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Gawker Going Union May Not Be Last For Labor In Media

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Law360, New York (June 12, 2015, 11:06 AM EDT) -- Gawker Media LLC employees voted on June 3 to become the first major online media company to unionize. In response, Politico's labor reporter, Mike Elk, called for his fellow journalists to organize, prompting some commentators to wonder if these actions represent a renewed interest in unionizing among American workers. While union membership continues to decline in the U.S., the Pew Research Center reports that support for unions is increasing, particularly among citizens aged 18 to 29.



Dr. Bonnie S. Brennen

The contemporary media environment is in flux. Digital news is overtaking "legacy" media outlets and consolidations, downsizing, mergers, buyouts and dwindling profits are the norm. Although companies such as BuzzFeed Inc. have found financial stability by adopting advertiser-sponsored content, many news organizations are still trying to determine how to make digital content profitable while maintaining neutrality and independence from government, special interest groups and advertisers.

In a deregulated and increasingly competitive digital media environment, news workers confront a freelance mentality and limited job security. They often work long hours for low pay and are increasingly being asked to function as "all-platform" journalists who report, write, edit, photograph, film and produce their own content. Unpaid internships continue to gain traction as entry-level reporters agree to work for free in order to obtain experience that will hopefully lead to paid positions. Digital news platforms and social media emphasize the visual — the new and the now — requiring a never-ending cycle of breaking news deadlines, which puts pressure on journalists to constantly create content that is sometimes published without corroborating key information, fact checking or editing.

Yet, in our digital age today, the conditions facing news workers are actually quite similar to those journalists faced in the 1930s, when they first began to conceptualize a union for reporters. The Great Depression was a time of mass unemployment, homelessness and a huge economic disparity between the wealthy and poor. Interestingly, analysis by The Associated Press found that the wealth inequality in 2013 was equivalent to that of the 1930s.

By the 1930s, workers were increasingly tied to new technologies as fewer and fewer people were needed to run the machines. While newspapers were the predominant news source at the beginning of the decade, by the mid-1930s, a new technology — radio — began to challenge newspapers as the primary source of news and information.

Radio was a cost effective and efficient form of public communication and listeners loved the on-the-spot news reports and play-by-play sports coverage. Chain journalism became the norm and consolidations and mergers left many cities with only one daily newspaper. Journalists' wages were low, hours were long, days off were few and working conditions were dismal.

As part of Franklin Delano Roosevelt's New Deal, in 1933, the National Recovery Administration released a temporary code requiring businesses to work with the federal government to set minimum wage standards, maximum working hours and fair practice regulations for their

employees. The code gave workers the right to organize and bargain collectively without employer influence or restraint. However, the NRA had bowed to pressure from the American Newspaper Publishers Association and the temporary code included a clause that editorial workers who earned more than \$35 a week would be considered professionals who were exempt from New Deal wage-and-hour protections.

In response, journalists began speaking out against the proposed NRA exemptions and they began discussing how they might create a national organization for editorial workers. Developmental meetings were held at the home of New York World Telegram columnist Heywood Broun, who supported a labor union for news workers and was concerned that the temporary code's designation of reporters as professionals would obscure their actual working conditions.

Two key perspectives emerged during the organizational meetings.

One group wished to develop a professional organization for journalists that emphasized the quality and dignity of journalism. These reporters framed their discussions around the notion of journalism as a romantic endeavor, envisioning reporters as social justice crusaders who had little in common with blue collar workers. The other group was disillusioned with existing wages and working conditions and wanted to create a trade union that would focus on obtaining economic advantages for its members.

Broun felt that a national organization could incorporate both groups' perspectives and by the time the American Newspaper Guild was founded in Washington, D.C., on Dec. 15, 1933, its mission was to raise journalistic standards, represent the professional interests of news workers and improve their working conditions through collective bargaining.

Initially, the ANG functioned as a loose group of local guilds: a hybrid professional organization and trade union with no formal affiliations to labor unions. But, after guild-sponsored economic studies determined that in most cities editorial employees earned less than mechanical workers, salary issues quickly became a main focus of the ANG.

In the early planning stages for the guild, publishers and owners had supported the idea of a professional organization of journalists. Yet, once the emphasis of the ANG focused on collective bargaining, newspaper managers began to distance themselves from the guild. Publishers and owners refused to recognize the ANG as representing editorial workers and they would not negotiate with guild leaders. ANG members began to be targeted, intimidated and harassed. Some editors and publishers gave selective raises to nonguild reporters, while members of the ANG received undesirable reporting assignments and warnings that if they continued to be a part of the guild that they would be fired.

When FDR approved the final NRA code in February 1934, it included the temporary code exemption from wage-and-hour protections for editorial workers earning more than \$35 a week. Journalists were shocked that none of their concerns were addressed and felt the federal government had let them down.

In response to the final code, news workers' allegiance to the guild grew and, at the first ANG convention in June 1934, guild members focused on economic concerns, including minimum wage and maximum hour requirements, dismissal notices and paid vacations. Guild members also passed a code of ethics and a freedom of conscience resolution emphasizing freedom of the press as a responsibility of news producers and right of readers. Newspaper publishers were furious with the ANG's freedom of conscience resolution and insisted it was guild membership that was harmful to press freedom.

That summer, newspaper managers' resistance to the ANG escalated and journalists were increasingly pressured to disband the guild. When Samuel Newhouse, owner of the Long Island Daily Press, fired nine journalists, eight of whom were guild members, news workers used trade union tactics for the first time and picketed the newspaper. Picketing bolstered the journalists' morale, provided needed publicity, illustrated ANG members' commitment to a more union-oriented guild and strengthened ties to organized labor. Picketing also cemented publishers' rejection of the ANG and their lack of willingness to negotiate with the guild.

By 1935, ANG members ratified a new constitution that centralized guild governance and initial debates on whether the development of the guild as a professional organization or as a trade union gave way to discussions regarding guild affiliation with the American Federation of Labor, or guild cooperation with the AFL. The majority of guild members favored affiliation and on the third anniversary of the founding of the ANG they received an AFL charter.

The Taft-Hartley Act of 1947 began to restrict the power of unions, including the ANG, by limiting the ability of labor to boycott, picket and strike and allowing the development of right-to-work laws. By the 1960s, union membership and its influence on labor began a slow decline. Currently, 25 states, primarily in the South and Midwest, have passed right-to-work laws, which have further weakened unions. These laws allow employees to benefit from the collective bargaining process without paying dues or supporting union actions.

On the same day Gawker employees voted to unionize, Elise Gould, a senior economist at the Economic Policy Institute, testified before the U.S. House Committee on Education and the Workforce that assaults on the collective bargaining process since the 1970s have undermined the growth of compensation for both union and nonunion workers.

In public debates over the need to organize, Gawker employees often mentioned their support for the current leadership. At this point, most of them are pleased with wages, benefits, working conditions and company policies. They noted however, that in a transitional media environment, full of buyouts, consolidations and mergers, that Gawker may be sold and they hope that being a part of a union will protect them by providing salary minimums, maximum working hours, transparency and equality.

Understanding the context for and the development of the American Newspaper Guild in the 1930s provides us with guidance about the future of labor unions in the U.S. It is likely that the growing support of unions, particularly among younger workers, may be a reaction to the continued disparity in wages between men and women, corporate bailouts and abuses as well as the limited growth of wages, especially compared with corporate profits. If this is the case, the Gawker vote and the call for Politico news workers to unionize will one day come to be known as the beginning of a reinvigoration of the labor movement in the U.S.

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