This article appeared in *The Catholic Worker*, May, 2010 pages 1, 7

"Labor Unions and the Church"

Joseph J. Fahey

In 1949 Cardinal Francis Spellman used New York archdiocesan seminarians to break a strike by gravediggers at Gate of Heaven Cemetery in Hawthorne, N.Y. Spellman alleged that the workers had come under the influence of Communist agitators and that he was "proud" to "be a strikebreaker." The Catholic Worker supported the strike and Dorothy Day wrote a letter to the Cardinal stating that, "Of course you know that a group of our associates at the Catholic Worker office in New York have been helping the strikers both in providing food for their families and in picketing…." Later, Dorothy lamented an "ill-advised" Spellman who "exercised so overwhelming a show of force against a handful of poor working men."

This is not an isolated instance of union busting by Church officials in the United States and, sadly, some Catholic employers continue to harass, intimidate, and fire employees who seek to join or form unions today. In 2008, for example, the (now resigned) Bishop of Scranton busted the long standing Scranton Diocese Association of Catholic Teachers by restructuring his school system and thus refused to negotiate with the union. In addition, there are all too many examples of Catholic schools and universities and Catholic hospitals that spend large sums of money to employ "union avoidance" firms that openly brag about their stellar track records in "union prevention in the workplace."

Fortunately, there are many examples of Catholic employers who enjoy productive relationships with employee unions. But it is a matter of grave concern that even a minority of Catholic employers engage in scandalous behavior by openly violating Catholic Social Teaching on workers' rights.

Some Catholic employers dismiss worker unions as relics of an industrial past or as intrusive third party organizations that have only the financial interest of the union at heart. Some Catholic employers are advised by ethicists (sometimes in their employ) who tell them that unions are, in effect, optional in Church teaching and that, while employers are obligated to pay a living wage, they are not required to recognize or support worker unions. Some employers take the

organizing drives as a personal insult and are upset at the lack of respect shown them by the workers. And worst of all, some workers in Catholic institutions believe *they* are betraying Catholic principles when they join an organizing effort. "Am I disobeying the Church because I want a union?" a worker in California actually asked me last year.

Some Catholic employers harbor anti-union sentiments and even employ union avoidance firms out of ignorance of Catholic teaching on economics, work, and workers' rights. Some are badly advised by consultants who tell them what they think employers want to hear. Some, of course, know what the Church teaches about unions and with full knowledge and consent attempt to prevent or to bust unions. A brief review of Catholic teaching on unions will assist those employers who are people of good-will but who may have a mistaken understanding on what the Church teaches on unions.

Catholic Social Teaching

The *Compendium of the Social Doctrine of the Church* (2004) is a remarkable summary of 2000 years of official Catholic Social Teaching. To place Catholic teaching on labor unions in its proper context, the serious reader will consult the chapters on, "Principles of the Church's Social Doctrine," (pp. 71-94) "Human Work," "Economic Life," and "Political Life." (pp. 115-182) Several principles emerge in this significant treatment of Catholic teaching on labor unions:

* *Unions are indispensible for the universal common good*. Catholic teaching states that labor unions are a "positive influence for social order and solidarity, and are therefore an *indispensible element of social life*." (# 305) Further, Catholic teaching states that unions must play an active role "in the whole task of economic and social development and in the attainment of the universal common good." (#307) The Church teaches that unions are essential to a socially just society.

* *Unions are rooted in the right of free association*. In Catholic teaching the right to form unions is neither a privilege nor a mere product of positive civil law. The *Compendium* states, "*The Magisterium recognizes the fundamental role played by labor unions whose existence is connected with the right to form associations or unions to defend the vital interests of workers employed in the various professions*." (#305) The Church teaches that free association is rooted in the natural law that cannot be abridged or denied by civil law. Also, employers may not employ a just civil law to deny a right rooted in the natural law. Hence, any

attempt to deny free association is a violation of natural law that is rooted in divine law.

* *Unions protect the right to fair wages and benefits.* The *Compendium* states, "*Remuneration is the most important means for achieving justice in work relationships.* The 'just wage is the legitimate fruit of work. They commit grave injustice who refuse to pay a just wage or who not give it in due time and proportion to the work done (cf. *Lv* 19:13; *Dt* 24:14-15; *Jas* 5:4). The Church further defines a fair wage as such that workers "may be furnished the means to cultivate…material, social, cultural and spiritual life and that of his dependants…" (#302) The principle that "natural justice always is above the freedom of the contract" has led the Church to consistently reject either the payment of a "minimum wage" or a wage that, though freely negotiated, fails the higher standard of a just or living wage.

* *Unions foster solidarity through participation and subsidarity*. Solidarity—especially expressed as a "preferential option for the poor"—has long been a cornerstone of Catholic Social Teaching. Solidarity is based on "*the intrinsic social nature of the human person*" and the "*bond of interdependence between individuals and peoples.*" (#192) Subsidarity defends "smaller essential cells of society" that serve as "intermediate associations" between the individual and the state. The *Compendium* teaches that "*The characteristic implication of subsidarity is participation…by means of which the citizen, either as an individual or in association with others, whether directly or through representation, contributes to the cultural, economic, political and social life of the civil community to which he belongs.* (#189) The Church supports unions as intermediate associations that contribute to the solidarity of all through meaningful decisions that affect the common good.

* *Unions must seek cooperative relations with employers*. The *Compendium* teaches that "*relations within the world of work must be marked by cooperation; hatred and attempts to eliminate the other are completely unacceptable*." (#306) The concept of "class warfare" is rejected in Catholic teaching since, "both 'labor' and 'capital' represent indispensable components to the process of production." Hence, unions must respect and work cooperatively with employers and employers must accept unions as legitimate social entities that that have a legitimate stake in the workplace. When employers and employees collaborate together in the pursuit of their individual good the result is an increase in the universal common good.

A Brief History

Papal social encyclicals beginning with *Rerum Novarum* (1891) gave rise to a great deal of activity in support of unions in the United States. Fr. John A. Ryan published *A Living Wage* in 1906 and served as the author of the U.S. Bishops' *Program of Social Reconstruction* that firmly set the Church on a pro-union course. Beginning in the 1930s over 150 Catholic labor schools were founded to teach rank and file workers how to form and run unions. The *Catholic Worker* supported in word and deed worker's pickets, strikes, sit-downs and other activities that would assist workers to form or join unions. The *Worker* served as the home for over 20 years to the Association of Catholic Trade Unionists. Numerous Catholic organizations marched with César Chavez in the 1960s and 1970s to support the United Farm Workers. In 1986 United States Conference of Catholic Bishops published *Economic Justice for All*. In this remarkable pastoral letter the bishops gave their full support to "the right of workers to form unions" and stated, "We *vehemently oppose* violations of the freedom to associate, for they are an *intolerable attack* on social solidarity." (#104)

During these years the hierarchy, the religious, the pastors, and the people of the Catholic Church in the United States supported labor unions enthusiastically and with few exceptions. This was the period, of course, when Catholics were largely of the employee class that worked to produce profits for others. This was also the time when there was no demand for unions in Catholic institutions since the hierarchy could depend on the charitable services of religious and laypeople who voluntarily accepted less than a living wage.

The 1949 grave diggers strike at Gate of Heaven Cemetery signaled a change that was to come in Catholic employers' attitudes to unions. Things began to change when workers (and some priests!) sought to form employee unions at Church owned schools and hospitals and other social service institutions. Sadly, now that the Church itself was the object of union efforts, some Church leaders and religious communities became either silent on workers' right to form unions at Catholic institutions or they opposed them outright. Church opposition sometimes took the form of employing "union avoidance" firms that employed the civil law to frustrate the workers' natural right to free association.

This change of behavior on the part of Catholic officials caused real difficulty for some bishops, priests, religious, scholars, and laypeople who staffed diocesan agencies or who worked at Catholic hospitals or schools. Support for the union busting efforts at Catholic institutions was expected in the form of silence and obedience. Fr. Patrick J. Sullivan, C.S.C. has documented much of the

opposition to labor unions in *U.S. Catholic Institutions and Labor Unions 1960-1980*. In his introduction, Fr. Sullivan notes that many Catholic agencies defended the right workers to form unions at non-Catholic institutions such as J.P. Stevens, Farah, and the California farm workers. Concerning Catholic institutions during this same period, Sullivan states, "the record from 1960-1980 was: few unionized Catholic institutions and much opposition to unions by Catholic institutional administrators." Sullivan spends the next 545 pages providing documentation for this statement.

Have things changed at Catholic institutions since 1980? Hardly. Institutional opposition to unions at Catholic schools and hospitals is as strong as ever and is made worse by the hiring of "union avoidance" firms that have developed since 1980. In addition, the hierarchy has chosen to remain silent on several legislative measures including the Employee Free Choice Act that would benefit workers by removing legal obstacles to their choice for a union. Few Catholic universities teach courses on labor relations and many Catholic students are completely ignorant of Catholic teaching on unions.

Going Forward

Inspired by Catholic Social Teaching on workers' rights and labor unions, Catholic Scholars for Worker Justice (CSWJ) was founded in 2008 to stand with workers who seek to unionize at Catholic and secular institutions and to develop scholarship in support of workers' rights to free association. CSWJ has 200 members at almost 100 colleges and universities. In just two short years CSWJ has issued a lengthy and detailed Foundational Statement: "Catholic Social Doctrine and Worker Justice: A Call to the Common Good" and has issued Statements of Support for workers at five institutions, four of them Catholic. CSWJ is also contemplating the creation of academic programs, such as a B.A. in Labor Studies, to revive Catholic support for the study of economic justice and worker's rights. (For information consult our website: www.catholicscholarsforworkerjustice.org.)

Unions are indispensible for the universal common good. That statement lies at the heart of Catholic teaching on worker's rights and it is time to proclaim it once again.

Joseph J. Fahey is Professor of Religious Studies at Manhattan College in New York City and Chair of Catholic Scholars for Worker Justice.