For me, and many like me, the answer is self-evident. But the need for unions has been successfully obscured by a very effective propaganda campaign over the course of many, many years. Many would have you believe that there is no need for unions, and that if you “work hard, keep your nose clean” and all that, you’ll get rewarded and thrive in the world. A presumption / assertion is made that management is a benign dictator -- never arbitrary, nor unreasonable in its expectations. Always rewarding the employees on the basis of merit. Paying according to the “marketplace”. On and on. Never mind that in many traditional, hierarchical organizations, compliance and sycophancy are valued more highly than creativeness or critical thinking.

The core, legal principle that roughly 85% of the jobs are based on in the U.S. is the principle of being “employed at will”. Sure, that means YOU can leave whenever you please – at your will – but you can do that anyway. More importantly, that principle means that the employer can terminate your position AT ANY TIME for ANY REASON. And, except in the rarest of cases, you will have NO RE COURSE.

You could be a great performer, working for a great boss. Boss leaves. New boss wants his own choice of staff in your position – you’re gone. You could lose your spouse / partner of 20 years, have situational depression, have your productivity and quality of work go down… and be fired. You could change the part in your hair….

The traditional employment relationship is entirely built on power differential and authority and at its core is inherently arbitrary. In other words, unless you have a union job, you are completely at the mercy of management. Management has all of the rights and you none.

Having a unionized job changes the power differential. It does not eliminate it. But it is reduced. That’s because the arbitrariness is nearly eliminated and some new principles come into play. In a unionized position, management can no longer be outright arbitrary in matters of discipline because the principles of discipline for just cause and of due process come into play.

**The Principle of Just Cause**

Just cause is a basic set of standards, established by legal and procedural precedents, against which the appropriateness of management-imposed discipline is measured. Arbitrators and courts will apply numerous criteria, but it boils down to this: was the discipline imposed reasonable relative to the offense?

Suppose a supervisor asked you for the third time for a report you had previously provided, heard you remark to another co-worker that the supervisor is “clueless”, and
then suspended you for a week for “insubordination”. Would that meet this standard? No. Are there responses you could have that would result in severe discipline? Sure. But professionals like us rarely react in that manner.

The Principle of Due Process
This principle is nearly defined by its name. Due process means that a process has to exist, and that arbitrary actions will not stand. Union contracts typically define the formal steps of discipline, or refer to progressive discipline as ours does. In the APA contract, for instance, the parties state that, “Normally, disciplinary action begins with a verbal warning…. and culminates with discharge only after repeated attempts to correct (the) employee’s behavior have failed…”

This principle means that for normal situations, such as under-performance, a member will have adequate warning and opportunity to make corrections, mitigate behavior, and otherwise comply with reasonable expectations. On the other hand, though, it also means that in most situations, a poor performer cannot be summarily discharged. Some members don’t care for that aspect of union protection – but I think it is best to be fair to all. In fact, part of the due process principle is a basic standard of fairness when imposing a disciplinary action. All members of the bargaining unit must be treated fairly, yet a “poor performer” can be removed if management does so fairly and properly.

Summarizing and wrapping up
Most of us grew out of accepting the “because I said so” justification so often provided by an authority figure. We want to be fairly treated. We know that authority can and is often misused. And, in most employment situations, the power differential and authority is vastly in the boss’s favor. Even with a union, the playing field is still slightly tipped in management’s favor. Still, at least there are standards of just cause and due process that help even the field.

I am also pleased to be able to say that here at MSU, the key leadership and management are all very committed to doing all that can be done to comply with the standards and principles of just cause and of due process. In fact, I would even venture that the leadership has come to understand that having a unionized workforce is a good and positive thing for the university and has served to make the institution all the stronger.

-Leo