in labor and NGOs--spanning a wide range of roles--we no longer serve as paid staff or leaders of any organization. Being without official portfolio, we thought we might be able to offer a resource to help move those conversations to a better place.

This guide is not meant as the final word on anything. Rather, consider it a rough, hand-drawn map to navigate some poorly-charted terrain. The perspectives and suggestions are offered in the spirit of strengthening the resilience and alliances of progressive forces--and to get to a more definitive and satisfying “yes” on the issue of unionization.

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## The Current Context

The evolution of movement organizations and personal movement lives are inextricably tied to history and to our changing times. The uptick of unionization in the 2020s has roots in: the New Deal union vision of the 1930s; the racial and gender justice revolutions of the 1960s; the global rise of neo-liberalism; the de-industrialization of Middle America; the rise of new mega-corporations and obscene profiteering; the looming disasters of climate change; the increasing precarity of working-class labor; and the mind-boggling growth of economic inequality called out by Occupy Wall Street more than a decade ago.

However, the collision of the Trump Era, the Covid-19 pandemic and Black Lives Matter has catalyzed many of the dynamics behind the current wave of unionization at workplaces like Amazon and Starbucks, news media outlets and movement nonprofits. The growth of fascism and nationalist authoritarianism, built on white supremacy, poses heightened danger for racial and religious minorities, the LGBTQ community and women--and threatens everyone who believes in an equitable multi-racial democracy.

While the movement-oriented community has mounted a passionate response to these deadly assaults, the move to the barricades, including unionization, has created some difficult dynamics within our own ranks. Some of these crystallize along generation lines—notably between Boomers who are (sometimes reluctantly) handing over leadership of nonprofit organizations and Next-Gens who are claiming their turn at the helm.

Even if occasionally hyped, generational differences figure meaningfully in every multi-generational workplace. “Old-school” Boomers or GenX-ers are sometimes characterized as disparaging concerns for work/life balance. GenZ-ers, who ardently demand justice *in* the organizing work, not just *from* it, are sometimes characterized as hostile to the imperatives for organizational survival. Countless anecdotes, takedowns, call-outs, and caricatures tend to drown out both more complicated realities and promising avenues to address them.

Underlying these swirls of conflict are the knotty dynamics of race and privilege. More or less into this century, white men—often of considerable privilege —have predominated as nonprofit directors and board members.

For decades, women and people of color have been struggling to lay claim to more of those positions. While a lot of progress is still required, leadership has finally become more diverse. However, the dynamics surrounding race and unionization at this moment are anything but straightforward.

On the whole, labor organizing has been a force for greater racial and gender equity, especially in public employment; but many unions have also been perpetrators of racism and are sometimes viewed with distrust in BIPOC communities. In addition, just as leaders of color are finally taking over as directors of larger progressive organizations, there are concerns that some recent staff organizing campaigns, especially when led by union activists who are white, have targeted newer directors of color in ways that cause individual harm and undercut systemic progress.

While these and other complex dynamics can and do yield honest disagreements and accidental misunderstandings, they can also become fodder for disproportional responses or for manipulative power spins. Without insight and care, the consequences can put organizations into real peril.

### **Setting the Table**

In all workplaces, including in the nonprofit sector, there is a fundamental power disparity between employers and individual employees. A key tenet of unionization is that by joining together, workers can aggregate their power and create a more level playing field when it comes to decisions that affect their work lives.

Employers in the progressive sector, as in other sectors, run the gamut from those who deeply value equity in their employment practices—and prioritize the quality of their employees’ work experience—to those who don’t. But when it comes to unionization, most nonprofits with a justice-leaning mission want to do the right thing, even if they’re not always clear on what that is, and how to accomplish it.

Sure, some directors and boards—especially at larger nonprofits—go all NIMBY when their workers start to unionize. As in, “Of course we believe in unions, but we really don’t need one here.” Among the common rationalizations are that unionization will harm the mission or the members; that the organization is too small and too poor; that unions are only superficially progressive; and that the line staff is seeking an extreme solution to non-existent or minor problems that could easily be resolved through less formalized means.

Some unions may come with assumptions and tactics, rooted in dealings with companies focused on profit, that set the unionization process on an overly adversarial path. Workers who pursue unionization—like management—often need a basic grounding in the mechanics of collective bargaining, leadership accountability and negotiation. Unions often have capacity challenges meeting the interest in organizing, especially in smaller NGOs.

Even where management willingly recognizes a staff union, and the union is knowledgeable and well-suited to the effort, the process is destined to encounter some

bumps, since it inherently combines a political moment, the professional considerations of organizational power and practice, and the personal relationships among co-workers and colleagues.

This convergence can snarl communications, magnify internal disagreements and take a personal toll on participants. Some leaders of organizations report that their role seems increasingly fraught, overwhelming and punishing, and a growing number of executive directors cite the toll of the unionization process as a key factor in their burn-out and departures. Workers who lead the fight to advance the union may end up leaving as well.

Despite the obstacles, over the longer haul, unionization can result in a mutually beneficial partnership that more fully lives shared values *and* strengthens the organization.

**Consider this the “upside of unionization.”** Among the benefits, it can:

- Put talk of caring about staff into structures with binding accountability.
- Provide managers with the systems and guidance they need to be better supervisors.
- Aid worker recruitment and retention through more competitive compensation and benefits.
- Codify shared buy-in around Diversity, Equity & Inclusion policies and practices.
- Make paths for advancement more transparent and less susceptible to the perception or reality of favoritism.
- Strengthen intra-worker equity through better job classification and cross-position pay equity.
- Create or improve structure for staff improvement and “second chances” via progressive discipline.
- Identify leaders within the workforce who have the confidence of their co-workers.
- Benefit from the leadership development of staff who engage in negotiations and union duties.
- Open a new path for engaging, via the union, the broader labor movement and demonstrate the organization’s pro-union commitment and values.

Some managements argue that little of this requires unionization. That overlooks the fundamental element of worker agency and co-ownership of the process. **Workers in unions have their own power, not power lent to them by management.**

## Some Basic Building Blocks of Unionization

The tools and perspectives on this guide, gathered from folks with experience on both sides of the table, may be useful to meet the union moment in a more creative and satisfying way. *Keep in mind that these are “basics” and do not list or address the full array of contract issues or bargaining dynamics.*

- Workers organize to prevent, curb and redress workplace abuse and to act together for workplace justice and equity. There is also a pull to be part of the unionization movement that is newly animating workers (especially younger workers) across the country.
- The decision on whether or not to unionize belongs solely to the line staff, which has the legal right to organize and to demand union recognition.
- There is an extensive and intricate body of law governing the unionization process. It is important to become knowledgeable enough to adhere to the letter of the law--and comfortable enough to embrace the spirit of fair representation.
- Beyond the organizing, unionization has two basic features: **recognition of an entity—the union**—which serves as the voice of workers, and **negotiation of a collective bargaining agreement (CBA)**. As a practical matter, recognition has limited lasting impact on workers’ lives until a CBA takes effect.
- Labor law has elaborate rules about which staff the CBA covers as part of the “bargaining unit” (i.e., generally, not managers or certain executive staff) as well as what subjects of bargaining are “mandatory” or “permissive.” Since the result of bargaining is a legally enforceable contract, the parties need to think carefully about what does or doesn’t belong in that system. Demands to change the organization’s mission, entire governing structure or strategy generally do not fall within collective bargaining.
- Organizations with larger staffs and substantial budgets are more likely to share characteristics with small for-profits or public sector workplaces. But **small social justice organizations with limited resources generally require retooled ground rules and protocols on all sides**, better suited for more fragile infrastructures.
- Unionization creates a system for resolving some conflicts but it is not in and of itself “healing.” Building a healthy organizational culture is dependent on what everyone brings to--and takes from--the table in terms of mutual respect and good will. That may start with checking yourself for the “blindness” of good (or bad) intentions: the

unstated assumption that you are credited with operating in good faith and/or that the other side is not.

## Suggestions for Management

### Getting grounded and prepared

- **Examine your perceptions or assumptions about unions and about workers.** Probe both senior management and board attitudes for implicit biases. Grapple with the difference between a performative progressive posture on the value of unions and a process that demonstrates those values.
- **Explore your own feelings about being a boss.** Most movement bosses started out as staffers. Were you once a young(er) troublemaker, maybe even one of those staff union organizers? How have your views changed? How has your role changed your responsibilities? How do you feel about being on the other side of the table?
- **Understand your own level of power, and your own level of privilege,** both institutional and personal. There are some powers that systemically convey to those who are in charge. But not all directors are equally powerful, and not all come from places of privilege. An honest assessment will keep you from downplaying your role--and also help you if you are played or wrongly called out.
- **Understand that a certain amount of tension is an inevitable part of the process,** and this may involve critique of management that doesn't seem fair to you. Being called a "boss" might discomfort you. Being called a "union-buster" may be particularly stinging. As best you can, avoid defensiveness. There may be times that you need to set the record straight but use neutral language and do not engage in "tit for tat" critique. It just isn't helpful.
- **Educate yourself about potential missteps,** including bad faith bargaining, direct dealing with employees (to go around the union), and making unilateral changes in wages, benefits, and working conditions. All are illegal employer practices that can easily be avoided if you are aware of some basic rules.
- **Find trusted advisors.** Contract bargaining is a complex process and neither you nor your organization's employees should expect to be experts. An active or retired union leader you respect may be able to offer some guidance, especially if the leader has had experience on both sides of the table.
- **Get good legal advice.** Most management-side labor lawyers start from the belief that management should "give" as little as possible to the union. Getting to agreements quickly and amicably is simply not their priority. Finding a truly pro-union

management lawyer is admittedly not easy; consider calling union leaders whom you respect and asking them for advice. Don't assume that your "regular" attorney is an expert on labor law.

### **Setting a Pro-Union Posture**

- **Respect your employees' right to organize.** This means:
  - granting voluntary recognition when a majority of workers sign union cards;
  - providing the union with employee contact information and a place to talk with workers;
  - allowing the union access to meet with new hires to explain what union membership means;
  - instructing your supervisors not to express any opinions about the value of organizing and holding them accountable if they do not follow that instruction;
  - publicly stating that you are a pro-union organization.
- **Be assertive about making sure lawyers implement your values.** The norm is often for lawyers to tell clients what to do and to assume that your goal is to "give less." But the lawyers work for clients, not the reverse, so make sure your perspective is being properly represented. Also, bear in mind that lawyers are better trained at telling you what you *can* do, which might not be what you *should* do to build a constructive relationship with the union.
- **Be thoughtful about whom you delegate to represent management.** A default position, especially in larger NGOs, may be to designate the chief financial officer or HR manager. These may be people with the least connection to the organization's mission, values and culture. If board members are at the table, pick ones who better understand the value of unions.
- **Give significant weight to the union's position regarding which employees should be in the bargaining unit** but make sure that employees who are truly supervisory or managerial are excluded.
- **Build a constructive relationship with union representatives and leaders from the outset.** After the union election, take the initiative to schedule meetings that include both the union staff representative and one or more rank-and-file leaders. Do more listening than talking at those meetings. Get to know each other better as people and gain a deep understanding of the hopes and dreams of the rank and file leaders as well as the specific issues that led them to organize.
- **Find ways to include the union as a partner in your work.** Invite union leaders (union staff representatives and rank and file leaders) to your public events or ask them to join you in lobbying on key issues. Create opportunities to engage them in discussing your strategy and vision and when you do, make sure you truly listen but

don't let those meetings become negotiations in which the union gains the impression that they have veto power over core strategic choices. Find ways to publicly appreciate and recognize the important programmatic contributions unionized workers make to your organization.

- **Think through how unionizing can be a benefit to the NGO, even though you didn't initiate it.** It helps to enter the process with a vision of how you think the NGO can be better, stronger, and more collaborative with a union –that you have a stake in it. Bargaining is a two-way street – a dialogue about issues and potential improvements. The best agreements meet each side's interests sufficiently without doing damage to the other party's interests.

### *Navigating Negotiations*

- **Do not demand ground rules that limit the union's ability to speak out, but be clear that you hope to resolve conflict without a public fight** that could harm the reputation of the organization. Model that behavior by making strong public statements supporting the union process. Find ways to publicly recognize the union and its leaders.
- **Be as transparent as you possibly can about financial matters** so union leaders and members understand what is and is not affordable. Familiarize yourself with the rules about what information you are obligated to provide to the union, but you will likely want to provide more than the bare minimum required.
- **Try to resolve the contract quickly**, which means making your bargaining team available for frequent bargaining sessions and avoiding dragging out the process.
- **In negotiating contracts, accede quickly to issues that speak to union rights** (union security, dues deduction, union access, grievance and arbitration). Make movement on economic issues more gradually so that you don't find yourself in a situation where you have nothing more to give while the union still has demands on the table that you can't accept.
- **Consider offering to implement a labor/management committee process to discuss day-to-day issues as soon as bargaining begins** since, for the most part, you won't want to offer to implement components of the contract until the full contract is resolved. If the union agrees, approach that process in a manner that demonstrates your willingness to be a partner and to address their concerns, without granting the union veto power over managerial decisions.
- **If tensions rise, consider proposing mediation or arbitration** as a low-conflict way to resolve disputes. Sometimes, the best people to mediate or arbitrate are trusted progressive allies rather than professional mediators. Consider doing "interest-based"

bargaining—a variation on traditional bargaining aimed at focusing on core goals rather than positional demands.

- **Keep multiple channels of communication open with the union.** Honor the official bargaining process but make sure you have a method of communicating informally as well. Figuring out the best way to do this is likely to be case specific. However, never try to go around union leadership to lobby represented workers directly.
- **Wherever possible, lead with what you're "for" when communicating internally and in public.** Resist the reflex to declare what you're against.

### Suggestions for Labor

#### Getting grounded and prepared

- **Have frank conversations among bargaining unit members about the similarities and differences between labor relations in the NGO and corporate sectors.** That will enable rank and file members to understand and participate in campaign decisions with a more critical lens.
- **Workers should choose union representation wisely.** Not all unions are created equal. Each possible union will have its own upsides and downsides and will infuse your future union experience with a different leadership style and culture. Just the way movement employers need to search out legal advice that honors a commitment to unionism, movement employees need to search out a union that understands progressive, mission-driven organizational values. If possible, find out who's likely to be your union staffer, and how satisfied other units have been with their performance. Assess what the union offers as training and educational opportunities related to taking on new roles as union members, stewards, leaders and negotiators.
- **Understand your own level of power, and your own level of privilege,** both institutional and personal. There are some powers that systemically convey to those who are in charge. But line staff are not necessarily victims, and those seeking to unionize may have a level of personal privilege that equals or exceeds that of the managers and/or the members. An honest assessment will lead to more honest relationships and a more successful process.
- **While this is also true in corporate contexts, it is crucial that the worker leaders of an NGO union be respected employees;** the union can't afford to be seen as an apologist for mediocrity but must instead be seen as laser focused on making the

organization better by strengthening the workforce.

- **Winning unionization confers responsibility as well as rights.** Electing leadership, establishing processes for management to communicate with the bargaining unit and run the NGO with legally required participation of the union requires the union to be available and to move quickly in helping the NGO to efficiently operate as a unionized organization.
- **Understand the difference between agitating and organizing.** Using a union campaign as a platform for a performative form of progressivism is unlikely to yield good outcomes and can even destroy an organization--to the detriment of the entire progressive sector. Militant agitational tactics that involve a minority of bargaining unit members are less likely to be effective than inclusive organizing tactics that involve nearly all bargaining unit members.
- **Unionization can achieve greater economic fairness, advance racial and gender equity, and provide a better balance of power at work. However, longer term success also depends on rationalizing and institutionalizing gains and creating stable and sustainable organizations.** Protracted ideological disagreements and demands to address all the societal harms of capitalism and/or racism can deter progress toward a good contract.

### *Approaching a Pro-Union NGO*

- **Given that unions and workers at NGOs are generally committed to the stated mission and values of the employer organization, the process calls for different strategies than you might use at a company whose core purpose is enriching stockholders.** Demonizing management and denigrating the organization might be seen as motivators in initial organizing but are not a long-term formula for success.
- **Tread carefully when it comes to creating bad publicity for the NGO.** Unions can't give up the right to draw public scrutiny to bad employment practices or to hypocritical management behaviors that are inconsistent with an NGO's stated values. However, unlike in a corporate context, in which a public-facing campaign is a central strategic element from day one, "going public" should be more of a last resort in an NGO context, as it risks damaging the credibility of the organization in a fraught political environment.
- **Be clear about what you need in order to settle, and don't expect management to necessarily give the union veto power over decisions that related to core program direction.** Those decisions are not mandatory subjects of bargaining, and many

NGOs will refuse to include them. Raising expectations among bargaining unit members that core program decisions will be bargained will undermine your ability to get to agreement. Having a dialogue about core programmatic direction is a reasonable goal; demanding that an NGO give the union veto power over it is not.

- **Demonstrate the value of a positive relationship with the union. Carrots may be as valuable as sticks, whether through an offer of joint lobbying or joint fundraising.** Demonstrate the value of labor/management partnership work, whether in service to concrete problem solving or simply improving communication. And when it comes to communication, understand that management will respond to stories and examples more than rhetoric and generalization.

### *Navigating Negotiations*

- **Consider non-traditional ground rules.** If the union and the employer commit to do better by the other party than the law requires, it may serve to reduce conflict and expedite bargaining. For example, if management is willing to agree to voluntary recognition, union meetings on the organization's premises or other concessions not required by labor law, maybe the union can respond with commitments of its own, like trying to resolve a disagreement through internal processes before going public, or agreeing not to personally disparage the motivation or values of the NGO's leaders.
- **Demand to see real financial information.** While the law only requires employers to open their books if they make a poverty defense, in this sector, employers should be more forthcoming, especially since much their financial information is publicly available. But don't just rely on 990's—insist that the employer share enough information and analysis about financial realities so that you can craft proposals and counterproposals that are both aspirational and realistic.
- **Consider interest-based bargaining, mediation, and binding arbitration as three potential approaches to bargaining.** Some organizations are exploring interest-based bargaining as an alternative to the more common model of bargaining compromise from aspirational positions; it may offer a process that is especially useful at progressive NGOs. And when it comes to mediation, don't assume that the best mediator is a professional mediator. A key ally with relationships with both the employer and the union may be more effective.
- **Build relationships beyond the bargaining table.** The bargaining table is a crucial element of unionized labor relations, since it creates a space where workers and employers can engage as equals and speak their truth with (relatively) less fear of retaliation. However, there can be a performative aspect to table dynamics that make the bargaining table less than ideal for honest engagement around bottom-line

settlement needs. Non-table relationships, ideally involving a union representative, a rank and file bargaining-unit leader and a real decision maker on the employer side, can open space to better understand what management cares most about and where they may have flexibility in their bargaining positions.

- **Understand the risk of polarizing and personalizing the conflict.** This risk exists in corporate settings as well, but since corporate employers tend to be thicker-skinned and more transactional than NGO employers, the risk is smaller. In the NGO context, employers are—rightly or wrongly—very likely to see themselves as “on the side of the workers.” It is in unionized NGO workers’ interest for management to understand that they can avoid polarization and personal attacks if they behave consistent with the standards described above for pro-union NGOs.

### Suggestions for Funders and Allies

- **Examine your perceptions or assumptions about unions and about workers.** Many foundations and donors will say they support unions but, as with some managements, that will be performative progressive posturing, rather than a genuine belief.
- **Understand your own level of power, and your own level of privilege,** both institutional and personal. Foundations can—sometimes disingenuously—downplay their power over the organizations they fund in order to appear more like movement allies. Other foundations like to constantly claim their power over organizations and over determining agendas and policy priorities. It is also important to remember that most program officers and foundation board people already have substantially more wealth and greater benefits than the staff (including the management staff) of the groups they fund. An honest assessment will lead to more healthy relationships and a more successful process.
- **Educate your coworkers and board of directors on the value—and appropriateness—of unionization in the nonprofit sector.** While some staff members at funder organizations may come out of the ranks of progressive nonprofits and hold a genuine respect and affection for the labor movement, that is not true for all staff and frequently not true for boards, especially foundation boards. There are numerous tales from the trenches about organizations being denied funding by nominally liberal foundations because the monied/corporate interests on the board were hostile to unions.
- **Do not assume that the move toward unionization signals that an organization has been badly managed or is guilty of insufficiently progressive values.**

Unionization is, first and foremost, a way for workers to gain a formalized, rationalized say in the terms and conditions of employment. Even workers at effective organizations are entitled to, and may crave, that right.

- **Do not assume that workers at one of your favorite organizations are automatically selfish or irrational because they exercise their right to unionize.** In an ideal world, all workers would have a collective voice and a bargaining agreement that upheld fundamental human rights and economic fairness while advancing equitable wages and working conditions.
- **Expect the process to be bumpy.** As noted above, unionization brings a lot of political and personal factors into play and, along with the discomfort of shifting power dynamics, often involves misunderstandings and bruised feelings. Don't throw logs on those smoldering embers!
- **Avoid a rush to judgment.** As a funder and/or ally, you may be approached by both the management leaders and the unionizing staff leaders. Your role is to encourage an equitable outcome. Offer to be a third-party resource if you have the skills and standing to assist. Be honest and trustworthy. Minimize collateral damage.
- **If you are a funder, use your position and your resources to fund training and capacity-building--and to financially enable better wages and benefits.** Both the management and the labor side may have less than optimal experience to tackle the unionization process. Help them to access the skills and resources they may need to achieve good outcomes. Then help organize the funding that enables the needed contract improvements.
- **If you are an ally, strive to be part of the resolution, not part of the dissolution.** The progressive sector is smaller than we wish, and we all have friendships and alliances across organizations. Be true to your values but resist the urge to personally trash the motives of one side or the other.

### **We're All In**

The "we" heading up this section has multiple definitions.

The first is the two of us who've put our names on this guide. We approached this effort with some trepidation, knowing that we were mapping a minefield. Each of us has been on all sides of this question; we've helped form unions, we've managed justice organizations, and we've been allies and advisors. We've lived our whole lives in the

justice movement, and we have great love for it. As we heard more and more stories of conflict and trauma on the unionization trail, we wanted to do whatever we could to contribute to better outcomes and greater wellbeing.

However, this work is not ours alone. Over the past few months, we've consulted and shared drafts with friends and colleagues across the sector. Through those exchanges, we were able to add and subtract stuff and gain valuable insights. Ergo, this is also a "we" of what we consider unsung coauthors. We are grateful to all who weighed in. We expect that subsequent conversations may yield new iterations--plus perhaps some case studies, resource guides and the like.

Finally, "we" encompasses *all* of us who build and sustain the justice movement with our labor, our leadership, and our spirit. In these harrowing times, riddled with real harms and existential threats, we must—and we *can*--maximize our collective forces and take good care of each other. To adjust and trust. To turn stress into strength. To help each other to endure against fascism one day longer.