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par Ken Jacobs

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Recensions

Book Reviews

Fighting for a Living Wage,

by Stephanie LUCE, Ithaca and London: ILR Press, an imprint of Cornell University Press, 2004, 288 pp., ISBN 0-8014-8947-4.

More than one hundred cities and counties in the United States have passed living wage ordinances since the modern living wage movement began in the early 1990s. Living wage policies condition public contracts and or subsidies on higher than minimum wage standards. Most of these laws are the result of grassroots efforts by coalitions of community organizations, unions and welfare rights advocates. While scholars have documented the efforts of community organizations and social movements to change policies, less attention has been paid to what happens to those policies after the laws are passed. In *Fighting for a Living Wage*, Stephanie Luce makes a strong case that passage of a law is only half the battle. Luce provides an overview of the living wage movement, documents how the laws have been enforced, and analyzes the factors that impact implementation. While the book was written for living wage advocates, it is of clear interest to scholars of public policy and social movements.

The living wage movement in the United States came as a local response to inaction by the federal government. The real value of the federal minimum wage steadily declined starting in the early 1970s, significantly increasing the numbers of working families in poverty. An important additional factor not mentioned by Luce, was the impact of Clinton's welfare reform policies

that moved large numbers of women into low-wage jobs in the 1990s—and shifted attention of anti-poverty advocates toward the problems of the working poor. On the municipal level, local governments sought to attract businesses through tax cuts and subsidies with no attention to the quality of jobs created (or often if any new jobs would be created). The 1980s and early 1990s also saw an increase in local governments contracting out city services to private vendors. In labour intensive services such as janitorial and security, private contract workers receive significantly lower wages and fewer benefits than direct government employees. Living wage policies are best understood in the context of a progressive effort to re-orient economic development strategies at the local level.

Enforcement of living wage policies, Luce argues, has been widely uneven around the country. In order to measure implementation, Luce scores each of one hundred local governments with living wage laws on a set of criteria. Factors include the number of staff—in any—assigned to implementation, if the city has rules and regulations on enforcement, how the city monitors implementation, and how often they give waivers. She found that eight of the laws were blocked entirely and never implemented and that slightly over half were implemented only narrowly; only fourteen per cent were implemented expansively.

Failure to implement municipal policies is not unique to living wage laws. The traditional scholarly explanations for policy implementation failure are based on factors internal to the workings of government: inherent government limitations, poor drafting of laws, conflicts between policymakers and administrators. Living wage laws make for an ideal case study on policy implementation, Luce argues, because the ordinances are simple, unambiguous and were passed in a large number of cities over a short period of time. Luce discusses internal factors in government that impact enforcement, while placing greater emphasis on the political context of the laws, and on the role of civil society in both creating and enforcing those laws to understand the differences in enforcement between cities. The chances of policy failure, she argues, are greatly increased if those policies are not in the interest of the dominant class. The chances for success, on the other hand, increase where citizens are directly involved in the process. Luce uses a combination of case studies and data from a large number of cities to analyze how community advocates influence public policy outcomes.

Disincentives for city administrators to implement the ordinances are inherent in the policies. Living wage ordinances place conditions on city contracts and subsidies. If the primary responsibility of an administrator is to purchase a service, additional regulations are often seen as obstacles to their work. Many of the laws were passed over the objections of the executive that is ultimately responsible for implementation. Nevertheless, they have been implemented well in some cities and not at all in others. The biggest difference, Luce found, is the level of citizen involvement in implementation. She gives the case study of Los Angeles where the law was passed after a contentious campaign, over the objection of the Mayor. Enforcement was initially

weak to non-existent. The Los Angeles Alliance for a New Economy (LAANE), the main organization that had worked for the law's passage, waged a campaign to change which city department was responsible for enforcement. Once the change was made, LAANE staff began to work closely with city officials on how enforcement would be carried out. Los Angeles has since become a model of labour standards enforcement. One important element in Los Angeles, which is true of many cities with strong enforcement, is that the organizations that worked to pass the law have a strong base in the workers and unions who have a direct interest in enforcement.

How the campaign is carried out to pass the law appears to have a strong impact on its implementation. In cities where living wage passage was part of a broader effort to organize low-wage workers, either through a union, or a community organization, there is a built-in constituency and an institutional base to monitor and advocate for enforcement. In perhaps her most counter-intuitive result, Luce found that conflict during the passage of the law appears to positively impact policy implementation. Two-thirds of the narrowly implemented ordinances did not have contentious campaigns, while 82% of the expansively enforced ordinances did. Moderate implementation cities were split more evenly. On the other end, three quarters of those cities where the ordinance was blocked also had contentious campaigns. The results cannot be explained by differences in demands between the campaigns. Luce reasons that the campaigns that faced greater opposition were forced to build stronger coalitions, spend more time educating the public and to demonstrate their power to the policy makers. Laws that passed with little or no opposition, but also without a strong organized group campaigning for passage, were likely to be narrowly implemented.

Enforcement, however, does not just come through conflict. In the most successful cases, the organizers engage in both inside and outside strategies to win implementation.

Luce's book is an important contribution to the literature on public policy and social movements. Her many case studies and in depth discussions of living wage enforcement strategies will be

of most interest to advocates directly involved in living wage campaigns. Her broader analysis of the role of advocates in policy implementation, however, has implications for a wide range of public policies. Luce provides a compelling case for the role of an organized citizenry in policy enforcement.

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The Blue Eagle at Work: Reclaiming Democratic Rights in the American Workplace,

by Charles J. MORRIS, Ithaca N.Y.: Cornell University Press, 2005, 328 pp., ISBN 0-8014-4317-2.

In this volume, the author hurls a cannonball at the heart of the usual application of the National Labor Relations Act (NLRA) by the National Labor Relations Board (NLRB). The impact of his self-qualified "iconoclastic thesis" is such that the puzzled reader may wonder: which is more likely to shatter—the cannonball or the target?

The author's core thesis is that the original and accurate reading of the NLRA gives statutory protection to minority bargaining, for members only, in workplaces where there is no exclusive/majority bargaining agent. Hence, with or without majority representation, employees have the right "to bargain collectively through representatives of their own choosing," and it is an unfair labour practice for an employer "to interfere with, restrain, or coerce employees in the exercise" of that right.

The author is acutely aware that his advocacy of minority bargaining in work places where there is no exclusive/majority bargaining agent, shatters an application of the NLRA covering most of three-quarters of a century. Thus his analysis consists of three main parts. The first part is historical, bearing mostly on the National Industrial Recovery Act of 1933, hence the "Blue

Eagle" in the title. The second part is legal, and bears on the statutory content of the existing NLRA. The third part deals with the present-day implications of getting his thesis accepted, and the foreseeable implications should it be accepted in fact.

The first part includes a fascinating survey and analysis of the years preceding the 1935 Wagner Act: the years when industrial unionism was hatched in the United States; the years of the struggles between company unions and independent—from the employers—unions; the years of members-only minority attempts at collective bargaining, and of many strikes. The author devotes his considerable talents and efforts to these issues. At the same time, he devotes less effort to the framework of these issues, namely the industry-wide Codes issued by the Federal Government, preferably but not necessarily espousing the terms of mutual agreements between employers and employees' representatives, dictating for all firms and employees wages, hours and labour standards, and deserving the symbolic pennant of government approval: the Blue Eagle. It was this power of dictating that was judged unconstitutional by the Supreme Court, as exceeding the authority of