

# DEFENDING THE PUBLIC SECTOR

## Resources for Advocates

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The following is a compilation of data and resources for advocates defending the public sector and the men and women who work in public service.

### Demographic Information on the Public Sector Workforce

In 2013, the public sector accounted for 16 percent of all employment in the United States, down from a high of 19.2 percent in 1975.<sup>1</sup> Public sector employers include the federal government, state and local governments and school districts. Those who work in this sector include teachers, firefighters and nurses. Union membership among public sector employees is significant. The percentage of public sector employees with unions is 35.7 percent compared to 6.6 percent in the private sector.<sup>2</sup>

State and local governments have historically provided more employment and advancement opportunities for women and Black workers in comparison with the private sector. Through legislation and the adoption of affirmative action and anti-discrimination policies, the public sector exceeds the private sector in maintaining a commitment to a diverse workforce.<sup>3</sup> As a result, women constitute a disproportionately large share of the state and local workforce compared to the private sector (59.5 versus 46.7 percent). Similarly, Black Americans comprise a higher share of the state and local workforce compared to the private sector (12.8 versus 10.3 percent).<sup>4</sup> The public sector has also been a source of higher paying jobs for Black employees; Black women in the public sector earned 25 percent more than Black women in the workforce as a whole.<sup>5</sup> When the Great Recession and austerity measures caused state and local governments to shed 765,000 jobs, women and Black employees accounted for about 70 percent and 20 percent, respectively, of those losses.<sup>6</sup>

#### Further Resources:

Economic Policy Institute ([www.epi.org](http://www.epi.org)) and UC Berkeley Labor Center ([www.laborcenter.berkeley.edu](http://www.laborcenter.berkeley.edu))

### Challenges to the Collective Bargaining Rights of Public Sector Employees

Men and women have the means to negotiate over the terms of their employment through collective bargaining. Federal law offers many federal employees the right to engage in collective bargaining over a limited set of issues, and state laws govern the right of state and local government employees to engage in collective bargaining.<sup>7</sup> As of 2014, three states prohibit collective bargaining for all public sector employees.<sup>8</sup> In June 2014, the Supreme Court ruled in *Harris v. Quinn* to significantly limit the collective bargaining rights of public sector child-care and home-care providers. Human Rights Watch considers the prohibition of bargaining in direct violation of international human rights law.<sup>9</sup>

Currently, there is a major legal challenge facing working people employed in the public sector. *Frederichs v. California Teachers Association* is a case before the U.S. Supreme Court, brought by the Center for Individual Rights, a group with ties to extreme right-wing funders.<sup>10</sup> A negative ruling would hamper the ability of people who serve the public to have a say over their wages, working conditions and how they protect our communities.

#### Further Resources:

Center for Economic Policy Research ([www.cepr.net](http://www.cepr.net)), America Works Together ([www.americaworkstogether.us](http://www.americaworkstogether.us))

## Contracting Out Threatens Public Accountability and Good Jobs

A continuous threat facing working people, taxpayers, and local communities is the growing trend of governments' contracting with private firms to provide services they normally offer. Studies have shown that it actually ends up costing taxpayers more to contract out government services to for-profit firms than it does to have government employees continue to perform the work.<sup>11</sup> Jobs that governments contract out tend to pay lower wages and benefits, siphoning money from local economies.<sup>12</sup> Outsourcing to private corporations also removes public accountability and control over government services. With only three days of public input, the city of Chicago negotiated a deal with a private firm to run its parking meters – a deal that could cost the city more than \$2 billion over 75 years.<sup>13</sup>

Another example of how contracting out erodes public accountability is in the private prison industry. Private prisons account for about nine percent of prisons in the United States. To ensure high profit margins, 65 percent of private prison contracts with government entities set occupancy quotas or mandate payments for empty cells.<sup>14</sup> It is also common for prison privatizers to sell inmate labor at subminimum wages to Fortune 500 companies to pad their bottom lines.<sup>15</sup> To expand their business model, private prison corporations like CCA and the GEO Group have also funded the American Legislative Exchange Council (ALEC) to help enact legislation that has resulted in harsher prison sentences for offenders and expanded detention of immigrants.<sup>16</sup>

### Further Resources:

In the Public Interest ([www.itpi.org](http://www.itpi.org)), Colorado Center for Policy Studies ([www.uccs.edu/ccps](http://www.uccs.edu/ccps))

## Citations

1. Mayer, Gerald. 2014. "Selected Characteristics of Private and Public Sector Workers," Congressional Research Service, March 21. Accessed at <https://www.fas.org/sgp/crs/misc/R41897.pdf>.
2. U. S. Department of Labor. 2014. "Union Members in 2014," Bureau of Labor Statistics, January 23. Accessed at <http://www.bls.gov/news.release/union2.nr0.htm>.
3. Cooper, David, Mary Gable and Algernon Austin. 2012. "The public-sector jobs crisis: Women and African Americans hit hardest by job losses in state and local governments," Economic Policy Institute Briefing Paper 339, May 2. Accessed at <http://www.epi.org/publication/bp339-public-sector-jobs-crisis>.
4. Ibid.
5. Pitts, Steven. 2011. "Black Workers and the Public Sector," UC Berkeley Labor Center, April 4. [http://laborcenter.berkeley.edu/pdf/2011/blacks\\_public\\_sector11.pdf](http://laborcenter.berkeley.edu/pdf/2011/blacks_public_sector11.pdf).
6. Cooper et al, 2012.
7. Katz, H.C., Kochan, T.A., & Colvin, A.J.S. 2008. *An Introduction to Collective Bargaining & Industrial Relations* (4th ed.) New York: McGraw-Hill.
8. Sanes, M., & Schmitt, J. 2014. "Regulation of Public Sector Collective Bargaining in the States," Center for Economic Policy Research, March. Accessed at <http://www.cepr.net/documents/state-public-cb-2014-03.pdf>.
9. Compa, Lance. 2000. "Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards," Human Rights Watch, August. Accessed at <http://www.hrw.org/reports/pdfs/u/us/uslbr008.pdf>.
10. Stan, Adele. 2015. "Who's Behind Friedrichs?," *The American Prospect*, October 29. Accessed at <http://prospect.org/article/whos-behind-friedrichs>.
11. In the Public Interest. 2013. "Out of Control: The Coast-to-Coast Failures of Outsourcing Public Services to For-Profit Corporations," December. Accessed at [http://www.inthepublicinterest.org/wp-content/uploads/1213-Out\\_of\\_Control.pdf](http://www.inthepublicinterest.org/wp-content/uploads/1213-Out_of_Control.pdf).
12. Greenwood, Daphne. 2014. "The Decision to Contract Out: Understanding the Full Social and Economic Impacts," Colorado Center for Policy Studies, University of Colorado at Colorado Springs, March. Accessed at <http://www.uccs.edu/Documents/ccps/2014/contracts-broaderimpacts-greenwood-march-2014-REVISED-AND-FINAL.pdf>.
13. Sclar, Elliott. 2013. "Looting the Urban Commonwealth: Privatization and the Politics of Austerity." *New Labor Forum* 22:3, 46–53.
14. In the Public Interest. 2013. "Criminal: How Lockup Quotas and 'Low-Crime Taxes' Guarantee Profits for Private Prison Corporations," September. Accessed at <http://www.nijn.org/uploads/digital-library/Criminal-Lockup-Quota,-In-the-Public-Interest,-9.13.pdf>.
15. Frazer, Steve and Joshua B. Freeman. 2012. "Locking Down an American Workforce," *Huffington Post*, 20 June. Accessed at [http://www.huffingtonpost.com/steve-fraser/private-prisons-\\_b\\_1439201.html](http://www.huffingtonpost.com/steve-fraser/private-prisons-_b_1439201.html).
16. Carson, Bethany and Eleana Diaz. 2015. "Payoff: How Congress Ensures Private Prison Profit With an Immigration Detention Quota," *Grassroots Leadership*, April. Accessed at <http://www.inthepublicinterest.org/wp-content/uploads/Payoff-How-Congress-Ensures-Private-Prison-Profit.pdf>.