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A Human Rights Problem on Campus

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When I became a union organizer after law school in the early 1970s, I cut my teeth on companies notorious at the time for anti-labor policies, such as the textile manufacturer J. P. Stevens and California grape growers.

"Unionization is not in the best interest of our employees," argued Stevens officials as they refused to accept workers' repeated votes in favor of representation. "Farmworkers are not defined as 'employees' under the labor law," said growers who refused to recognize the farmworkers' union.

Earlier generations of organizers faced Henry Ford and Andrew Carnegie and George Pullman. Today's organizers help workers in nursing homes, hotels and restaurants, meatpacking plants and garment sweatshops. But not all employers resisting employees' freedom of association are profit-maximizing moguls or sweatshop owners. When it comes to their own employees, some university administrators are the new Stevenses and Carnegies.

Brown University President Ruth Simmons has bluntly stated that graduate teaching assistants (TA's) should not be able to form a union because they are not employees, even though their livelihoods depend on long hours for modest pay and limited benefits. The chancellor of the University of Massachusetts at Amherst told campus resident assistants interested in representation that "the University simply cannot and will not bargain with an outside union." Temple, Penn State, Illinois, Washington—the list of universities trying to stifle employee rights is growing.

The latest is Columbia University. In these and other cases, the National Labor Relations Board (NLRB) and parallel state agen-

cies have said that students who are also workers do not surrender basic rights when they enter campus gates. Now Columbia's top officials have announced they will ask the new majority of Bush appointees on the NLRB to overrule these decisions and deny teaching assistants the right to representation and bargaining.

When a majority of TA's at New York University voted last year to bargain with the administration, Yale's president, Richard C. Levin, called on NYU to defy the NLRB and refuse to bargain with them. He proclaimed that "the unionization of graduate student teaching and research assistants is not in the best interests of graduate students themselves." Suppose Levin had said that "the exercise of basic human rights by members of a university community is not in their best interests." This puts the issue in a different light.

Freedom of association, the right to form and join trade unions, and the right to bargain collectively are enshrined in every international human rights instrument. The Universal Declaration of Human Rights affirmed them a half-century ago. So did the International Labor Organization in a 1998 declaration of fundamental principles.

Perhaps those who want to stifle university organizing have not thought about the human rights implications of their stance. Most people think workplace organizing and collective bargaining are just tit-for-tat conflict between two big institutions: unions seeking dues from new members, employers wanting to hold down costs and keep out "third parties." But under international human rights standards, workers are not objects in an institutional conflict between labor and management. They are self-motivating,

self-defining subjects exercising basic rights.

The organizing impulse springs from a bedrock human need for association in a common purpose to make things better, as corny as that sounds amid louder paeans to individualism. This fundamental right underpins churches, political groups, civil rights organizations, NGOs and other associations, including those formed by workers to improve terms and conditions of employment.

Before they are students or employees, teaching assistants and resident assistants are persons. International human rights law upholds their right to look to one another for support, form their own organizations, choose their own leaders and advocate their own interests through bargaining. To its credit, NYU accepted its teaching assistants' choice and joined a good-faith bargaining effort. The university bargained hard—as was its right, too—toward a compromise agreement that both administrators and TA's commended.

Standing for tolerance, diversity, and dialogue in an otherwise "my-way" society, Yale, Brown, UMass and Columbia should take the lead in honoring workers' rights, not frustrating them; in reversing violations of labor rights, not reversing government action that protects workers. When many U.S. universities call for human rights and labor rights for workers in foreign countries producing goods with the school's logo, they should show equal concern for the rights of their own employees.

The writer teaches international labor law at Cornell University's School of Industrial and Labor Relations.