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What Does “Open Shop” Really Mean?

By Bill Hohlfeld

OPEN SHOP: A business that employs workers without regard to union membership. In the 1920s the “open shop” employed an ill-disguised attempt to get rid of bona fide unions. States with “Right to Work” laws have decreed the open shop.

<http://www.businessdictionary.com/definition/open-shop.html>



If you were tuning into last night’s broadcast of Blue Collar Buzz, you heard a lot of talk about the phenomenon of “Open Shop” construction in New York City. It is no exaggeration to say that This topic was literally inconceivable as recently as a couple of decades ago. But today, it often seems more like an imminent threat than a distant rumble. Of course, as is so often the case, the truth is indeed the truth, but often appears slightly different when viewed from a slightly different perspective.

When we discussed the subject with Carlo Scissura, the new President and CEO of the New York Building Congress, he sees a need for flexibility on all parts, with the eventual resolution of the issue being palatable to all the concerned parties. This is a reasonable position by a reasonable man whose function it is to bring many parties with disparate interests together. Yet, when we have the same discussion about the construction industry with Sal Albanese, former City Council member, and current Mayoral candidate, he is passionate about the fact that New York City is a Union city and that it is in everyone ‘s best interest to keep it that way. Do not make the mistake of assuming his passion is mere emotional diatribe. On the contrary, it is based on sound Keynesian principles of economic policy that, quite frankly, have a proven track record.

So, when we discuss “Open Shop” what we are really doing is playing the word game that ultra conservatives often play, and generally, win. It is a question of controlling the conversation by taking the lead in labeling the argument. There’s nothing new here. To put it in the vernacular, “We’ve seen this movie, and we know how it ends.”

We are all familiar with the ever growing love affair that corporate interests have in a national “Right to Work’ law. It’s a prime example of controlling language. When I discuss right to work legislation with students who are not overly familiar with labor issues, I often begin the discussion by asking a simple question: “Does a law called right to work sound like a good law to you?” This, of course always receives a resounding, “yes!” – initially. Then, after a brief review of union vs. non-union compensation packages

as well as the concept of unions being forced into a position where they are required to represent people who will not pay dues, student positions often shift rapidly and dramatically.

It is also interesting to note that “Right to Work” language is virtually identical to the so-called “American Plan” of 1920. It too was highly successful. As it was introduced at the height of the post World War I red scare, when it was indeed essential to appear patriotic, it was not surprising it got the level of attention it did. Under the “American Plan,” it was patriotic to be unencumbered by union membership. That was for foreigners, radicals, and socialists. Ergo, to be a union member, was to be, de facto, un-American. Is this starting to sound familiar?

Once again, we are witnessing the manipulation of language for not just political gain, but monetary gain as well. The idea of an “open shop,” at first glance, gives the impression of inclusivity and transparency. The words cannot help but give that impression. In reality, what “open shop” means is accelerating the race to the bottom for workers by destroying their right to bargain collectively. It means more unsafe conditions on the job, lower pay, fewer benefits, and a very uncertain future. It also means higher profit margins for contractors and developers. These are the same players who claim they “simply cannot afford to use union labor.” If such claims are true, then they are easy enough to substantiate. Why not create a new entity for the New York City construction industry?

Let’s take the emphasis off the workers and place it on developers and contractors. Let’s call for developers and contractors to open their books and show profits and losses, and while we are at it, let’s control the argument by controlling the language. We’ll name it the Transparency in American Construction (TAC) Act. After all, what good American need fear transparency?