

Democracy at Work?

Spring Symposium Aims to Address the Question

The U.S. government, its citizens and its businesses espouse democracy just about everywhere in the world – except in their own nation’s workplaces.

That contradiction will be one of the key topics of a two-day Saltman Center for Conflict Resolution labor and employment law symposium in the spring. Professor Ruben J. Garcia, who joins the Boyd School of Law faculty this fall, is teaming up with visiting Professor Lisa Blomgren Bingham of Indiana University, Bloomington, to present “Democracy and the Workplace.”

The upheaval over public employee collective bargaining in Wisconsin and so many other states was the impetus for the conference but serves mainly as a springboard into a much broader subject, Garcia and Bingham explained. “We want to broaden out the question and look at the problem from a much bigger picture perspective, the perspective of voice in the workplace,” Bingham said.

“This will be an opportunity to bring together scholars from across many disciplines to address the broader questions about whether or how to bring democracy into the workplace,” Garcia said. “We want to cast a wide net in terms of participants and disciplinary backgrounds when we call for papers in the early fall.”

In addition to the labor and employment relations experts, a separate and independent community of political science scholars might be part of the discussion, for example, “the dialogue and deliberative democracy folks,” who argue that democracy should be part of everything people do, Bingham said.

“It is such a contradiction to say that we have political voice – this ideal about democracy that we enact for ourselves through our government and

that we try to foster throughout the world - but when it comes to something as fundamental as how we spend most of our waking hours we should have no voice at all,” she said.

“We want to have a wide ranging conversation to include reimagining democracy in the workplace,” Bingham said. “Research in industrial relations points to the benefits of processes that make workplaces more democratic. Collective bargaining is one set of processes but there are other processes in non-union settings—high performance workplaces, innovative management practices, teams, interactive decision-making, all the various ways of running the workplace not under a command-and-control hierarchical management structure but under a flatter structure with far fewer layers of middle management, a much more bottom up structure with delegated exercise of authority.”

Garcia said he is passionate about the subject of the conference, and that’s reflected in the amount of his research and writing that has focused on workers’ rights in the context of constitutional rights and international human rights. He came to Boyd from California Western School of Law in San Diego, but before his career in academia, he represented unions and employees in private practice in Los Angeles. Last year, he was inducted into the illustrious

Labor Law Group, becoming one of its 40 academics committed to developing course texts and materials that accurately reflect the practice of labor law. His book, *Marginal Workers: How Legal Fault Lines Divide Workers and Leave Them Without Protection*, is being published this year.

Also slated for publication this year is a book Bingham co-authored, *Dispute Systems Design: Preventing, Managing and Resolving Conflict*. The “Democracy and the Workplace” symposium is a good fit for the Saltman Center, Bingham explained, “because collective bargaining is the mother of [Alternative Dispute Resolution]. Collective bargaining gave us the grievance procedure, which was the model for the use of mediation and arbitration in all sorts of other contexts – the courts, business transactions, etc. ... So there is a vital intellectual tie between where ADR came from, the research on voice in ADR and this broader question of voice in the workplace.”



Professors Lisa Blomgren Bingham and Ruben J. Garcia will present “Democracy and the Workplace” at the Boyd School of Law in the spring.