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Catholicism and Unions: The Case for Adjunct Unions at Catholic Universities

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Abstract

This article addresses recent controversies related to the formation of adjunct unions at several Catholic universities, with a particular focus on Duquesne University in Pittsburgh (the author's institution). It argues that current efforts underway at several Catholic universities to thwart the formation of adjunct unions are contrary to Catholic teaching and have potentially harmful implications for society as a whole. In making this argument, the article provides an overview of the theological and philosophical underpinnings of the church's support of unions and engages the claim made by Catholic universities (and some legal scholars) that National Labor Relations Board involvement in adjunct unions constitutes a threat to religious freedom.

In September 2013, the *Pittsburgh Post-Gazette* published an op-ed with the dramatic title “Death of an Adjunct.”¹ The editorial, written by Daniel Kovalik, senior associate general counsel of the United Steelworkers Union, detailed the final days of Mary Vojtko, an 83-year-old French professor who had served as an adjunct at Duquesne University for over 25 years. Months before her death Vojtko had been told that her teaching contract would not be renewed, news that Kovalik strongly implied contributed to her death (by increasing the financial stress of an already precarious existence). The editorial went on to describe the hardship Vojtko faced before her death—sleeping in an office at Duquesne because she was unable to pay her heating bills, suffering from cancer. She was found unconscious in the front yard of her dilapidated house after suffering a heart attack. She died a few weeks later. Not surprisingly, the story went viral via social media, and it was picked up by a number of major news outlets and online publications, including the *New York Times*, National Public Radio, *Slate*, the *Huffington Post*, and the *Chronicle of Higher Education*.²

Responding to the op-ed, officials at Duquesne University took issue with Kovalik's suggestion that Duquesne had acted callously towards Vojtko. John Plante, the university vice-president for advancement, rejected Kovalik's suggestion that Vojtko was mistreated by Duquesne explaining that "the University community attempted to help Margaret Mary [Vojtko] through her last trying days. Spiritan priests, support staff, and University and McAnulty College administrators reached out to assist Margaret Mary with the challenges she faced."³ I have every reason to believe Plante's claims that the University community came to the assistance of Vojtko in her last days and it is unfortunate that Kovalik's op-ed left the impression that this was not the case. Still, Kovalik's op-ed did focus our collective attention on the conditions under which many adjuncts work and the need to do something about this. Charity is important and laudable and it can help to mitigate the desperate situation of some adjuncts. But charity alone is not enough; we need justice as well. And it is the desire for justice that directs our attention both to the conditions under which adjuncts labor and to the structures that impede and facilitate improving those conditions.

In highlighting the particulars of Professor Vojtko's situation at Duquesne, Kovalik sought to illuminate the unjust working conditions of adjuncts at Duquesne and elsewhere. Most AAUP members are familiar with the conditions under which adjuncts labor: low pay (nationwide, the median pay for a standard three-credit course is \$2,700)⁴; few or no benefits; unpredictable work schedules; little, if any, participation in substantive decision making at the university. All of these things, and others, conspire to create what—for many—are not only *very* undesirable work conditions but also precarious conditions under which to live.

The low costs associated with employing adjuncts, together with mounting public pressure to control tuition costs, is, no doubt, one reason why universities are increasingly turning to adjuncts. And turning to them they are. In an April 2014 report, the AAUP estimated that in 2011 adjuncts made up an astonishing 76.5 percent of all US college faculty.⁵

In what follows, I address several issues related to the question of adjunct unionization at *Catholic* universities, with particular attention given to my institution, Duquesne University in Pittsburgh, Pennsylvania. I begin with a brief look at the immediate political and economic context for this particular debate about adjunct unionization. I then turn to a discussion of the Catholic Church's social teaching on unions, including unions at Catholic institutions. I next consider the claim that adjunct unions pose a threat to the religious mission of Duquesne and other Catholic institutions that have resisted unionization on religious-liberty grounds. And I conclude by raising concerns about the potential harm that may come from Duquesne and other Catholic schools fighting adjunct unionization on First Amendment grounds. I think it is a dangerous strategy, one that has the potential to undermine not only the credibility of Catholic social teaching but also the well-being of whatever is left of unions in the United States. Even if one were right on

principle—and I don't think Duquesne or other Catholic universities fighting adjunct unionization are right on principle—there are prudential reasons for not pursuing a religious-liberty line of argument against adjunct unionization. Each of these topics is large, so I will touch only briefly on each of them.

Among Catholic universities, the discussion about adjunct unions is unfolding within at least two interrelated contexts. One is a broad sociopolitical and economic context marked by dramatic and increasing economic inequality. We are living in what some have called a new gilded age, an era marked by levels of wealth and income inequality not seen since the beginning of the New Deal.⁶ Despite this growing inequality, there exist today vigorous efforts to overturn initiatives aimed at addressing at least some of these inequalities. In February 2014 the US Congress passed, and President Obama signed, the Agricultural Act of 2014, a bill that contained \$8.6 billion in cuts to the Supplemental Nutrition Assistance Program (SNAP)—a program that supplies each participant, on average, a little more than four dollars per day for food.⁷ The federal minimum wage, which is \$7.25 an hour, has not kept pace with inflation, and many in Congress continue to resist efforts to raise it.⁸ In state legislatures across the country, there are efforts to weaken wage protections (minimal as they are), labor standards, and workplace protections. For example, in 2011 and 2012 alone, “four states have passed laws restricting the minimum wage, four lifted restrictions on child labor, and 16 imposed new limits on benefits for the unemployed.”⁹ States have “also passed laws stripping workers of overtime rights, repealing or restricting rights to sick leave, undermining workplace protections, and making it harder to sue one’s employer for race or sex discrimination.”¹⁰ Recent legislation is “making it harder for employees to recover unpaid wages (i.e., wage theft) and banning local cities and counties from establishing minimum wages or rights to sick leave.”¹¹

And, of course, there have been high-profile and well-funded efforts aimed at undermining unions. The most well-known example may be Wisconsin governor Scott Walker’s 2011 so-called “budget repair bill,” which “largely eliminated collective bargaining rights for the state’s 175,000 public employees.” Since the passage of the 2011 bill, some “fifteen states have passed laws restricting the collective bargaining rights of public employees or limiting the ability of unions to collect ‘fair share’ dues through payroll deductions.”¹² As of this writing, twenty-five states have passed so-called right to work laws, with Wisconsin the latest to do so.¹³

In my judgment, most, if not all, of this activity runs counter to the spirit of Catholic social teaching, and that takes us to the second, more particular, context within which this adjunct union debate is unfolding. Duquesne is a Catholic university and what the Catholic Church teaches about wages, working conditions, and unions is highly relevant. As some readers may already know, the church has been a passionate advocate for workers’ rights, including the right to a living wage; the right to fringe benefits; and, of course, the right of workers to organize themselves into unions.

It is important to stress from the outset that throughout history arguments in support of unions were not made only by fringe figures within Catholicism. All the popes over the last 120 years or so—from Leo XIII in the late nineteenth century to Benedict XVI in the early twenty-first century—have expressed their strong support for unions.¹⁴ There is every indication that Pope Francis’s papacy will continue this tradition.

This consistent papal support of unions has been affirmed by the Second Vatican Council; regional associations of bishops; and local Episcopal conferences, including the United States Conference of Catholic Bishops and its predecessors.

So *what* does the Catholic Church say about unions? At least since Pope Leo XIII’s encyclical *Rerum novarum*, published in 1891, the church’s social teachings have supported the right to unionization. Papal social encyclicals, and other Catholic institutional documents, support unions for a variety of reasons—reasons related to a number of interconnected, enduring principles and commitments. These principles and commitments include the dignity of all persons, solidarity, social justice, the common good, subsidiarity, the right to a living wage, the right to participation in the workplace. In Catholic social teaching—particularly those teachings related to economic justice and work—unions are seen as institutions that can play a central role in upholding these principles and furthering these commitments.

Take, for example, the issue of wages. Pope Leo XIII and subsequent popes firmly rejected the idea that markets alone should be the arbiters of wages, even if such wages were agreed to by the employee. The fact that a worker has agreed to a wage does not make the wage just, nor does the agreed-upon wage necessarily accord with what is equitable. As Pope John XXIII put it, “the remuneration of work is not something that can be left to the laws of the marketplace; nor should it be a decision left to the will of the more powerful. It must be determined in accordance with justice and equity; which means that workers must be paid a wage which allows them to live a truly human life and to fulfill their family obligations in a worthy manner.”¹⁵

Similarly, the U. S. Catholic Bishops¹⁶ argue that the “way power is distributed in a free-market economy frequently gives employers greater bargaining power than employees in the negotiation of labor contracts” and that this “unequal power may press workers into a choice between an inadequate wage and no wage at all.” However, “justice, not charity, demands certain minimum guarantees” for workers. Thus, the “provision of wages and other benefits sufficient to support a family in dignity is a basic necessity to prevent this exploitation of workers.”¹⁷

The Catholic tradition is not only concerned that workers be adequately remunerated and that they receive benefits that cover things like health care, vacation, and an adequate retirement income. Work itself is understood to have a special dignity in this tradition. Consistent with that dignity, workers should be able to have some say and influence on the conditions within which they work. There should be structures in place

that facilitate worker participation in the enterprise within which they work. They should be given opportunities to address everything from the conditions under which they work to the ways in which their work could more effectively advance the goals and aspirations of the institution of which they are a part. In this way, worker input is not only respectful of the dignity of workers but also potentially beneficial to the entire institution.

It is within this context—that is, the context of ensuring that workers’ dignity is respected and that they receive what is due to them as a matter of justice—that the popes and other ecclesial authorities have tended to bring up the subject of unions.¹⁸ Take, for example, the US Catholic Bishops pastoral letter “Economic Justice for All.”¹⁹ Consistent with more than a century of Catholic social teaching, the bishops express their strong support for unions:

The Church fully supports the right of workers to form unions or other associations to secure their rights to fair wages and working conditions. . . . Unions may also legitimately resort to strikes where this is the only available means to the justice owed to workers. No one may deny the right to organize without attacking human dignity itself. *Therefore, we firmly oppose organized efforts, such as those regrettably now seen in this country, to break existing unions and prevent workers from organizing.*²⁰ (italics added)

In the same passage, the bishops quote Pope John Paul II, who argues in *Laborem exercens* that the “experience of history teaches that . . . [unions] are an *indispensable element of social life* [italics added], especially in modern industrialized societies.”²¹

It is important to emphasize that Catholic teaching does not exempt the church and its institutions from the demands of justice binding on others. As the US Catholic Bishops put it, “All the moral principles that govern the just operation of any economic endeavor apply to the Church and its agencies and institutions; indeed the Church should be exemplary.”²² And the bishops go on to make it clear that this responsibility also applies to the church institutions and unions: “All church institutions must also fully recognize the rights of employees to organize and bargain collectively with the institution through whatever association or organization they freely choose.”²³

An important working paper, “A Fair and Just Workplace: Principles and Practices for Catholic Health Care,” underscores the belief that unions have a place in Catholic institutions (in this case, hospitals). The working paper—published on the United States Conference of Catholic Bishops website—is the result of “candid discussions” among leaders of the Catholic Health Association, the Leadership Conference of Women Religious, the USCC Committee for Domestic Policy, the AFL-CIO, and the Service Employees International Union. The paper asserts that it is the “core of Catholic teaching . . . that it is up to workers—not bishops, managers, union business agents, or management consultants—to exercise the right to decide

through a fair and free process how they wish to be represented in the workplace. Workers may decide to be represented by a union or not to be represented. Catholic teaching respects their decision.”²⁴ Finally, in a pastoral letter, *Health and Healthcare*, the Bishops make it clear that when the church’s institutions adhere to Catholic teaching on unions, they “strengthen the apostolate by safeguarding its credibility and . . . deepen the commitment to the principles of social justice as required by the Gospel.”²⁵

It is against the background of these two contexts (legislation undermining an array of workers’ rights as social and economic stratification increases, and more than a century of explicit support for unions from every level of the Catholic hierarchy) that discussions about Duquesne’s policies regarding the formation of a union for adjunct faculty members are being carried on—and are best understood. A significant part of those discussions has advanced the claim that Duquesne’s opposition to adjunct unionization is consistent with constitutional provisions protecting religious liberty. I will get to that momentarily. Let me emphasize first that I find it very hard to reconcile Catholic social teaching on unions with Duquesne’s opposition to the formation of an adjunct union on its campus, particularly in light of the increasing burdens shouldered by those who are already on the lower end of the economic strata in the United States.

One way to attempt to reconcile Duquesne’s Catholic identity and mission with its decision to oppose adjunct unionization is to claim that the decision actually preserves Duquesne’s religious freedom. This is the position of the university, as I understand it. The university is concerned that NLRB oversight will lead to a situation in which it may be forced to do something against the mission of the university. In his letter to the university community, President Charles J. Dougherty expressed concern that allowing “a union formed under the jurisdiction of the NLRB” may “be opening a path that could lead to the compromise or loss of [the university’s] Catholic and Spiritan identity.”²⁶ The mechanisms through which this identity would be challenged include limitations on hiring “faculty members who would best advance the mission” and limitations on Duquesne’s ability to remove faculty members, or refuse to rehire former faculty members, “who are hostile to the mission of the university.”²⁷

In its legal brief appealing the most recent NLRB ruling ordering Duquesne to recognize the adjunct union, the university makes it explicit that they believe that the adjunct unionization case is “not about Catholic social teaching.” It is instead “about whether the National Labor Relations Board . . . may assert jurisdiction and thereby insert itself between the Congregation of the Holy Spirit—which retains exclusive ultimate authority over Duquesne’s Catholic, Spiritan mission and philosophy—and a group of faculty crucial to achieving that mission.”²⁸ It should go without saying that any action or policy that does, in fact, undermine the mission of the university ought to be rejected. Duquesne, or any other Catholic school, *should not say and do things that contravene its mission.*

A crucial question, then, is whether NLRB oversight would, in fact, be a threat to the mission of the university. One way to address that question is to ask whether the university already voluntarily subjects itself to external oversight in areas that are directly related to its mission.²⁹ And, if so, does such oversight lead the university to compromise its mission in ways that it finds intolerable. We already know that Duquesne University and nearly all Catholic universities subject themselves to the review of an outside agency for the purposes of accreditation. In Duquesne's case, that accrediting agency is the Middle States Commission on Higher Education. A primary reason why any of these schools seek accreditation is that without it they are ineligible for federal funding. These accrediting agencies can and do impose significant requirements on a university, requirements that could violate its mission. These requirements cover the kind of faculty members a university can employ; the treatment of those faculty members, including "fair and impartial practices in the hiring, evaluation, and dismissal of employees"³⁰ that foster "a climate of academic inquiry and engagement supported by widely disseminated policies regarding academic and intellectual freedom"³¹; the curriculum; the relationship between faculty and administration, and so on. Any of these accreditation standards bear directly on the mission of the university. The fact that Duquesne and other Catholic universities already subject themselves to this accreditation process has led Susan Stabile, professor of law and Faculty Fellow for Spiritual Life at the University of St. Thomas School of Law, to assert that, "NLRB oversight would not impose a unique burden on [Catholic] institutions."³²

Some legal scholars have suggested that the focus on particular problems with NLRB oversight obscures a bigger, more general threat to religious liberty posed by the National Labor Relations Act (NLRA). As Kathleen Brady, a professor at Villanova University School of Law, puts it, the "NLRA presumes and perpetuates an adversarial relationship between workers and management." Brady finds this to be at odds with Catholic teaching, which "encourages relations that are more cooperative and collaborative and, indeed, reflect ideals of love and mutual concern rather than distrust and self-interest."³³ In a letter to the university community, President Dougherty poses a question that suggests that he too is worried about the concern Brady identifies. If an adjunct union were allowed on campus, he asks, would "an adversarial relationship develop between the University and our adjuncts, undermining our ability to build and sustain a sense of community around the academic core of our mission?"³⁴

Given space limitations, I will offer only a preliminary response to this concern. First, there is nothing about the structure of NLRB negotiations—which, after all, insist that both parties negotiate in good faith—that would *require* people to set aside their Christian beliefs during the process of negotiation. The NLRB cannot force anyone to leave his or her Christian beliefs at the door. Surely one of the tasks of the Catholic who holds the church's teachings to be true is to bring them into the negotiating process to have them

influence the eventual outcome. To be sure, no process will fully embody the love and justice that Christians seek, but that does not mean that the NLRB negotiation process should be abandoned.

Similarly, whether or not the NLRA construes the relationship between management and unions as adversarial, Catholic social teaching does not. Indeed, it sees the relationship between management and workers as a mutually beneficial one. Unions can play an essential and constructive role, particularly in large bureaucratic institutions like universities. Those charged with managing such institutions are often cut off from the daily tasks and challenges that make up an employee's work life. Moreover, even if he or she wanted to, the average worker is unlikely to get a hearing at the level of institutional decision makers. Union representatives, however, have access to institutional managers and can relay feedback and suggestions from employees. And, of course, union representatives also communicate grievances and advocate for improved workplace conditions. While this process can be adversarial, it need not always be, and administrators and workers alike could benefit from institutionalized mechanisms of communication.

Let me give one example from Duquesne University. In his letter to the university community regarding the university's decision to challenge the formation of an adjunct union at Duquesne, President Dougherty indicated that he had been unaware of any general unhappiness among the adjuncts teaching at Duquesne. As he put it: "The University was not aware of any general discontent among part-time faculty members until an intention to unionize with the United Steelworkers was made public in the media. We literally found out about it in the newspapers. No group of adjuncts had approached the University to ask for dialogue."³⁵ Ironically, the presence of a union would have generated the institutional structures necessary to directly communicate the kind and degree of discontent to the president. But absent those structures, it is unrealistic to think that an individual adjunct, or even a group of adjuncts, could meet with the president to engage in a frank discussion. Even if the president agreed to meet with an adjunct, the power differential is too great for frank dialogue.

In conclusion, let me step outside the specifics of church teaching on unions and offer my own thoughts on the importance of prudential judgment in this case. My own view is that Duquesne, and other Catholic schools, needs to be very careful about how it proceeds in this matter. The university is pressing a case that has the potential to make the formation of unions in Catholic institutions unconstitutional. It is doing so on the basis of a speculative and vague worry about a violation of the school mission.

Should Duquesne be successful, there is a risk that the credibility of the church's teaching on unions would be undermined, and the cause of unions nationwide would be further weakened. If the church's teachings are correct, this weakening of unions does enormous damage to workers and families and to the common good and adds fuel to a concerted effort in the United States to do away with unions altogether.

Catholic universities, hospitals, agencies, and other organizations employ a significant number of people in this country. If Duquesne's actions undermine the formation or sustaining of unions, the consequences could be enormous for workers, their families, and the common good. Lawsuits like this threaten to undermine more than a century of hard work that the Catholic Church has devoted to supporting workers and unionization.

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Notes

1. Daniel Kovalik, "Death of an Adjunct," *Pittsburgh Post Gazette*, September 18, 2013, <http://www.post-gazette.com/opinion/Op-Ed/2013/09/18/Death-of-an-adjunct/stories/201309180224>.
2. The story also led to an entry in *Wikipedia*, under the name of Professor Vojtko. See http://en.wikipedia.org/wiki/Margaret_Mary_Vojtko.
3. "University Statement Regarding Adjunct Issue," Duquesne University, September 19, 2013, <http://www.duq.edu/news/university-statement-regarding-adjunct-issue>. The Spiritans are members of the Congregation of the Holy Spirit, the religious order that founded Duquesne University
4. The Coalition on the Academic Workforce, *A Portrait of Part-Time Faculty Members: A Summary of Findings on Part-Time Faculty Respondents to the Coalition on the Academic Workforce Survey of Contingent Faculty Members and Instructors* (June 2012), 2, http://www.academicworkforce.org/CAW_portrait_2012.pdf.
5. I'm using *adjuncts* to mean all supplementary faculty, which encompasses graduate students (19.3 percent of all US college faculty), part-time faculty (41.5 percent of all US college faculty), and full-time non-tenure-track faculty (15.7 percent of all US college faculty). See John W. Curtis, *The Employment Status of Instructional Staff Members in Higher Education, Fall 2011* (Washington, DC: AAUP, April 2014), <http://www.aaup.org/sites/default/files/files/AAUP-InstrStaff2011-April2014.pdf>.
6. See, for example, Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton: Princeton University Press, 2008); Doug Henwood, "Our Gilded Age," *The Nation*, June 30, 2008, <http://www.thenation.com/article/our-gilded-age/>; Scott Horton, "Bush's Gilded Age," *Harper's Magazine*, September 18, 2009, <http://www.harpers.org/archive/2009/09/hbc-90005746>.
7. "Supplemental Nutrition Assistance Program (SNAP)," United States Department of Agriculture Food and Nutrition Service, accessed September 13, 2015, <http://www.fns.usda.gov/sites/default/files/pd/34SNAPmonthly.pdf>.
8. Craig K. Elwell, *Inflation and the Real Minimum Wage: A Fact Sheet* (Washington, DC: Congressional Research Service, September 12, 2013), 1, accessed September 13, 2015, <http://www.fas.org/sgp/crs/misc/R42973.pdf>. "The peak value of the minimum wage in real terms was reached in 1968. To equal the purchasing power of the minimum wage in 1968 (\$10.77), the current minimum wage's real value (\$7.90) would have to increase by \$2.87 (or 36%). Although the nominal value of the minimum wage was increased by \$5.65 (from \$1.60 to \$7.25) between 1968 and 2009, these legislated adjustments did not enable the minimum wage to keep pace with the increase in consumer prices, so the real minimum wage fell."
9. Gordon Lafer, *The Legislative Attack on American Wages and Labor Standards, 2011–2012*" (Washington, DC: Economic Policy Institute, October 31, 2013), 3.
10. *Ibid.*
11. *Ibid.* More recently there has been some push back against these efforts. In April 2015 the city of Seattle passed legislation that raises the minimum wage to \$15 an hour, phased in over time. Other cities that have passed minimum wage laws above the federal minimum include San Francisco, Los Angeles, Chicago, and Washington,

D.C. See, <http://www.raisetheminimumwage.com/pages/minimum-wage-laws-and-proposals-for-major-u.s.-cities>, accessed September 13, 2015.

12. *Ibid.*, 12. Lafer also points out that at the time the “budget repair bill” was enacted, Wisconsin had a \$121 million surplus.

¹³. <https://nrtwc.org/facts-issues/state-right-to-work-timeline-2/>

14. If anything, the support for unions has grown stronger since Leo XIII. For example, in *Octogesima adveniens* (May 14, 1971), Paul VI characterizes the role of unions as “important,” (¶14) while John Paul II calls unions an “indispensable element of social life” (¶20) in *Laborem exercens* (September 14, 1981).

15. John XXIII, *Mater et magistra* (May 15, 1961), ¶71. Compare to what Leo XIII wrote some 70 years earlier: “Let it be granted, then, that, as a rule, workman and employer should make free agreements, and in particular should freely agree as to wages; nevertheless, there is a dictate of nature more imperious and more ancient than any bargain between man and man, that the remuneration must be enough to support the wage earner in reasonable and frugal comfort. If through necessity or fear of a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice” (*Rerum novarum* [May 15, 1891], ¶34).

¹⁶. In this article, positions attributed to the “US Catholic Bishops” refer to official positions of the US Catholic hierarchy as articulated in documents collectively published by them. When documents of the Bishops are cited here, the named “corporate author” will vary, depending mostly on the organizational structure established by the Bishops at the time the document was published. Documents written in the 1980s and 1990s will usually bear the name of one of two corporate authors: the National Conference of Catholic Bishops (NCCB) or the United States Catholic Conference (USCC). In either case, the text written by the NCCB or the USCC should be understood to be representing the US Bishops as a whole. Since 2001, the corporate author of documents issued by the US Bishops is known as United States Conference of Catholic Bishops (USCCB). Documents authored by the USCCB should also be understood to represent the position of the US Bishops as a whole. Having said that, it is almost never the case that every bishop agrees with a published document in its entirety and, depending upon how strong their disagreement, they may actually vote against approval of the document as a whole. For example, the vote to approve the final draft of the US Bishops’ pastoral letter on the economy known as *Economic Justice for All* was 225 in favor and 9 opposed. Clearly some Bishops disagreed strongly enough with the content of the document to vote against its approval. Nevertheless, the position articulated in that document is understood to be the official position of the US Catholic Bishops.

17. National Conference of Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy* (NCCB: Washington, DC: 1986), ¶103. Moreover, the Bishops continue, “the dignity of workers also requires adequate health care, security for old age or disability, unemployment compensation, healthful working conditions, weekly rest, periodic holidays for recreation and leisure, and reasonable security against arbitrary dismissal. These provisions are all essential if workers are to be treated as persons rather than simply as a ‘factor of production.’” *Ibid.*

18. cf. John Paul II, who argues that it is because justice demands that workers receive a living wage and adequate fringe benefits that unions are necessary. Unions are, in other words, a structural feature of our economy that are necessary to to defend “the vital interest of those employed in various professions.” *Laborem exercens* (September 14, 1981), ¶20.

¹⁹. National Conference of Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the US Economy* (NCCB, Washington, DC: 1986).

20. National Conference of Catholic Bishops, *Economic Justice for All*, ¶104.

21. John Paul II, *Laborem exercens* (September 14, 1981), ¶20, quoted in National Conference of Catholic Bishops, *Economic Justice for All*, ¶104. In this same passage, JP II makes it clear that he does not mean to suggest that only industrial workers can form unions. Rather, representatives of every profession can use them to ensure their own rights. Thus there are unions of agricultural workers and of white-collar workers; there are also employers’ associations. All, as has been said above, are further divided into groups or subgroups according to particular professional specializations.

22. National Conference of Catholic Bishops, *Economic Justice for All*, ¶185–86. In an important footnote (note 14, chapter 4) in *Economic Justice For All*, the US Catholic Bishops suggest that, even if we were to achieve a state in which almost all workers were paid just wages and working conditions were humane, unions would still be necessary. They cite John Cronin, with approval, when he says, “Even if most injustice and exploitation were removed, unions would still have a legitimate place. They are the normal voice of labor, necessary to organize social life for the common good. There is positive need for such organization today, quite independently of any social evils which may prevail. Order and harmony do not happen; they are the fruit of conscious and organized effort.”

23. National Conference of Catholic Bishops, *Economic Justice For All*, ¶186.

24. “A Fair and Just Workplace: Principles and Practices for Catholic Health Care,” United States Conference of Catholic Bishops, last modified August 26, 1999, accessed May 20, 2013, <http://www.usccb.org/issues-and-action/human-life-and-dignity/health-care/fair-and-just-workplace-principles-and-practices-for-catholic-health-care.cfm>.

25. United States Catholic Conference, *Health and Healthcare: A Pastoral Letter of the American Catholic Bishops* (Washington, DC: USCC Office of Publishing and Promotion Services, 1981), 16.

26. “President Dougherty’s Letter Addressing an NLRB Issue,” Duquesne University, June 22, 2012, accessed September 13, 2015, <http://newsroom.duq.edu/2012/06/22/president-doughertys-letter-addressing-an-nlr-issue/#sthash.qCAJCggb.dpuf>.

27. Ibid.

28. Duquesne University of the Holy Spirit’s Request for a Review of the Regional Director’s Decision and Recommendation to Overrule Objection to Election and Issue Certification, June 19, 2015, 1. See http://www.nacua.org/documents/DuquesneU_v_UnitedSteelworkers.pdf

29. The discussion that follows is informed by Susan J. Stabile, “Blame It on Catholic Bishop: The Question of NLRB Jurisdiction over Religious Colleges and Universities,” *Pepperdine Law Review* 39, no. 5 (2013): 1317–46.

30. Middle States Commission on Higher Education, *Characteristics of Excellence in Higher Education: Requirements of Affiliation and Standards for Accreditation* (Philadelphia: Middle States Commission on Higher Education, 2006), 22.

31. Ibid., 22. MSCHE makes it clear that “academic freedom, intellectual freedom and freedom of expression are central to the academic enterprise. These special privileges, characteristic of the academic environment, should be extended to all members of the institution’s community, that is, full-time faculty, *adjunct, visiting or part-time faculty*, staff, students instructed on the campus, and those students associated with the institution via distance education programs” (21, my emphasis).

32. Stabile, “Blame It on Catholic Bishop,” 1333.

33. Kathleen A. Brady, “Religious Organizations and Mandatory Collective Bargaining under Federal and State Labor Laws: Freedom From and Freedom For,” *Villanova Law Review*, 49 (2004):78.

34. “President Dougherty’s Letter,” Duquesne University.

35. Ibid.