

U.S. WORKERS' ORGANIZING EFFORTS AND COLLECTIVE ACTIONS:

A REVIEW OF THE CURRENT LANDSCAPE

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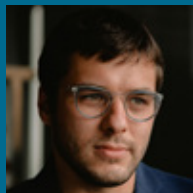
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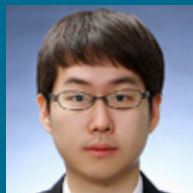
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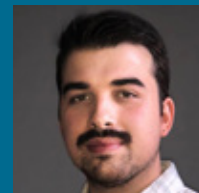
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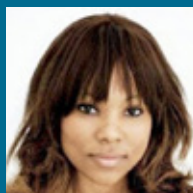
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PREFACE

The Worker Empowerment Research Network (WERN) is an interdisciplinary network of labor market researchers who have come together to study worker efforts to achieve greater voice, power, and representation at work, focusing especially closely on efforts pursued by workers of color, women, immigrants, and others who have faced exclusion, discrimination, or marginalization.

This review of the worker organizing landscape is WERN’s first research product. The purpose of the review is to paint a picture of the wide range of approaches American workers are taking to express their collective voices in their workplaces, companies, and communities. We hope this will serve as a starting point for discussion and support among leaders of unions, worker advocacy organizations, industry, government, and the broader public.

There could be no better nor more important time to be studying and discussing the future of worker voice, power, and representation in the United States. We write at what could well be a historic moment: Workers across the country are taking actions to assert their voices in both traditional and new ways, and their efforts are being noticed. An increasing number of commentators—in public policy groups, the media, academia, and even the business world—are discussing what should be done to address the decline in worker and union bargaining power that has taken place over the last several decades. The current Biden administration has expressed historic backing for improving worker representation, including through a government-wide effort to encourage federal agencies to support worker organizing and collective bargaining. These developments present an ideal opportunity to put the question of how to rebuild worker voice, power, and representation in ways that match the

needs of the modern economy and workforce “on the table” for broad-based public discussion. Such a discussion is long overdue.

WERN was created to address both these long-term trends and more recent developments. We plan to follow up this landscape review with reports from new national surveys, case studies, and interviews with frontline workers, business leaders, union organizers, and other worker advocates, as well as a series of forums to discuss our research findings. In addition, WERN is working to forge exchanges between labor-focused researchers and the federal government, especially with the U.S. Department of Labor, so that research can inform policy development. To that end, we have established a memorandum of understanding with the U.S. Department of Labor to permit close collaboration and shared learning with agency leaders and staff.

An important objective of WERN is to build a community of researchers who share an interest in the study of worker voice, power, and representation. So we are especially pleased that this review was produced by 12 authors from five universities, including a team of talented Ph.D. students and research associates. Special thanks are also due to Martha E. Mangelsdorf, the director of strategic communications for the MIT Institute for Work and Employment Research, for her skillful and dedicated editing of this review.

EXECUTIVE SUMMARY

American workers are using union organizing, strikes, and other forms of collective action to address their pent-up demand for achieving a stronger voice and representation at work. Their actions are showing the American public the obstacles that workers must overcome to form a union under the election procedures provided in current U.S. labor law.

This report summarizes the research evidence on the size of the voice gap and representation gap workers are attempting to fill and provides examples of different strategies workers are using to address these gaps. By highlighting the wide range of organizing and collective actions occurring across the country, we hope to lay a foundation for a broad-based, multi-stakeholder set of discussions



Workers at a Starbucks store in Buffalo, New York, voted to unionize in December 2021.

about what needs to be done to support worker efforts to achieve more equitable, inclusive, productive, and resilient employment relationships.

U.S. Workers' Voice and Representation Gaps

Since the passage of the National Labor Relations Act (NLRA) in 1935, it has been the policy of the United States to support collective bargaining through unions that have been chosen by workers as their primary vehicle for gaining a voice in the determination and day-to-day administration of wages, hours, and working conditions. In the decade following passage of the NLRA, union membership grew substantially, both in numbers and as a percentage of the workforce, reaching approximately one-third of the workforce in the mid-1940s. This ten-year period was also associated with a rapid fall in income inequality and an increase in the labor share of national income. Private-sector union membership subsequently declined slowly through the 1960s and 1970s, and has fallen precipitously since 1980. In 2021, union membership in the private sector was down to 6.1% of workers, a level not seen since before passage of the NLRA.

One of the most important achievements of collective bargaining in the decades following World War II is that it produced agreements that shared the gains in the productivity of the economy between workers and their employers. The tandem upward movement in compensation and productivity ended in the 1980s, and there is now widespread recognition that the decline in unions and their bargaining power is one of the causes of the growth in income inequality and the decline in the share of national income going to the workforce.

Given this decline and its consequences, does the American public still support the right of workers to join a union, and are American workers still interested in gaining economic power and a voice through unions and collective bargaining or via other means? The answer is yes, now more than in prior decades. A 2021 national opinion poll by the Gallup organization reported that 68% of Americans approve of unions, a figure that has been rising steadily over the last decade.

A clearer picture of the demand for representation is seen in national surveys that ask workers specific questions about their willingness to join a union. A 2017 national survey of the workforce found that

48% of nonunion respondents would vote for a union if an election was held at their workplace, up from about one-third of the nonunion workforce in comparable surveys from the 1970s and 1990s. This latent demand for unions is even higher for nonwhite, low-income, and less-educated workers.

Follow-up surveys that explored what forms of representation workers want found that workers continue to endorse having collective bargaining either at the level of their employer or in the sector or industry in which they work. They also express strong support for organizations that provide an array of labor market services (e.g., training, unemployment assistance, or retirement and health programs) and for organizations that would provide a voice in workplace processes—for example, by advising management on ways to improve how work is done via workplace-level advisory councils or having workers represented on company boards of directors. Moreover, these are viewed by workers as complementary, not competing, alternatives. Respondents expressed the highest levels of interest in organizations that would provide some mix of bargaining, voice in organizational processes and structures, and delivery of labor market or legal services.

Another set of questions in the 2017 survey asked about the issues that workers believe they ought to have a voice in at work and the amount of voice they actually experience. The difference between the experienced and expected influence reported was termed the “voice gap.” A majority of workers report a substantial voice gap on fringe benefits, compensation, promotions, job security, respect, abuse protections, new technologies, and employer values.

Taken together, these data document that the American workforce faces a significant voice gap and representation gap that have persisted for some time. These two phenomena are interrelated: The size of the voice gap is a strong predictor of the interest workers expressed in joining a union.

Union Organizing for Collective Bargaining

How well does the reality on the ground reflect the NLRA's intent that workers should be able to decide whether to form a union of their choosing without interference from employers or other sources? The act provides two routes for unions to gain recognition

as the exclusive bargaining representative for a specific group of workers: (1) a majority vote of workers in a representation election supervised by the National Labor Relations Board (NLRB) or (2) voluntary recognition by an employer.

Union organizing drives currently reach only a small fraction of the number of nonunion workers in the private sector and those who have expressed an interest in union representation. This representation gap has widened over time. Recently, however, there has been a significant upsurge in union organizing activities, and many unions are partnering with community groups in seeking to organize more people of color, immigrants, and other marginalized workers.

Union organizing drives typically meet with strong employer resistance, and this resistance reduces the likelihood that the organizing effort will be successful. Unions that use the NLRB election process as the means for organizing are successful in achieving a collective bargaining agreement in less than 10% of cases where the employer resists the organizing effort to the point that an unfair labor practice charge is filed.

Most of the units that unions organize are small and, in cases of multi-establishment employers, usually limited to one establishment at a time. Sometimes, however, organizing efforts that gain visibility in one worksite spur similar actions in other establishments of the same company or industry. A recent surge in highly visible organizing activity, particularly at high-profile companies like Starbucks Corp. and Amazon.com Inc. and in digital media, may be a harbinger that the challenges workers have faced in organizing in recent decades are not insurmountable.

Because union organizing under the NLRA is a difficult, litigious, expensive, and often long process, many unions have sought to achieve union recognition in ways that do not involve NLRB-supervised elections. One popular approach is to seek voluntary recognition from employers by demonstrating that a majority of workers have signed authorization cards designating the union as their representative; another is card check certification, where the employer and the union agree to a date when majority status on authorization cards will be determined and the union certified if it has a majority. Several studies suggest that more workers are now organized in such ways than through the NLRB election process.

Strikes and Work Stoppages

Historically, a union's most important source of power in collective bargaining has been the *threat* of a strike. From the mid-1950s to 1979, strikes were found to have a positive relationship with the size of the wage increase reached in bargaining. However, that dynamic began to change in the wake of President Ronald Reagan's firing of striking air traffic controllers in 1981; a number of studies found that, after 1980, the relationship between strikes and wage increases declined to zero or turned negative. This was an early sign of what would turn out to be a long-term decline in both the number of strikes and their effectiveness as a source of worker/union power for many unions, with some notable exceptions.

After decades of declining strike activity, a recent wave of worker unrest may be serving as a more potent source of power than many of the strikes in recent decades. A variety of strikes by both union and nonunion workers have occurred over the past few years to protest issues such as low pay, staffing shortages, poor working conditions, and demands for union recognition. While we lack adequate historical data to determine whether this is an increasing trend, it may be so.

Strikes today often take on more of a public face than in the past. For instance, bargaining for the common good is a strategy some teacher unions are using to engage parents and community citizens by expanding worker demands to address community needs related to high-quality public education; in recent years, elements of this approach have been used in a number of teacher strikes, including in Chicago, Los Angeles, Minneapolis, West Virginia, and Kentucky. Other groups use strikes of a short and limited duration to raise attention to worker concerns rather than continuing to strike until a negotiated agreement is reached.

The issues involved in bargaining and strikes appear to be expanding from traditional ones like wages, hours, and working conditions to encompass issues such as new technologies, sexual harassment, diversity and inclusion initiatives, and immigration rights and supports.

However, U.S. labor law continues to make it difficult to strike. State-level labor laws outlaw strikes for many public-sector workers, and the NLRA permits employers to replace workers permanently during economic strikes. These laws continue to impact worker voice and bargaining power.

Worker Centers

Worker centers are community-based institutions that provide support to and organize among communities of low-wage workers. Worker centers are not unions: They do not collectively bargain or organize workplaces for ongoing representation. They are place-based, organizing at the local or regional level, rather than worksite-based, and their work and power-building efforts tend to consist of some combination of service provision, policy and advocacy work, and organizing to address issues that matter to workers. There has been increased attention among worker centers to worker health and safety and immigration in the face of growing anti-immigrant hostilities and the emergence of recent crises like COVID-19 and climate-related disasters.

The number of worker centers in the U.S. began to increase substantially in the late 1990s, and by 2005 there were at least 135 active worker centers in the U.S. As of 2018, there were at least 234 active worker centers; as of the end of 2021, there were at least 246 active worker centers. Almost half of the new worker centers since 2018 are focused on Black workers and are multisectoral.

Worker centers craft innovative ways of raising standards for workers at the margins of existing labor and employment institutions. One example is the Coalition of Immokalee Workers, which successfully pressured multiple national fast food and grocery chains to (a) pay a small premium on produce, which goes to supporting farmworkers; and (b) agree to purchase from farms that have signed a Fair Food Code of Conduct, which guarantees fundamental rights to farmworkers, such as access to water and shade. Worker centers and the federations they are part of also seek to secure protections for workers through local and state policy initiatives and advocacy for broad policy change at the federal level.

Many worker centers are small organizations that rely on funding from foundations or other outside sources, including individual donors and government. Only a small fraction of worker center revenues comes from dues-paying workers. Whether or how worker centers could develop more self-sustaining sources of revenue is a topic of ongoing discussion.

New Organizational Forms and Strategic Innovations in Worker Organizing

In addition to unions and worker centers, a wide

array of efforts have been initiated in recent years to strengthen worker voice in individual occupations, companies, and industries. Some of these have arisen out of frustrations with the difficulties of organizing unions. Others are tailored to address the concerns of workers currently excluded from coverage under labor law. And some reflect the differing preferences workers have for how they express their work-related concerns.

Most of these efforts do not seek to achieve formal collective bargaining rights, although some eventually do so after building a base of worker interest. Some are advocating for a seat at the table in corporate governance through representation on boards or in enterprise or sectoral committees. Some of these initiatives were launched by unions, some by worker advocacy organizations with support from unions, some by advocacy groups acting independently, and some by workers acting on their own. Some have received financial supports from unions, while some rely heavily on financial support from foundations. A few such initiatives are even for profit.

Many of these new approaches to worker organizing use social media communications tools and digital platforms to reach potential participants and to demonstrate that a significant number of employees want to engage their employer or groups of employers on issues ranging from wages and working conditions to company values and policies that go beyond the traditional scope of collective bargaining. For example, Coworker.org offers an online petition site that empowers workers to exercise their voice and push for better working conditions as well as bring greater public awareness to issues and challenges within specific worker communities.

These new organizational forms and strategic innovations in worker organizing are growing in number and involve a wide range of workers, from employees of large high-tech companies to gig workers, many of whom are classified as independent contractors, and low-wage service sector employees. While many of these efforts began as protests in response to specific incidents, there appears to be an increase in interest in building sustainable organizations for asserting worker voices and engaging employers on an ongoing basis. As has been the case with other forms of worker organizing, these efforts often face strong managerial opposition and resistance.

Political Mobilization

A broad range of groups and organizations focus on strengthening and/or defending workers' rights and power by mobilizing support for worker-friendly public policies and/or candidates for public office. Some of the largest political mobilizing organizations, such as the AFL-CIO, have national, state, and local affiliates, while many smaller political mobilization bodies focus on specific occupational groups, issues, and state or local political initiatives. In general, these groups operate separately but often coalesce in supporting specific policy proposals and candidates.

Issues being addressed by social movements, including racial and gender injustice, sexual harassment, and climate change, increasingly overlap with the issues raised by worker advocacy and labor organizations; for example, organizations such as the Sunrise Movement advocate for creating good jobs while combating climate change. This overlap may be offering new opportunities for mobilizing workers, employers, and elected officials to come together to address these challenges in America's workplaces and in society. Given the ongoing political polarization in the U.S., shared workplace experiences may become a basis for political dialogue and bridging partisan divides.

Who's Noticing? Perspectives from Various Groups

The upsurge in union organizing, strikes, and other forms of protest and mobilization occurring across the country has not gone unnoticed. The media, various business groups, think tanks, and groups commissioned to discuss "the future of work" have begun to take note of the negative consequences of union decline and of efforts to fill the void in worker voice and representation. Moreover, a significant number of media organizations have increased coverage of labor and workforce topics following decades of decline in the number of staff devoted to these issues.

Conclusion and Questions for Further Discussion

In summary, both research data and the level and varieties of worker activism tell us that American workers want a greater voice at work and are taking actions to assert their interests, sometimes in ways that bear little resemblance to the forms of

organizing and collective bargaining provided under legacy labor laws. Workers have stepped up where systems and policies have fallen short over the last few decades. Under the mounting pressures and long-term effects of decades of stagnant wages, declining unionization and labor power, and, most recently, the COVID-19 pandemic and its economic fallout, workers are using whatever tools and resources are available to them to advocate for desired change on a broad range of workplace and community issues.

Despite visible signs of renewed interest in efforts to rebuild worker power and gain a voice at work, to date this has not yet resulted in major increases in the number of workers covered by a representative organization. Nor is there a broad-based or coordinated social or political movement calling for reforms of labor policies that would support the range of efforts observed in different sectors, for different occupational groups, or for those who mobilize for racial or social justice. The varied nature of collective actions observed today suggests that workers care about a range of issues that include but go beyond wages and working conditions. They are also concerned about the quality of their daily lives and communities and are looking for ways to exercise voice and to advocate for themselves, their families, and their communities.

These developments call for elevating a national dialogue about the future of worker power, voice, and representation—a dialogue that engages all stakeholders who have an interest in building employment relationships that are equitable, productive, innovative, and resilient. We hope this review helps put the future of worker voice and representation on the table for a national discussion. The data, research evidence, and case examples we have presented both demonstrate the need for a broad-based national discussion of how to address the pent-up demand by U.S. workers for voice and representation at work and suggest a number of questions for discussion. You can find these questions on pp. 52-53.

PART I:
**U.S. WORKERS’
VOICE AND
REPRESENTATION
GAPS**

F

or years, evidence has been building that American workers have a pent-up demand for achieving a stronger voice and greater representation at work. Yet little progress has been made toward this end. Recently, however, the country has experienced an explosion of worker activism, both through union organizing efforts and strikes as well as through collective actions that don’t conform to conventional patterns.

This heightened activity offers an opportunity to foster a broad-based public discussion about the forms of worker voice and representation that are best able to meet the needs of contemporary workers, as well as the roles public policy, unions and other labor advocacy groups, labor market institutions, and employers can play in meeting these needs. We believe this public conversation is long overdue, and this report is designed to encourage and support such dialogue.

The Context

Research suggests that, in the U.S., there is a significant unmet demand for worker voice and representation and the bargaining power they bring; this unmet demand has persisted for decades and has grown in recent years. The decline in unions and the difficulties workers experience when they try to organize under current labor laws have produced an era of experimentation involving many new approaches to gaining a voice at work, among a broad cross-section of the labor force. Yet to date these experiments have not grown to a scale large or powerful enough to create systemic change. Moreover, efforts to reform and modernize America's outmoded labor law have taken place largely below the general public's radar screen. But the past few years have witnessed an upsurge in media attention to both union organizing drives and new ways to protest and change unacceptable workplace conditions. We believe it is time to highlight the renewal of efforts to organize and gain a voice at work in the many different ways that are playing out across the country. Our hope is to contribute to a long-overdue national debate over how to meet workers' needs in ways that fit the changing nature of work and that contribute to building a more equitable, productive, and resilient democratic society.

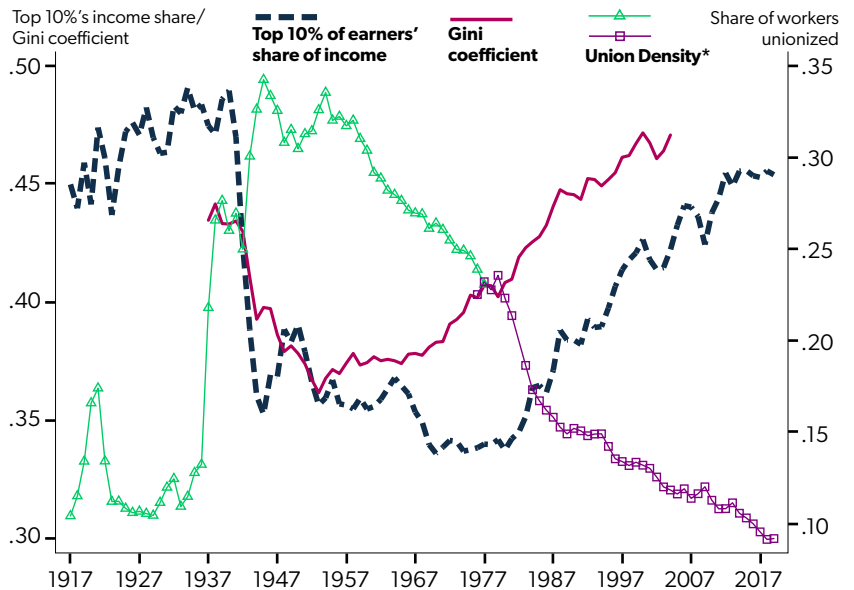
Decline in Union Membership

Since the passage of the National Labor Relations Act (NLRA) in 1935, it has been the policy of the United States to support collective bargaining through unions that have been chosen by workers as their primary vehicle for gaining a voice in the determination and day-to-day administration of wages, hours, and working conditions.¹ In the decade following passage of the NLRA, union membership grew substantially, both in numbers and as a percentage of the workforce, reaching approximately one-third of the workforce in the mid-1940s. This ten-year period was also associated with a rapid fall in income inequality and an increase in the labor share of national income. (See Figure 1.) Moreover, income differences between college-educated and non-college-educated workers, between white and non-white households, and between owners and workers were all reduced in unionized labor markets. Recent research shows that was not coincidental: During that period, income inequality fell only in those states where union density increased.²

Private-sector union membership subsequently

FIGURE 1:
Union Membership and Economic Inequality

As a higher proportion of U.S. workers became union members in the decade following the 1935 passage of the National Labor Relations Act, economic inequality, both as measured by the share of income going to the top 10% of earners and by the Gini coefficient, a measure of income inequality, fell. As the proportion of U.S. workers who were unionized declined in later decades, income inequality rose, according to both measures.



*Note: The different shapes reflect different data sources.

SOURCE: Adapted from Henry S. Farber, Daniel Herbst, Ilyana Kuziemko, and Suresh Naidu, "Unions and Inequality over the Twentieth Century: New Evidence from Survey Data," *The Quarterly Journal of Economics* 136, no. 3 (August 2021), <https://academic.oup.com/qje/article/136/3/1325/6219103>

declined through the 1960s and 1970s, followed by a more precipitous decline after 1980. As shown in Figure 2, union membership in the private sector fell to 6.1% in 2021, a level not seen since before passage of the NLRA. (Public-sector union membership grew in the 1960s and 1970s and has been relatively stable since then. Adding in public-sector workers brings the 2021 unionization rate to 10.3%.)

It is now widely recognized that the decline in union representation and corresponding decline in workers' bargaining power has had significant negative consequences for workers and the economy. One of the most important achievements of collective bargaining in the decades following World War II is that it led to agreements that shared the economy's productivity gains between workers and their employers. This is illustrated in Figure 3, which shows trends in national

productivity and the compensation of nonsupervisory workers. From the mid-1940s through most of the 1970s, these two measures rose in tandem. But from the 1980s onward, a gap between wage and productivity growth emerged, grew, and persists today. While multiple interrelated forces (technological change, global competition, shifts in management philosophies and practices, etc.) contribute to these developments, many scholars agree that the decline in unions and worker bargaining power accounts for a significant portion of the stagnation of wage growth,³ rise in income inequality,⁴ and decline in workers' share of national income.⁵ However, researchers still debate the exact quantitative contribution, as many of those trends accelerate after 2001 with little change in the rate of union decline.

The Representation Gap

Given the decline in union membership, does the American public still support the right of workers to join a union, and are American workers still interested in gaining greater voice through unions or via other means? The answer is yes, now more than in prior decades. A Gallup national opinion poll reported that in 2021, 68% of Americans approve of unions, a rate of approval that has been rising over the last decade. (See Figure 4.)

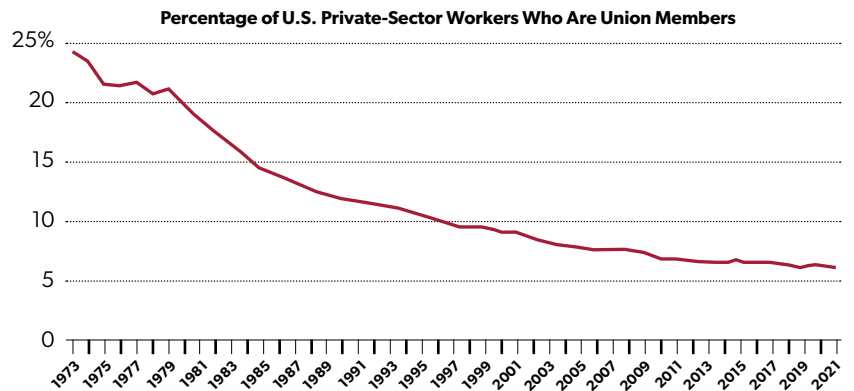
A clearer picture of the desire for workplace representation is seen in national surveys that ask workers specific questions about willingness to join a union. Figure 5 presents data from a 2017 national survey that found 48% of nonunion respondents would vote for a union if an election was held at their workplace,⁶ up from about one-third of the nonunion workforce in the 1970s and 1990s. This latent support for unions is disproportionately in low-income and non-white households.

If extrapolated to the nonunion workforce population, this equates to approximately 58 million workers who would like to join a union if given the opportunity. The same survey reported that 83% of currently organized workers would vote to continue being represented by their union if asked.

A follow-up national study used an experimental survey method known as conjoint analysis to explore the forms of representation American workers prefer.⁷ In that analysis, workers displayed a strong preference for collective bargaining, either at the employer level or across their industry. They also expressed support for organizations that provide an array of labor market and legal services and for organizations that would

FIGURE 2: Union Membership Among U.S. Private-Sector Workers, 1973–2021

Private-sector union membership declined through the 1960s and 1970s, followed by a more precipitous decline after 1980. Union membership in the private sector fell to 6.1% in 2021, a level not seen since before passage of the NLRA in 1935.

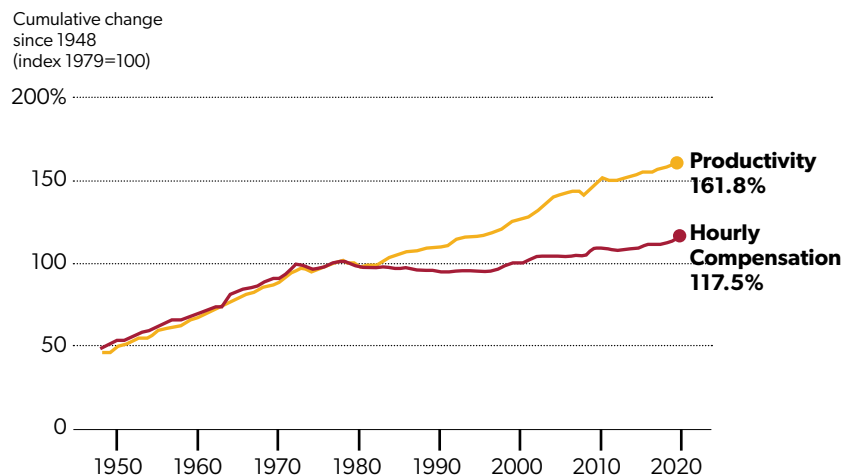


Note: Data for 1982 was unavailable and was replaced with the midpoint of 1981 and 1983.

SOURCE: Barry T. Hirsch and David A. McPherson, www.unionstats.com; and U.S. Bureau of Labor Statistics, "Union Members—2021," news release, January 20, 2022, <https://www.bls.gov/news.release/pdf/union2.pdf>

FIGURE 3: Pay and Productivity Growth, 1948–2020

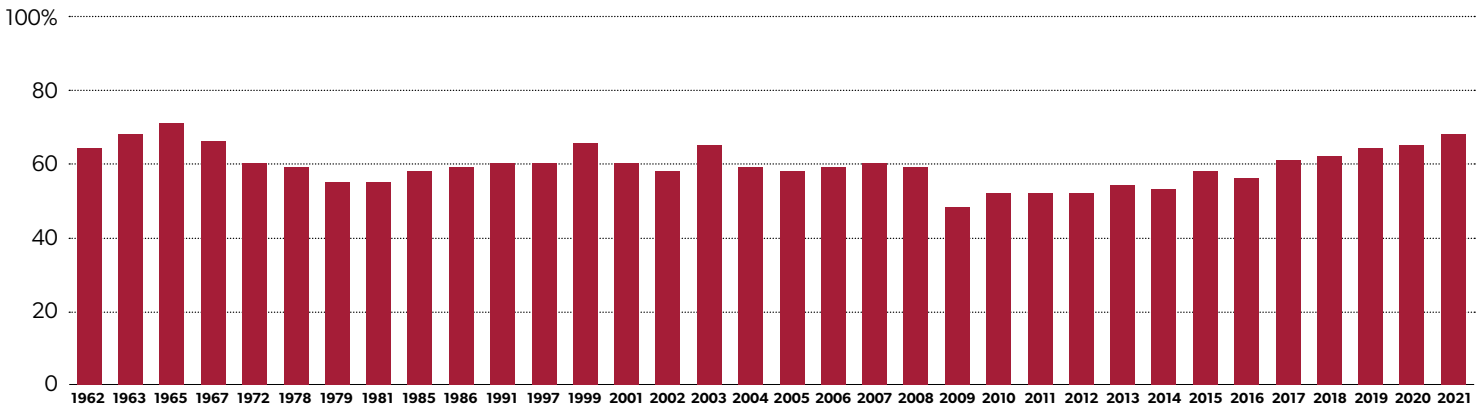
Since the 1980s, compensation for production/nonsupervisory workers in the U.S. has grown much more slowly than productivity has.



SOURCE: Economic Policy Institute, <https://www.epi.org/productivity-pay-gap/>

FIGURE 4:
Gallup Polls on Americans' Approval of Unions

A 2021 Gallup national opinion poll reported that 68% of Americans approve of unions, the highest approval level since the 1960s.

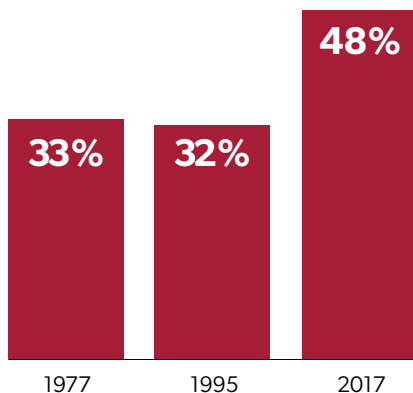


Note: The result shown for 1999 is the average of two different approval ratings (65% and 66%) obtained from surveys in that year.

SOURCE: Gallup, "Labor Unions," <https://news.gallup.com/poll/12751/labor-unions.aspx>

FIGURE 5:
Percentage of Nonunion Workers Who Would Vote for Union Representation

A 2017 national survey found 48% of nonunion workers said they would vote for a union if an election was held at their workplace, up from about one-third of the nonunion workforce in the 1970s and 1990s.



Note: Each year's sample excludes self-employed workers. The 1995 sample also excludes all management occupations.

SOURCE: Adapted from Kochan et al. (2018). Based on Kochan et al.'s analysis of 1977 Quality of Employment Survey (Quinn and Staines 1979), Worker Representation and Participation Survey (Freeman and Rogers 1999), and 2017 Worker Voice Survey data. Data for 1995 were pulled from Freeman and Rogers (1999: 99).

provide input to management, whether via workplace-level advisory councils or worker representatives on company boards. Moreover, workers view these options as complementary, not competing: Respondents expressed the highest levels of interest for organizations that provided some mix of bargaining, voice in organizational processes and structures, and delivery of labor market or legal services.

This study also found that workers are less supportive of organizations that campaign for candidates for public office or engage in strikes, with Republicans and nonunion workers less supportive of these actions than independents, Democrats, and union members. A 2020 survey conducted by American Compass reported a similar finding with respect to organizations involved in political campaigns.

The Voice Gap

In addition to questions about formal options for representation, the 2017 survey asked about the work-related issues that workers believe they ought to have a voice on and the amount of voice they actually experience. The difference between the experienced and expected influence reported was termed the

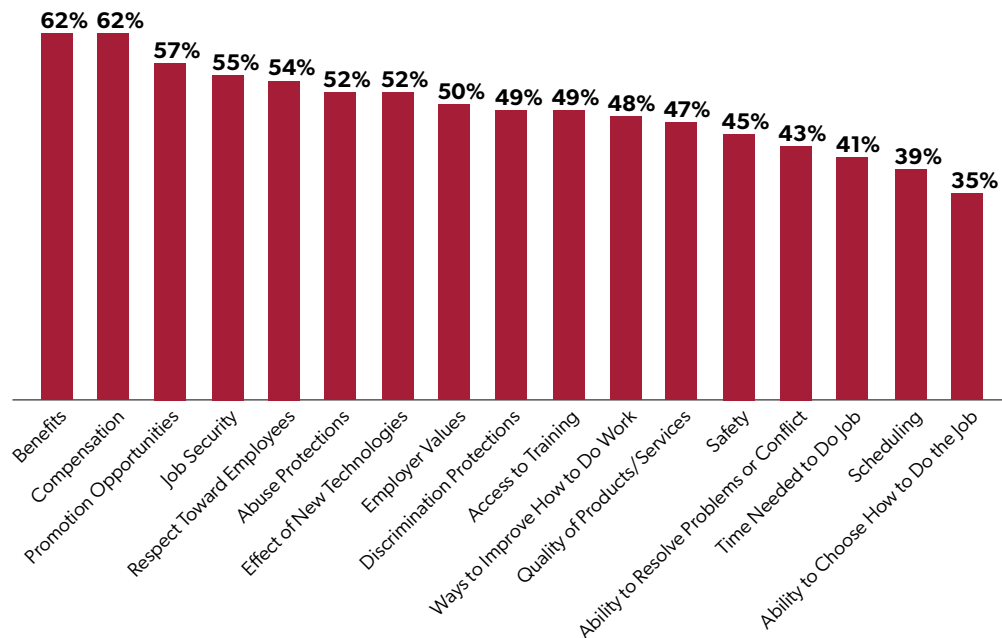
“voice gap.” (See Figure 6.) A majority of U.S. workers report a voice gap on fringe benefits, compensation, promotion opportunities, job security, respect, protections against abuse, and the impact of new technologies. From one-third to one-half of workers report a voice gap on a wide range of other issues of interest to contemporary workers, including access to training, how to improve workplace operations, safety,

the quality of the products they produce, systems for resolving conflicts, scheduling, and how they do their jobs.

Taken together, these data indicate that the American workforce has a voice gap and a representation gap, and the two are interrelated. The size of the voice gap is a strong predictor of workers’ interest in joining a union.⁸

FIGURE 6:
The Voice Gap: The Percentage of Workers with Less Involvement than They Want on Workplace Issues

In a 2017 survey, more than half of U.S. workers reported that they had less say than they thought they should on a number of work-related issues: fringe benefits, compensation, promotion opportunities, job security, respect, protections against abuse, and the effect of new technologies.



Notes: Calculated as the share of respondents who, on a given issue, rate higher on how much say they ought to have compared to how much say they actually have.

SOURCE: Adapted from Kochan et al. (2018). Data based on Kochan et al.’s analysis of worker voice survey.

PART II: **REPORT FRAMEWORK AND METHODOLOGY**

There is no generally accepted framework for describing or capturing the range of different types of organizing and collective actions observed across the economy. One approach has been to use simple dichotomies, distinguishing between conventional unions and newer, more experimental approaches to worker advocacy that are sometimes referred to as “alt-labor.”⁹ However, that no longer does justice to the mix of efforts underway. Many of the organizations and groups currently representing and advocating for workers are multipurpose¹⁰— i.e., they serve multiple needs and interests of workers through different advocacy, organizing, and service tools and processes.

In this report, we seek to capture the variety of today’s organizing and collective actions by starting with the model embodied in labor law: collective bargaining as protected and governed under the National Labor Relations Act (NLRA). We also describe the evolution of the increasing number of worker centers around the country that provide a mix of labor market and legal services, advocate for stronger and better-enforced worker rights, and organize workers in ways that go beyond the boundaries of individual firms. Next we examine other new forms of worker voice and representation that do not conform to the activities covered under the NLRA. Then we discuss organizations that focus on the political mobilization of workers, both as a core mission and as a means for building a membership or constituency base for representing workers in one or more of the ways mentioned above. A key conclusion of this report is that these are all complementary strategies for building worker power, voice, and representation.

We also include a section that highlights how other groups in society are commenting on the decline in unions and the need to strengthen workers’ voice and power. Our report concludes with a set of questions for research and further discussion.

We want to caution that what we report here is only a *sampling* of the landscape of current organizing and collective activity. It is by no means a complete inventory, but we hope it provides a picture of the “lay of the land” of contemporary efforts underway. Where possible, we will provide data on the amount of organizing and direct actions underway in each category, but as will be obvious in what we report below, the data needed to quantify the amount of such activity is at best partial and limited.

Research Methodology

Through a combination of archival and qualitative methods, we conducted a broad, two-phase review of cases that illustrate contemporary worker organizing and collective actions in the U.S. We defined “workers” and “organizing” and “collective actions” broadly to include both union organizing campaigns as well as strategies that may not involve unions. We sought examples of any activity used by workers (defined broadly to include any type of employment relationship) to build power and advocate for changes in working conditions. Authors then conducted a critical

review of sources, with a particular focus on organizing strategies employed by workers across varying industries. Sources were compiled from published research, media reports, websites, personal interviews, government data on union organizing and strikes, and a Labor Action Tracker (described in more detail in Part IV); sources were then reviewed for authenticity, credibility, representativeness, and meaning to ensure rigor.¹¹

In the second phase, the team discussed which mix of cases and organizational efforts were the best candidates to include to illustrate the variety of approaches to organizing and collective action underway across the country.¹² The ones included here are neither a full inventory nor presented as the “best” or most “promising” practices. Instead, they serve as representative examples.

Two additional aspects of our research involved updating a database on the number and variety of worker centers in the U.S. and drawing on an innovative labor action tracker created and managed by researchers at the Cornell ILR School. We describe each of these briefly below.

To trace worker center activity, we started with worker center data that had been collected by one of this report’s authors, Janice Fine, and had last been updated by Fine and Jacob Barnes in 2018.¹³ In preparing this report, we verified whether the worker centers in that database are currently active, inactive, or of unclear status. We did so by checking the websites and social media profiles of each organization, as well as doing Internet searches and calling organizations where insufficient information was available online. We also identified newly emergent worker centers, as well as centers that may have existed in 2018 but were not included in the previous database. This was done by reviewing worker center federations’ most recent lists of affiliated worker centers. Next, we identified trends across the worker centers, looking at geography, industries, racial and ethnic breakdowns, and areas of focus.

We gathered data on strikes from the Cornell ILR School’s Labor Action Tracker, an initiative begun in 2021 that seeks to provide a more complete report on strikes than available through government reports.¹⁴ (The U.S. Bureau of Labor Statistics, or BLS, historically served as the reliable source of work stoppage data. However, since funding cuts in the early 1980s, the BLS has only documented work stoppages involving 1,000 or more employees that last at least an entire shift.)

PART III: **UNION** **ORGANIZING FOR** **COLLECTIVE** **BARGAINING**

We start our landscape review by discussing the process for giving workers access to collective bargaining that was envisioned by the framers of the U.S. National Labor Relations Act. The NLRA provides two routes for a union to gain recognition as the exclusive bargaining representative for a specific group of workers: (1) voluntary recognition by an employer, or (2) a majority vote of workers in a representation election supervised by the National Labor Relations Board (NLRB). The route taken depends on the workers' occupation and industry structure, the degree of employer opposition, and the union organizing strategy.

The Organizing Process Under the NLRA

The NLRA organizing process starts either when workers contact a union to explore their interest in organizing or when a national or local union contacts workers to assess workplace issues and interest in organizing because it has identified the company as an organizing target. Once worker interest is ascertained, the union typically proceeds by supporting workers in building an organizing committee, educating them about the forms of resistance (and often retaliation) to be expected from the employer, identifying and organizing around worker issues, and increasing worker confidence in and commitment to the union. Once a union has what it judges to be strong support from a large enough majority of workers who have signed union-authorization cards, it might request that the employer agree to voluntary recognition. If the employer accepts the union's request for voluntary recognition (an uncommon event), the parties then begin negotiation of a first contract.

Unions that do not gain voluntary recognition from an employer either file a petition for a representation election with the NLRB or proceed further with a campaign to get recognition from the employer outside the NLRB election process. Because unions usually face a loss of more than 20% of card signers due to turnover and/or the employer's anti-union campaign, the majority of unions wait to file a petition for an NLRB election until 70% or more of the workers in the proposed bargaining unit have signed union-authorization cards. During this period, many unions reach out to gain support for the campaign from community, labor, and political allies.

If the union goes to the NLRB, the NLRB then must decide the appropriate "bargaining unit," that is, which employees would be represented if the union wins the election. (Employees with management duties are excluded from bargaining units.) Choice of the appropriate unit is often a contested issue between the union and employer. Once the appropriate unit is decided by the NLRB, an election date is set. The Board then supervises the election and counts the votes. If the union wins the majority of votes, the NLRB certifies the union as the exclusive representative of all the employees in the bargaining unit and directs the parties to begin negotiations.

Many companies resist agreeing on a contract even after a union wins an election. If no first contract agreement is reached in a year, the employer can

challenge whether the union still represents the majority of workers in the bargaining unit. Union organizing under the NLRA is thus an extremely difficult, litigious, expensive, and often long process.

In practice, the above process is subject to many variations:

1. An untold number of NLRB organizing campaigns fail to garner sufficient worker support to proceed to a petition to the NLRB for an election and/or are withdrawn by the union due to employer opposition before the petition is filed. Some organizing campaigns that begin as NLRB elections evolve to other types of union organizing campaigns and vice versa. (For more information about these other types of organizing campaigns, see the section of this report on "Union Organizing for Collective Bargaining Without NLRB Elections," starting on p. 21.)
2. Either the union or the employer might file an unfair labor practice (ULP) charge with the NLRB, claiming the other party violated one or more provisions of the NLRA. In 2014, in an effort to avoid delaying the voting process, the NLRB changed its rules to litigate ULPs *after* rather than *before* holding an election. The NLRB then reversed that rule change during the Trump administration, and that reversal is now being challenged in the courts. ULPs also may be filed by either party for failure to bargain "in good faith" in the first contract negotiation process. Significantly, the NLRB only has authority to require the parties to bargain in good faith; it cannot compel the parties to agree to a contract.
3. Some parties sign accretion clauses or neutrality agreements that significantly modify the standard process. An *accretion clause* is an agreement between a union and employer that new workplaces sharing certain characteristics similar to an existing bargaining unit will be subject to union representation without requiring a representation election. For example, a company that is already unionized in some of its facilities might agree that the same union will be recognized in a newly opened facility that does similar work if the union demonstrates it has majority status among workers in the new facility. A *neutrality agreement* is an agreement by an employer that it will remain neutral (i.e., not oppose) a union in an organizing campaign and will leave the decision on whether to form a union to the workers involved. Most often this is agreed to by companies that already have union representation in other workplaces.

However, most organizing drives are strongly opposed by employers.¹⁵ Moreover, employer opposition is a significant deterrent to the success of organizing efforts. A study of the experiences of organizing cases filed under the NLRB from 1999–2004 found that only 20% of those that achieved sufficient signed authorization cards for the NLRB to call for an election achieved a first contract by one year after the election. Fewer than 10% of those efforts achieved a contract if the employer resisted the organizing effort to the degree that a union filed a ULP charge.¹⁶ Another study, published in 2009, found that only 48% of unions were able to achieve a first contract within a year of winning a certification election.¹⁷

Penalties for violating workers’ rights to organize are weak: Employers found guilty of terminating a worker for union activity are required to provide back pay for wages lost, less any wages the worker earned on jobs since termination. A recent study found that penalties for violating the NLRA are insufficient to deter employers from violating the law if they expect a union to have even small negative impacts on future profits.¹⁸

Once a union has been certified as the representative of workers in a bargaining unit, it has a legal obligation to fairly represent all covered workers equally. To cover the costs of doing so, a union can, in some states, negotiate provisions in its collective bargaining agreements that require all covered workers either to join the union and pay dues or to pay agency fees, which cover a portion of its cost of representing all workers. In “right-to-work” states, however, agreements requiring workers to either join the union or pay agency fees are prohibited, and the gap between the number of workers who are covered by union contracts versus union members is larger in these states. Dues are an important source of revenue for unions to run their representation services, covering staff time, lawyers, and funding new organizing. Without this crucial source of revenue, labor organizations have little autonomous capacity to conduct their activities.

Public-sector unionization has been a very different story. At 33.9%, the public-sector unionization rate in 2021 was more than five times that of the private sector. Much of this difference arises because public-sector employers, for a variety of reasons, have historically not resisted unionization as much as private employers. Nevertheless, in states

Figure 7:
NLRB Representation Elections, 2000–2020

Although election processes supervised by the U.S. National Labor Relations Board were originally envisioned as the appropriate route for workers to gain access to collective bargaining, only 56,883 workers were eligible to vote in an NLRB election on union representation in 2020, less than one-tenth of one percent of the number of unorganized private-sector workers in the country.

| Year | Number of Representation Elections | Union Win Rate | Number of Eligible Voters | Number of Employees in Elections Won by Unions |
|------|------------------------------------|----------------|---------------------------|--|
| 2000 | 3,368 | 50% | 259,534 | 120,525 |
| 2005 | 2,649 | 57% | 176,919 | 85,383 |
| 2010 | 1,823 | 62% | 113,185 | 72,414 |
| 2015 | 1,687 | 66% | 104,291 | 52,386 |
| 2020 | 945 | 58% | 56,883 | 28,621 |

SOURCE: Data from the National Labor Relations Board (NLRB)

like Wisconsin, Iowa, and Indiana where this has changed and major political assaults on public-sector bargaining rights have occurred in recent years, union membership has experienced steep declines.¹⁹

Organizing Activity Under the NLRB

Although the NLRB election processes were originally envisioned as the appropriate route for workers to gain access to collective bargaining, only 56,883 workers were eligible to vote in an NLRB election on union representation in 2020, less than one-tenth of one percent of the number of unorganized private-sector workers in the country. (See Figure 7.) The average size of the bargaining units in these elections was 61; half of the elections involved 22 or fewer workers. One of the reasons these bargaining units are so small is that most bargaining units and elections to vote on unionizing are limited to a single workplace, even when large employers have multiple locations and their employment and labor practices and strategies are determined at the corporate level.²⁰ This workplace-by-workplace feature of the NLRB election process makes it difficult for workers and unions to engage large firms at the centers of power where key employment and labor relations strategies are conceived and controlled.

Figure 7 shows trends in the use and outcomes

of the NLRB election processes during the period from 2000 to 2020. Given the number of organizing efforts initiated, the size of the bargaining units involved, and the rates of union success in the elections and first contract negotiations, little progress will be made in closing workers’ representation gap via this route alone if the organizing trends of the first two decades of the 21st century continue. However, a recent surge in organizing activity at high-profile companies such as Starbucks and Amazon.com as well as in digital media may be a harbinger that these challenges are not insurmountable. The NLRB reported that, in the six-month period ending in March 2022, petitions to the NLRB for union elections increased 57% over the same period in the previous year, to 1,174 from 748.²¹

Next, we discuss three recent examples of union organizing activity under the NLRB election procedures: Starbucks, Amazon, and Mission Hospital.

Starbucks

One current example of organizing activities and NLRB-supervised elections at a well-known, multi-establishment company is the case of recent grassroots unionization efforts by Starbucks Workers United. Starbucks Corp. operates around 9,000 company-owned coffee shops in the U.S. Citing poor working conditions caused by understaffing, workers at three stores in western New York sought to join Workers United, an affiliate of the Service Employees International Union (SEIU). However, they faced resistance from local and corporate management. The company held numerous “captive audience” meetings for employees with anti-union messaging, closed two stores, and flew in corporate executives to persuade workers against organizing.²² In response, the union filed an unfair labor practice complaint.²³

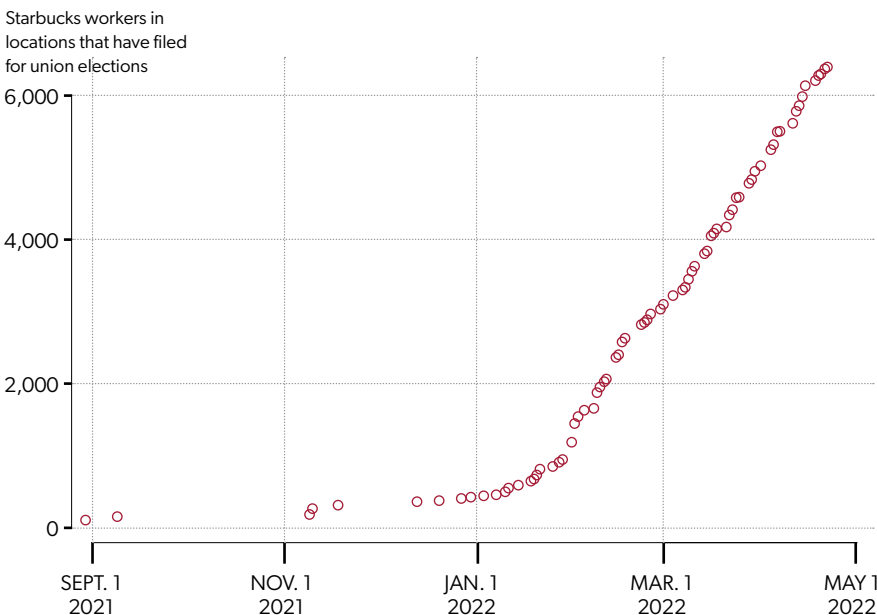
In December 2021, Starbucks workers in a Buffalo store voted in favor of unionization.²⁴ That organizing victory has spurred campaigns at Starbucks locations across the United States. As of April 26, 2022, Starbucks Workers United had won 28 union elections at Starbucks in a four-month period, and the total number of Starbucks workplaces where workers had filed petitions for NLRB elections had shot up to more than 240.²⁵ (See Figure 8.)

However, union-supporting employees have accused Starbucks of retaliating against them.²⁶ On March 15, 2022, the NLRB filed a complaint against Starbucks alleging retaliation against two workers trying to unionize in Arizona, and, on the same day, a coalition of more than 75 institutional investors holding more than \$1 billion in Starbucks stock encouraged the company to adopt a stance of neutrality toward unionization, citing the risk of damage to Starbucks’ reputation during a period of increasing public support for unions.²⁷ The next day, the CEO of Starbucks announced that he would retire, and the company brought back former CEO Howard Schultz to serve as interim CEO.²⁸

Since then, there have been more complaints that Starbucks has been retaliating against pro-union employees²⁹ by, for example, firing them or reducing their hours; Starbucks has denied the allegations of retaliation. On April 22, the NLRB took Starbucks to court, alleging illegal retaliation against three employees who were involved in organizing a union; the NLRB asked a federal district court to order the

Figure 8:
The Number of Workers in U.S. Starbucks Locations That Have Filed for Union Elections

The number of U.S. Starbucks employees who work in locations that have filed for union elections has increased dramatically in recent months and rose to more than 6,000 employees by late April 2022.



SOURCE: Author analysis of NLRB data

company to immediately reinstate the three employees and give them their usual schedules.³⁰

The Starbucks unionization drive has generated impressive momentum in the last few months, but at this point it is not possible to predict how far these initial organizing efforts will spread or how the company will respond. If a significant number of Starbucks stores unionize, a major question will be whether union representatives and Starbucks can eventually work out a companywide agreement governing the future of employee voice and representation.

Amazon.com

Amazon.com. also has been experiencing recent organizing activity. The company is one of the fastest-growing private-sector employers in the U.S., with more than 1 million employees.

Amazon Labor Union. On April 1, 2022, workers at the JFK8 Amazon warehouse in Staten Island, New York, took the world by surprise when they voted for union representation with Amazon Labor Union (ALU),³¹ becoming the first independent union of Amazon workers in the country. The vote was 2,654 to 2,131, with 55% in favor of the union, and the 8,000-worker bargaining unit was the largest NLRB election win for a union in decades. Led by former Amazon employee and ALU president Christian Smalls, the grassroots campaign for this new union was conducted by workers in the plant over just 11 months, funded via GoFundMe. Amazon has filed objections against the election on grounds that include complaints about how the NLRB ran the election, and is seeking to have the results nullified.³² ALU had another election at the end of April for approximately 1,600 workers at the LDJ5 Amazon warehouse across the street, but lost that election.³³

Bessemer Amazon Union. Recent efforts to organize workers at Amazon's fulfillment center in Bessemer, Alabama, illustrate some of the many obstacles workers face in gaining access to collective bargaining through the NLRB election processes when dealing with a large, well-resourced, multi-establishment employer with labor and human resource policies that are deployed to deter unionization. This organizing effort began when a group of workers at the facility contacted local representatives of the Retail, Wholesale, and Department Store Union (RWDSU). Union organizers began to collect union authorization cards in October 2020, and by December

the union determined there was enough worker support to file for an election with the NLRB. The union estimated the bargaining unit to be 1,500 employees. Amazon challenged this number and said the right number was 5,800. The NLRB ruled in favor of Amazon on this issue and set an election to run by mail from February into March 2021.

Amazon's aggressive campaign to defeat the organizing effort included mandatory "captive audience" meetings, anti-union messaging throughout the warehouse (including in bathroom stalls), and the use of anti-union consultants.³⁴ Moreover, the increased size of the bargaining unit and the many new employees hired after the organizing drive began (both to meet seasonal holiday demand and to replace workers who quit) meant that a significant number of eligible voters were employees who the union had little or no contact with in its campaign.

Election results came in in April 2021 with an overwhelming 71% of the ballots cast against joining the union. The RWDSU immediately announced it would file formal complaints to the NLRB, charging that Amazon's conduct during the organizing process violated the workers' rights to a free and fair election process.³⁵ The NLRB called for the election to be rerun, ruling that the placement of a mailbox inside a tent at the worksite where workers could return their ballots constituted illegal interference and gave workers the impression Amazon controlled the election process. Mail ballots were sent out for the second election in February 2022, and the vote count concluded on March 31, 2022. The result was 993 "no" votes and 873 "yes," plus 416 challenged ballots that the NLRB must review before a final vote tally can be reported.³⁶

Teamsters Amazon Project. The International Brotherhood of Teamsters, in coalition with other major unions, submitted a petition before the Federal Trade Commission in 2020, calling on the FTC to investigate Amazon for anti-competitive practices.³⁷ The union also created a new position, the national director for Amazon, and in 2021 passed a resolution calling for "building worker power at Amazon." The resolution committed the union to "supply all resources necessary and to ultimately create a special Amazon Division to aid Amazon workers and defend and protect the standards in our industries from the existential threat that is Amazon." Additionally, in September, Teamsters in Canada filed for a union election at an Alberta fulfillment center.³⁸ As of this

writing, the Teamsters have not done so in the United States.³⁹ However, the newly elected president of the Teamsters has recently reemphasized the union’s goal of organizing Amazon workers.⁴⁰

NLRB Settlement. Since the beginning of the COVID-19 pandemic, more than 75 unfair labor practice complaints against Amazon by workers and/or unions have been filed with the NLRB. This has led the Board’s general counsel to take a companywide approach to enforcing the law. The NLRB entered into negotiations with Amazon around six recent unfair labor practice charges. The settlement reached in these negotiations in late 2021 required Amazon to send an email to all current employees and those who worked at the company since late March 2021, informing them of their rights to organize without company interference and rescinding a company policy that had restricted organizing by not allowing workers to be on company property more than 15 minutes prior to or after their shifts. It also provides the NLRB the option to take the company to federal court for violations of the agreement without going through further investigatory hearings.⁴¹ This effectively puts Amazon on notice that its conduct will be under considerable scrutiny wherever organizing efforts take place in its various facilities.

While the above examples focus on efforts to organize in order to gain access to collective bargaining, other collective actions have been taking place at Amazon facilities. We briefly review four of these efforts to strengthen worker voice in the company: Amazonians United, Awood Center, Amazon Employees for Climate Justice, and the Athena Coalition.

Amazonians United. Amazonians United (AU), launched in 2019, describes itself as “a movement of workers fighting to end management’s domination in our workplaces,” and it has chapters in a number of locations, including Chicago, New York City, and Sacramento.⁴² AU has organized worker petitions, gained improvements in working conditions, and led work stoppages, including one prompted by a confirmed coronavirus case in a Queens, New York, warehouse in March 2020, a multisite walkout in two Chicago warehouses in December 2021, and walkouts in Maryland and New York in March 2022.⁴³

Awood Center. In 2017, the Awood Center, a worker center “whose mission is to provide education and leadership development among workers in the East African community of Minnesota,” was founded in the

Twin Cities region. The center has held a number of protests and walkouts over the past few years, although their most successful organizing effort occurred in May 2018. Awood scheduled an event called Blue Day for the first day of Ramadan to highlight Amazon’s shortcomings in accommodating the religious needs of its Muslim employees. In response to the threat of Blue Day, management made changes to better accommodate workers observing Ramadan, leading to the cancellation of the protest.⁴⁴

Amazon Employees for Climate Justice. In 2019, Amazon Employees for Climate Justice (AECJ) gathered signatures from well over 8,000 Amazon software development engineers, product managers, and other employees on an open letter demanding that the company adopt a progressive climate plan. Subsequently, AECJ said the company threatened to fire several employees if they continued to speak out on Amazon and climate change issues without the company’s authorization.⁴⁵ However, workers continued to speak up: As the pandemic surfaced, concerns were raised about the health and safety risks experienced by employees, and AECJ vocally supported campaigns organized by Amazon warehouse workers during the pandemic.⁴⁶ In April 2020, Tim Bray, an Amazon vice president who supported AECJ, resigned from the company and expressed dismay over Amazon’s firing of whistleblowers⁴⁷—the company’s first high-profile management defection related to its treatment of employees.

Athena Coalition. Athena is a cross-stakeholder coalition in the U.S. focused on Amazon. Its dozens of diverse member organizations, which include a number of worker centers, came together with a goal of trying to “stop Amazon’s growing, powerful grip over our society and economy.” The coalition advocates for the rights of Amazon workers, customers, and other citizens whose lives are affected by the corporation.⁴⁸

Mission Hospital

In 2020, the National Nurses’ United won an NLRB election to represent nurses at Mission Hospital in Asheville, North Carolina, and went on to successfully negotiate a first contract in 2021.⁴⁹ This was a notable case for a number of reasons. Involving an estimated 1,800 workers, it was the largest new bargaining unit election won by a union in the South in recent years—all the more remarkable given North Carolina’s very low rate of unionization. The central issues in the campaign

stemmed from changes implemented in nursing and staffing practices when HCA Healthcare took over management of the hospital. Issues of patient safety, staffing, and COVID-19 protections also were central to the organizing campaign and the first contract negotiations.⁵⁰

Union Organizing for Collective Bargaining Without NLRB Elections

Frustrations with the difficulties encountered in organizing via the NLRB election process have led many unions to organize without an NLRB-supervised election. This can occur through a recognition campaign, recognition strike, card check certification, or an election supervised by an independent third party.

One popular organizing approach is to seek voluntary recognition from employers by demonstrating that a majority of workers have signed authorization cards designating the union as their representative; another is card check certification, where the employer and the union agree to a date when majority status on authorization cards will be determined and the union certified if it has a majority. As early as 2003, the AFL-CIO reported that unions organized 500,000 workers a year, yet only 20% came through NLRB elections. Two subsequent studies confirmed these numbers.⁵¹ The majority of union organizing occurred outside the NLRB process via voluntary recognition or card check certifications in industries such as telecom, hospitality, building services, home care, laundry, construction, higher education, and auto parts.

Approximately a third of card check campaigns involve some kind of neutrality agreement with employers.⁵² A 2001 study of 132 card check campaigns found that card check provisions, with and without neutrality, were associated with a substantial reduction in the numbers and intensity of employers running anti-union campaigns. The study found win rates were much higher (78%) for card check campaigns with employer neutrality agreements than for those without (48%).⁵³

Voluntary Recognition at Kaiser Permanente

One example where a voluntary recognition agreement has been in place for a number of years is the healthcare organization Kaiser Permanente. Kaiser Permanente and the unions representing a large number of its employees have been engaged in a labor-management partnership

since 1997.⁵⁴ A provision negotiated into their collective bargaining agreements calls for management to be neutral when new organizing efforts arise; to represent a new group of Kaiser Permanente employees, the union must demonstrate it has the support (i.e., signed authorization cards) of a majority of the workers involved. Since that was negotiated in 1997, union membership at Kaiser Permanente has grown from approximately 70,000 to 161,000. Exact numbers are not available for how much of this growth is attributable to growth in employment in existing bargaining units; however, a considerable portion, perhaps as much as one-quarter, came from voluntary recognition of new units.⁵⁵ In the last several years, Kaiser Permanente officials report that the United Nurses Association of California organized 1,300 professional employees (physical therapists, occupational therapists, and speech pathologists) in northern California; the same union organized physical therapists and pharmacists in Hawaii, and the United Food and Commercial Workers organized a unit of healthcare workers in Washington.

Organizing Efforts Requesting Voluntary Recognition

A significant number of unions that do not have neutrality agreements have sought recognition without an NLRB election. In most cases, these efforts require building sufficient power to convince the employer that union recognition is a better alternative than a prolonged battle. One recent attempt was an effort by Service Employees International Union Local 503 to organize a nursing home in Oregon via a strike in February 2021. This example again illustrates the difficulties associated with gaining recognition when an employer is determined to resist the organizing effort. In this case, a union organizer reported that the union obtained signed authorization cards from more than 70% of the eligible employees, requested but was denied voluntary recognition by the employer, and experienced a decline in support for the union as the employer mounted a counter-campaign with the aid of an outside consultant. Eventually the organizing effort failed, and many of the striking workers resigned.⁵⁶

While the highly adversarial Oregon nursing home case and the Amazon cases may be prototypes of organizing experiences in small and large enterprises, there are exceptions. Here are some recent examples of efforts to organize that did not result in extended and highly contested union-employer battles.

Coffee Shop Workers in Massachusetts

In contrast to the resistance experienced by Starbucks employees, several Massachusetts coffee shop workers and their respective employers have demonstrated how the path to unionization might appear when the employer does not resist its employees' unionization efforts. From June to December 2021, workers at several coffee shops in Massachusetts formed unions without going through a battle with their employers. In June, workers from Pavement Coffeehouse, a Boston-area chain of cafes, wrote a notice to the company's owner announcing their intent to form a union with the help of New England Joint Board UNITE HERE. As noted in a local news article, the owner of Pavement Coffeehouse accepted workers' right to form a union, stating: "We have always believed that we are stronger when people work together — and that unionizing is not a zero-sum game. That is why we support our employees in this effort and believe it will make Pavement Coffeehouse a better and more just place to work."⁵⁷

Shortly thereafter, the Pavement Coffeehouse workers unionized. In September, workers at an unrelated coffee shop company, Cambridge-based Darwins Ltd., also partnered with UNITE HERE and declared their intent to form a union. The owner of Darwins was quoted as saying: "We respect their right to consider union representation. We look forward to engaging with all of our employees on this topic."⁵⁸ In December, workers from three different coffee shops under the same management (Diesel Café, Bloc Café, and Forge Baking Company) sent a letter describing their intent to unionize, again with the support of UNITE HERE. Management was quoted in *The Boston Globe* expressing its commitment "to making our workplace the best place it can be for our staff."⁵⁹ In December 2021, these workers formed a union.

Coffee shop workers in these cases utilized Twitter as an important platform for organizing and gaining broad support and visibility. A review of Twitter posts included support from city and state legislators, including then-candidate and now Boston Mayor Michelle Wu and U.S. Senators Elizabeth Warren and Ed Markey.

There may be limits to union-management collaboration, however. The owner of Pavement Coffee recently expressed frustration with the new union, with a *Boston Globe* article quoting him as wishing that the workers "unionized at any other time" given the impacts of the pandemic, and saying that some of what was on the bargaining table were "usually not written

into a union contract."⁶⁰ As these cases continue to unfold, it will be interesting to see whether nonconfrontational approaches to organizing will produce more collaboration in negotiations and day-to-day management-labor relationships.

In contrast, executives at Colectivo Coffee, a Wisconsin-based coffee shop chain, publicly criticized the NLRB's vote count of Colectivo workers who voted to unionize.⁶¹ In Providence, Rhode Island, workers at White Electric Coffee shop successfully unionized and later bought the coffee shop from the owners, who decided to list the company for sale the day the workers unionized.⁶² Workers at SPot Coffee, a chain based in Buffalo, New York, reported that management at SPot first responded to unionization efforts by hiring an anti-union law firm and firing two workers involved in organizing, eventually leading to a boycott until management signed a non-interference agreement. Partnering with Workers United, SPot Coffee workers then unionized and ratified a contract in March of 2020, becoming the largest coffee shop workers' union at the time.⁶³

Organizing Activities Among White-Collar Professionals

While unionization has long been common among some professions, such as public school teachers and nurses, there appears to be a rise in organizing activity among white-collar professional workers, if judged by the various media accounts of recent organizing efforts by architects, doctors, and employees in various aspects of the media industry.⁶⁴ The visibility these efforts are garnering may be spurring other white-collar workers into taking action to address issues of critical concern on their jobs.

Efforts by these workers to gain a stronger voice tend to have three features of note. First, within the ranks of the workers involved, the initial question often is whether they should form a union for collective bargaining purposes or pursue less formal channels for asserting their interests with their employers. While some white-collar workers have chosen to seek formal union recognition, others have used their professional associations to represent their interests through licensing and lobbying at the state and federal levels to elevate their profession's status. For example, community health workers, who serve as liaisons between the community and social/health systems to facilitate access to care and improve

service quality, have pursued the latter course over a number of decades.⁶⁵

Second, while the range of issues of central concern usually include wages and benefits, they also go beyond them to include issues such as long working hours and professional standards involving the nature of the work or the products/services their employer renders. Third, many of these white-collar workers seek employer neutrality or voluntary recognition agreements with their employers. The implicit assumption is that they do not want a highly adversarial relationship with their managers, but see having a stronger voice as consistent with their occupational norms and expectations.

Organizing in Digital Media

One example of increased unionizing activity among white-collar professionals is digital media, where there has been a recent wave of organizing by Writers Guild of America, East (WGAE) and The NewsGuild, a sector of the Communications Workers of America (CWA).⁶⁶ From 2015 to 2019, thousands of workers organized at more than 60 media companies. While The NewsGuild is more likely to resort to NLRB elections if the employer does not immediately agree to recognition, WGAE organizes primarily by using votes supervised by independent third parties.

The spate of organizing campaigns began at Gawker in 2015, when the majority of the employees voted for WGAE on an independent voting site. The Gawker campaign was followed in rapid succession by unionization campaigns at companies such as Vice Media, The Huffington Post, Slate, Vox Media, The New Yorker, Thrillist, The Guardian, and Spotify. Some employers, such as Gawker and Huffington Post, stayed neutral and readily recognized the union after an independent vote or card check. However, others, such as DNAinfo and StoryCorps, mounted anti-union campaigns that forced the unions into NLRB elections.

In March 2022, about 600 tech workers at The New York Times voted overwhelmingly in favor of unionization in an NLRB-supervised election, in the process becoming the largest tech worker union in the country with collective bargaining rights.⁶⁷ The New York Times had earlier rejected the union's request for voluntary recognition.

To date, anti-union campaigns in digital media have largely backfired. Workers have been able to

use their access to and expertise with social media to expose their employers' attempts to interfere with their right to organize. Because many of the newly organized workers are journalists whose work is widely read, the ripple effect of these organizing successes goes far beyond their workplaces.

SUMMARY

1 Union organizing drives reach only a small fraction of the nonunion workers in the private sector who have expressed an interest in union representation. This representation gap persists and has widened in recent years.

2 Recently, however, there has been a significant upsurge in union organizing activities, and many unions are partnering with community groups in seeking to organize more people of color, immigrants, and other marginalized workers.

3 Most union organizing drives meet with strong employer resistance, which reduces the likelihood that the organizing effort will be successful. Unions that use the NLRB election process as the means for organizing are successful in achieving a collective bargaining agreement in fewer than 10% of cases where the employer resists the organizing effort to the point that an unfair labor practice charge is filed. Most of the units that unions organize are small and, in cases of multi-establishment employers, usually limited to one establishment at a time.

4 Organizing efforts that gain visibility in one worksite sometimes spur similar actions in other establishments of the same company or industry, as illustrated by the range of organizing efforts underway in coffee shops and digital media.

5 A number of unions have sought to achieve union recognition in ways that do not involve NLRB-supervised elections. One popular approach is to seek voluntary recognition from employers by demonstrating that a majority of workers have signed authorization cards designating the union as their representative; another is card check certification, where the employer and the union agree to a date when majority status on authorization cards will be determined, and the union certified if it has a majority. Several studies suggest that more workers are now organized in such ways than through the NLRB election process.

PART IV:

STRIKES AND WORK STOPPAGES

Historically, a union’s most important source of power in collective bargaining has been the *threat* of a strike. The desire to avoid the costs a strike might impose on the employer and the workforce is expected to motivate employers and unions to reach agreements acceptable to both parties; securing meaningful worker voice and representation requires equipping labor organizations with legal and economic teeth to successfully bargain for worker interests. In some cases, however, the threat of striking is not sufficient, and strikes ensue. Typically, workers stay out on strike until an acceptable agreement is negotiated. The NLRA also allows for recognition strikes, where workers strike in order to force an employer to recognize a union as a bargaining representative. While rare since the 1930s, these are not unknown; for example, workers at Piston Automotive in Toledo, Ohio, struck for union recognition in 2014 and secured it after one day.⁶⁸

The Evolving Role of the Strike

Much of the historical pattern of strike behavior and its effects began to change in the 1980s. In 1981, U.S. President Ronald Reagan fired striking air-traffic controllers, initiating a period in which changing dynamics in U.S. labor relations undermined workers' power.⁶⁹ One study found that from the mid-1950s to 1979, strikes had a positive relationship with the size of the wage increase reached in bargaining; however, after 1980, the relationship between strikes and wage increases declined to zero and, in the case of longer strikes, turned negative.⁷⁰ This was an early sign of the long-term trends that would ensue in both the number of strikes and their effectiveness as a source of worker/union power.

Other scholars have noted that strikes across the United States have become less common since the 1980s due to a variety of factors, including declining unionization rates, reduced bargaining power, inadequate labor law, and ineffectiveness.⁷¹ The ability of employers to permanently replace workers involved in economic strikes has served as a primary obstacle to striking and continues to have major implications today. Secondary strikes and pickets have been illegal since the 1940s,

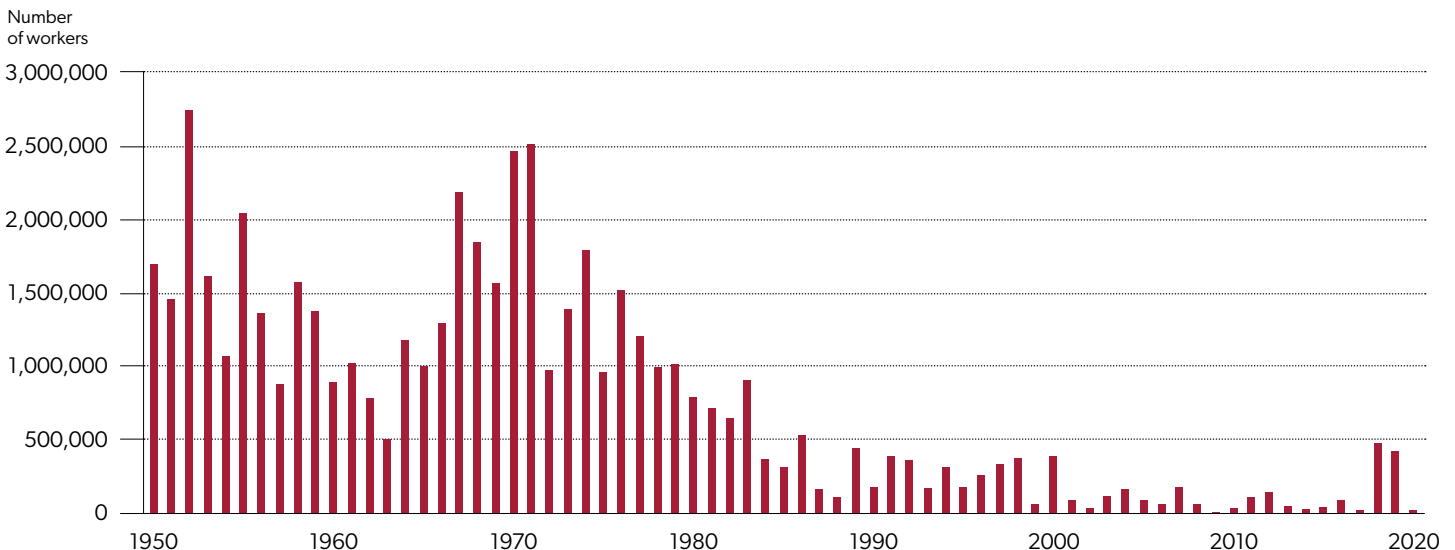
which allows major employers to reduce the threat of striking by outsourcing. Further, while strikes themselves are legal, many of the tactics historically used to win strikes against powerful employers have been made illegal. Despite the obstacles facing strikes, recent scholarship has emphasized the importance of such tactics in revitalizing the labor movement, calling on labor organizations to engage in “deep organizing” and build toward strikes supported by a majority of workers.⁷²

Bureau of Labor Statistics Strike Data

It is difficult to determine whether workers and their organizations are increasingly using strikes in the past few years because we lack a comprehensive time series on strike activity across the United States. Since funding cuts in the early 1980s, the U.S. Bureau of Labor Statistics has only documented work stoppages involving 1,000 or more workers that last at least an entire shift, thereby excluding a considerable amount of strike activity.⁷³ While existing data sources suffer from considerable limitations, the BLS documented an uptick in the number of workers involved in large work stoppages in 2018 and 2019.⁷⁴ (See Figure 9.)

Figure 9:
Workers Involved in Large Work Stoppages in the U.S., 1950–2020

The U.S. Bureau of Labor Statistics documented an increase in the number of workers taking part in major work stoppages—defined by the BLS as those involving at least 1,000 workers and lasting at least an entire shift—in 2018 and 2019, although the number of workers involved remained much lower than in the period prior to 1980.



SOURCE: U.S. Bureau of Labor Statistics

Cornell ILR Labor Action Tracker

To overcome the limitations of existing data sources and account for the new types of strikes and collective protests occurring in different settings, researchers at Cornell University’s ILR School in 2021 launched the ILR Labor Action Tracker, a database of strike and labor protest activity displayed through an interactive map. It defines a strike as “a temporary stoppage of work by a group of workers in order to express a grievance or to enforce a demand. Such a grievance or demand may or may not be workplace-related.”⁷⁵ Cornell ILR researchers documented 265 work stoppages (260 strikes and five lockouts) in 2021, far more than the 16 large strikes documented by the BLS over the same time period. The Cornell researchers also documented approximately 140,000 workers involved in work stoppages in 2021, although it is important to note that two one-day sympathy strikes in November accounted for 62,000 of this total figure.

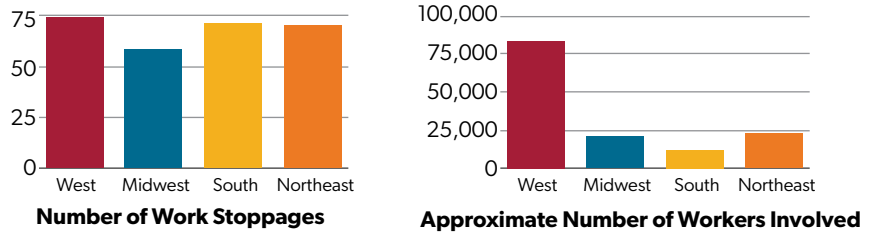
In addition to documenting the total number of work stoppages and workers involved in work stoppages, ILR Labor Action Tracker data indicate that strikes have occurred in response to a variety of issues and in regions of the country without much union presence. For example, in 2021, virtually the same number of work stoppages occurred in the South (71) as in the Northeast (70), despite a higher unionization rate in the latter region. However, the number of employees involved in work stoppages in the South was smaller, on average. (See Figure 10.) Finally, workers struck over a number of different issues. The most common demand involved pay; others ranged from health and safety improvements and better staffing to an end to sexual harassment. (See Figure 11.)

Strikes outside of union collective bargaining negotiations appeared to increase in 2021. Nonunion workers organized 87 strikes in 2021, accounting for nearly one-third of the 265 work stoppages documented by the ILR Labor Action Tracker. (See Figure 12.) While these strikes involved approximately 4,800 workers—about 3.4% of the approximately 140,000 workers involved in work stoppages in 2021—they demonstrate that nonunion workers can act collectively to address working conditions without formal union support.

Some of these workers are actively seeking union representation. The ILR Labor Action Tracker documented 19 strikes in which union recognition was a major demand. As the Oregon nursing home case

Figure 10:
2021 Work Stoppages by Region

In 2021, virtually the same number of work stoppages occurred in the South as in the Northeast, despite a higher unionization rate in the latter region. However, work stoppages in the South involved fewer workers, on average.



Note: Work stoppages that encompassed more than one region are counted more than once, in each region that they occurred.

SOURCE: ILR Labor Action Tracker

Figure 11:
Work Stoppages by Issue, 2021

While workers struck over a number of different issues in 2021, by far the most common demand involved better pay.

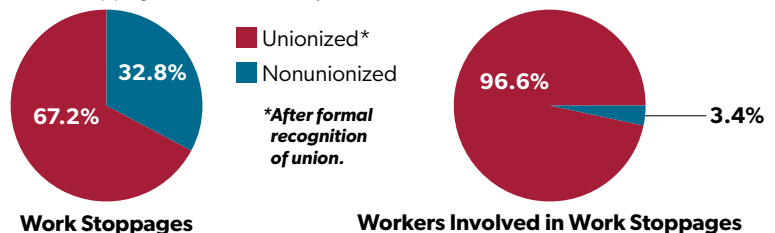
| Type of Demand | Work Stoppages | Approximate Number of Workers Involved |
|-----------------------------------|----------------|--|
| \$15 minimum wage | 6 | 81 |
| Improved COVID-19 protocols | 29 | 7,060 |
| First contract | 14 | 3,767 |
| Health- and safety-related issues | 63 | 12,815 |
| Healthcare | 65 | 33,298 |
| Job security | 23 | 11,757 |
| Better pay | 160 | 59,730 |
| Racial justice | 11 | 452 |
| Staffing-related | 39 | 9,249 |
| Union recognition | 19 | 1,332 |
| Retirement benefits | 20 | 21,620 |
| End to sexual harassment | 9 | 528 |
| Scheduling issues | 19 | 7,133 |

Note: A work stoppage may have multiple demands.

SOURCE: ILR Labor Action Tracker

Figure 12:
Work Stoppages by Union Status, 2021

Nonunion workers organized 87 strikes in 2021, accounting for nearly one-third of the 265 work stoppages documented by the ILR Labor Action Tracker.



SOURCE: ILR Labor Action Tracker

described earlier illustrates, these union recognition strikes are often difficult to win and risky for workers. Strikes by nonunion workers can, however, sometimes help lead to unionization. In Anne Arundel County, Maryland, school bus drivers followed a strike in October by voting to unionize in November 2021.⁷⁶

The media began to pay more attention to strikes in October 2021—dubbed “Striketober” because more than 100,000 U.S. workers authorized strikes⁷⁷ during the month. The ILR Labor Action Tracker documented 60 strikes involving more than 32,000 workers in October, which represented more strikes and workers on strike than any prior month in 2021. Strike threats by tens of thousands of workers also played a large role in the fall of 2021, as both the International Alliance of Theatrical Stage Employees (IATSE) at film and TV production studios and the Alliance of Health Care Unions at Kaiser Permanente facilities authorized strikes before reaching new collective bargaining agreements.⁷⁸ These authorizations tend to increase workers’ bargaining power, especially when combined with an uptick in strikes more generally.

Because we lack reliable strike data before 2021, it is difficult to tell definitively whether strikes have increased over the past several years. The total number of workers on strike in 2021 lags that of the number of workers participating in large work stoppages in 2018 and 2019, and is considerably less than totals from the 1940s through 1970s.

Existing data sources also fail to document other forms of labor activism. For example, several examples of collective resignations, where workers collectively quit their jobs in protest, occurred in 2021. In one example from Lincoln, Nebraska, workers at a Burger King quit en masse because of poor working conditions, changing the marquee sign outside the restaurant to read, “We all quit.”⁷⁹

Strikes in Action: Recent Examples

The seven cases highlighted below provide a more qualitative picture of the range of industries and occupations involved in some strikes in recent years, as well as the array of workplace issues that are sparking workers’ collective actions.

United Auto Workers Strike at John Deere.

In one of the largest work stoppages of 2021, about 10,000 UAW members across John Deere facilities in five states went on strike on October 14. They struck to demand a larger wage increase and to prevent

management from creating a two-tiered retirement benefits system that would eliminate traditional pension benefits for new hires. In 2015, union members at John Deere had narrowly approved a contract after suffering hundreds of job cuts, and this time around workers believed they deserved higher compensation and more respect after the company had experienced its most profitable year to date.⁸⁰

The strike at John Deere suggests that many workers are frustrated with status quo negotiations and that an increasing gap may exist between union leadership and rank-and-file workers. After the first tentative agreement was rejected 90%–10%, union members rejected a second tentative agreement nearly three weeks into the strike, although the votes were more evenly split (55%–45%) than the first rejection. Union members eventually ratified a contract and returned to work on November 17, 2021. The new contract provides workers with an immediate 10% wage increase and additional pay for reaching productivity goals, and it does not include the proposed two-tiered retirement benefits system.⁸¹


School Bus Driver Sickouts. As schools returned for in-person instruction in fall 2021, the ILR Labor Action Tracker documented 15 sickouts—groups of workers calling out sick in protest—by school bus drivers between September and November 2021, as drivers demanded school districts resolve issues like low compensation and inadequate health and safety protocols.

While the size of these sickouts—most involving fewer than 50 workers—did not compare to larger work stoppages in 2021 at John Deere and elsewhere, these labor conflicts impacted school districts across the country. In Indiana, a bus driver sickout over low pay resulted in Pike Township Schools declaring several remote learning days.⁸² School bus routes were canceled in multiple other states due to sickouts over inadequate compensation. In Calvert County, Maryland, bus drivers called out sick to protest low pay, with new hires making \$18 an hour and all drivers earning less than \$24 an hour.⁸³ In Bullitt County, Kentucky, bus drivers staged a sickout to demand an increase in pay from \$17 an hour to \$20 an hour.⁸⁴

2018 “Red for Ed” Strikes and Bargaining for the Common Good. Another noticeable trend is that strikes have become more public, as workers and their organizations develop both economic and noneconomic sources of power by partnering with community

organizations. This approach is increasingly common in public education, and teachers and their organizations have forged alliances with parents and other community leaders. Using what is often referred to as a “bargaining for the common good” approach,⁸⁵ many labor groups are centering the demands of community stakeholders by taking on more nonmandatory bargaining issues to address community support for high-quality public education. In recent years, variations on this approach have been used in a number of teacher strikes, including in Chicago, Los Angeles, Minneapolis, West Virginia, and Kentucky.⁸⁶

In 2018, the vast majority of large strikes featured teachers taking part in statewide work stoppages, dubbed “Red for Ed” strikes, in West Virginia, Oklahoma, Kentucky, Colorado, Arizona, and North Carolina.⁸⁷ Unlike many labor disputes, these walkouts occurred despite reluctant union leadership as well as state laws banning work stoppages by public employees. Rank-and-file caucuses emerged in West Virginia, Oklahoma, and Arizona to challenge existing leadership and force teacher unions into more militant and grassroots organizing, leading to strikes in all three states.⁸⁸ Teachers organized at the state level by creating Facebook groups independent of existing union structures to communicate about grievances, organize rallies, and, eventually, take strike action.⁸⁹ These strikes also demonstrated how teachers implemented strategies from bargaining for the common good to develop multiple sources of power.



Strikes have become more public, as workers and their organizations develop both economic and noneconomic sources of power by partnering with community organizations. This approach is increasingly common in public education, and teachers and their organizations have forged alliances with parents and other community leaders.

For example, the strike in West Virginia included demands related to public investment in schools and improved compensation for other school employees.⁹⁰

Two of the main characteristics of the 2018 teacher strikes—rank-and-file defiance of union leadership and active involvement of community stakeholders in bargaining demands—also featured prominently in the 2012 Chicago Teachers Union strike. In 2010, a rank-and-file caucus called CORE (the Caucus of Rank-and-File Educators) won control of the Chicago Teachers Union, leading the union toward more militant action during collective bargaining negotiations. During the 2012 strike, educators centered bargaining demands on both teacher and student interests, such as smaller class sizes.⁹¹

Strikes for Social Justice. Workers have also organized strikes to press for change on social issues that impact both their workplace and communities. For example, in defiance of a no-strike clause in their contracts, NBA players went on a limited-duration strike on August 26, 2020 in response to the shooting by police of Jacob Blake in Kenosha, Wisconsin.⁹²

New York Taxi Workers Alliance. A different form of strike, a hunger strike, occurred in 2021 as part of a protest by taxi and ride-hailing drivers from the New York Taxi Workers Alliance (NYTWA). The drivers were calling for debt relief from medallion loans, a growing issue since the New York taxi medallion bubble burst in 2014. The protest came after NYTWA pushed for a debt relief plan in 2020 that the city rejected, responding in March 2021 with an offer that drivers argued was inadequate. The protest had a number of high-profile supporters, including U.S. Senator Chuck Schumer and Representative Alexandria Ocasio-Cortez, as well as support from advocacy groups such as Sunrise Movement NY. On October 20, 2021, after no agreement was reached with the city, the drivers began their hunger strike outside New York’s City Hall. On November 3, the taxi workers announced that they had come to an agreement with the city on a plan capping medallion loans at a maximum of \$170,000 and monthly loan payments at a maximum of \$1,122. They ended the hunger strike; 78 people had participated in some part of it, and six had participated for the entire 14 days.⁹³


Graduate Student-Worker Strikes in Higher Education. Higher education has also seen a number of strikes and strike authorizations, most recently by graduate student workers at universities such as

Harvard University, the University of California, and Columbia University. Columbia's graduate workers negotiated a new agreement with the school in January 2022 after going on strike in November 2021.⁹⁴ University of California (UC) student employees successfully unionized in December 2021 after authorizing a strike. UC's Student Researchers United, with about 17,000 members, is one of the largest unionizations the U.S. has seen in recent years. Both Columbia's and UC's student workers are members of UAW, which now represents about 100,000 university workers across the country.⁹⁵

UNITE HERE and Marriott. One of the most pivotal sets of strikes in recent years involved UNITE HERE and Marriott International. In 2018, UNITE HERE local unions struck Marriott hotels in eight cities in actions that lasted more than six weeks. One notable aspect of the strike settlements is the comprehensive set of issues addressed. Wage increases were an important part of the agreement, but so too were protections for hotel workers against sexual harassment and assault, job guarantees for workers if their protected immigration status is revoked, and comprehensive new language governing the introduction of new technologies into the workplace.⁹⁶ The technology agreements have become a benchmark for other unions in bargaining on these issues. The agreements provide for a four-part program governing the introduction of new technologies: (1) advance notice ranging from 60 to 180 days will be provided about plans for introducing new technology; (2) local unions have the right to discuss the changes with management before they are implemented; (3) training will be provided to the affected workforce to prepare them for changes in their jobs; and (4) adjustment, retraining, and other forms of assistance will be provided to workers who are displaced. To our knowledge, this is the most comprehensive set of provisions negotiated on this topic in U.S. collective bargaining to date. The advance notice and early involvement in the design phase of such projects are particularly noteworthy; under NLRA doctrines, employers generally only have the duty to bargain over the impacts of technological changes on wages, hours, and working conditions.

Role of Strike Threats: Kaiser Permanente and the Alliance

In addition to actual strikes, credible threats of striking can motivate agreements. In 2021, for example, Kaiser



One significant feature of the negotiations between Kaiser Permanente and the Alliance of Health Care Unions is that, despite their hard bargaining, both management and union leaders continued to express support for their labor-management partnership, which they had sustained for two decades, and hope that it would continue.

Permanente and the Alliance of Health Care Unions engaged in highly publicized and intensive negotiations. These negotiations included a significant and public notice of intent to strike. (In healthcare, labor law requires unions to give a 10-day notice of intent to strike.)

The critical sticking point in the negotiations revolved around management's interest in bringing wage levels more in line with others in the industry and the union's view that the wage survey data management used to make these comparisons was seriously flawed. To reduce wage costs, management proposed a two-tier wage plan that would lower the starting wage for new hires. As the strike deadline approached, other unions at Kaiser Permanente indicated they were likely to engage in supportive or "sympathy" strike actions if the Alliance unions went on strike. These pressures led to intensive negotiations on the weekend before the strike date, resulting in an agreement that was then ratified by Alliance union members.

One significant feature of these negotiations is that, despite their hard bargaining, both management and union leaders continued to express support for their labor-management partnership, which they had sustained for two decades, and hope that it would continue.⁹⁷ Indeed, their agreement not only called for the partnership to continue but also added two new collaborative processes critical to the parties' interests: (1) a joint committee to focus on identifying cost

savings that would improve affordability of the organization’s insurance products (some of the savings would be shared between Kaiser and employees); and (2) creation of a new joint task force to address issues of diversity, equity, and inclusion.

An Unconventional Job Action: The 2014 Revolt at Market Basket

We end this section on strikes and related job actions with a very unconventional strike example that illustrates some of the limitations of U.S. labor law: the 2014 revolt of the workforce at a grocery chain called Market Basket.

The 2014 workforce action at Market Basket shows that when provoked by a deep sense of injustice, employees may not always consider whether their actions are protected by current labor law. In 2014, executives, frontline store employees, warehouse workers, and truck drivers at Market Basket, a third-generation family-owned grocery chain in New England, took collective action. The dispute arose when a much-beloved CEO, a grandson of the founder, was fired by other family members on the company’s board of directors. One area of disagreement was over how much of the organization’s profits should be shared with employees versus with family owners.

The actions Market Basket employees took illustrate how the NLRA is outmoded and no longer suffices to address all the issues that matter to today’s workforce. Rather than trying to organize a union, employees from managers to frontline workers walked out together, staying on strike for six weeks. Supervisors’ and managers’ participation in the action was not protected under the NLRA and thus was undertaken at the risk of being fired; frontline workers shared this risk, as protesting the removal of a CEO is not an action protected under the NLRA. Because Market Basket employees at all levels were concerned that the company’s board was going to change the company’s longstanding business model, which involved good jobs and significant profit-sharing with employees, they focused their protest on the board’s business strategy. However, existing labor law does not address employees’ stake in board-level business strategy: Corporate governance and strategy questions are considered “managerial prerogatives” under the NLRA and thus are “nonmandatory” topics for collective bargaining under its provisions.

At Market Basket, the work stoppage gained

widespread media attention. Customers rallied, boycotting the stores in support of the employees and their fired CEO, and the dispute ended after six weeks, when the board of directors agreed to sell the company to the CEO who had been fired. The actions of Market Basket employees in 2014 perhaps send a message about the wide range of issues that matter to today’s workforce and that a modernized labor law might address. The Market Basket revolt also highlights the critical role of community support in helping workers achieve their goals.⁹⁸

SUMMARY

1 After decades of declining strike activity, strikes arising out of collective bargaining may be serving as a more potent source of power than have many strikes in recent decades.

2 A variety of strikes by nonunion workers have occurred to protest issues such as low pay, staffing shortages, poor working conditions, and demands for union recognition. While we have no historical data to determine whether this is an increasing trend, it may be so.

3 Strikes today often take on more of a public face than in the past. Bargaining for the common good is an explicit strategy some teacher unions have used to engage parents and community citizens by expanding their demands to address support for public education. Other groups use strikes of a short and limited duration to raise attention to worker concerns rather than continuing to strike until a negotiated agreement is reached.

4 The issues involved in bargaining and strikes appear to be expanding from the traditional wages, hours, and working conditions to encompass issues such as new technologies, sexual harassment, diversity and inclusion initiatives, and immigration rights and supports.

5 U.S. labor law continues to make it difficult to strike successfully. State-level labor laws outlaw strikes for many public sector workers, and the NLRA permits employers to permanently replace workers during economic strikes. These laws continue to impact worker voice and bargaining power.

PART V:

WORKER CENTERS

Worker centers are “community-based mediating institutions that provide support to and organize among communities of low-wage workers.”⁹⁹ The cornerstone of their mission is developing a base of workers who collectively take action on their own behalf. Much of worker centers’ focus is on immediate issues like recovery of unpaid wages, passage of strengthened employment rights, or more substantial penalties for employers who violate labor laws, but they have also been key players in the immigrant rights movement.

The first worker centers in the U.S. were founded by Black worker activists in North and South Carolina, immigrant worker activists in New York City’s Chinatown, and along the Texas-Mexico border in El Paso. They arose during the late 1970s and early 1980s in response to changes in manufacturing that resulted in worsening conditions, factory closings, and the rise of lower-paying service sector jobs.

The number of worker centers founded since 1980 has grown alongside the foreign-born population in the U.S. During the 1980s, in response to the massive influx of political refugees fleeing wars in El Salvador and Guatemala, the Reagan administration instituted a process of expedited deportation proceedings, which sparked organizing efforts and advocacy campaigns across the United States. Within this wave of migration from Central America came labor and community organizers who fled political persecution, particularly from El Salvador and Guatemala. These experienced organizers would later help transform the immigrant worker movements across the U.S.

Despite having a strong focus on worker issues, and sometimes engaging and working in partnership with unions, worker centers are not unions: They do not collectively bargain or organize workplaces for ongoing representation. They are place-based, rather than worksite-based, and their work and power-building efforts tend to consist of some combination of service provision, policy and advocacy work, and organizing.¹⁰⁰

Many worker centers are small organizations and rely on funding from foundations or other outside sources, including individual donors and government. Only a small fraction of worker center revenues comes

from dues-paying workers. Whether or how worker centers could develop more self-sustaining sources of revenue is a topic of ongoing discussion.

Although worker centers were being founded throughout the 1980s and 1990s, their numbers began to increase substantially in the late 1990s. By 2005, there were at least 135 active worker centers in the U.S., up from roughly 30 in 1992. As of late 2018, there were at least 234 active worker centers in the U.S., and we have identified 12 new centers that have emerged since then. An “active” worker center means that we were able to confirm that the worker center is engaged in some activity, based on an online search, phone calls, or reporting by individuals involved in or with firsthand knowledge of the center.

Federations of Worker Centers

There are a number of federations of worker centers, and they serve as an important organizational accelerant, as they help to launch new centers and implement programs. Each federation engages in its own program development and advocacy at the national level, leading policy campaigns and forming alliances with other national organizations. Most of the major federations focus on a specific sector, such as the National Day Laborer Organizing Network, the National Domestic Workers Alliance, and Restaurant Opportunities Centers United. The newest federation, the National Black Worker Center network, is the only national worker center federation that focuses on a demographic group. Like individual worker centers, many but not all federations of worker centers are structured as 501(c)(3) organizations and receive foundation funding. Most worker centers are affiliated with one or more federations, but 70 of the 246 worker centers in the U.S. are not affiliated with any federation.

Trends Among U.S. Worker Centers

While worker centers have typically organized along various geographical, racial/ethnic, and industrial/sectoral lines,¹⁰¹ we identified several emerging trends that give us a general picture of how the worker center landscape is evolving: where they are operating, and who are they serving.

Worker Centers by Geography. Currently, 36 states and Washington, D.C. are home to at least one worker center. (See Figure 13.) The five states with the most worker centers are California (47), New York (44), Illinois (15), Massachusetts (14),

Figure 13:
Worker Center Distribution by Geography
Thirty-six states as well as Washington, D.C. are home to at least one worker center.

| State | Number of Worker Centers |
|------------------|--------------------------|
| Alabama | 2 |
| Alaska | 0 |
| Arizona | 4 |
| Arkansas | 0 |
| California | 47 |
| Colorado | 1 |
| Connecticut | 5 |
| Delaware | 0 |
| Florida | 11 |
| Georgia | 2 |
| Hawaii | 0 |
| Idaho | 0 |
| Illinois | 15 |
| Indiana | 2 |
| Iowa | 1 |
| Kansas | 2 |
| Kentucky | 0 |
| Louisiana | 3 |
| Maine | 2 |
| Maryland | 8 |
| Massachusetts | 14 |
| Michigan | 2 |
| Minnesota | 6 |
| Mississippi | 4 |
| Missouri | 1 |
| Montana | 0 |
| Nebraska | 2 |
| Nevada | 2 |
| New Hampshire | 0 |
| New Jersey | 10 |
| New Mexico | 4 |
| New York | 44 |
| North Carolina | 5 |
| North Dakota | 0 |
| Ohio | 3 |
| Oklahoma | 0 |
| Oregon | 3 |
| Pennsylvania | 8 |
| Rhode Island | 1 |
| South Carolina | 1 |
| South Dakota | 0 |
| Tennessee | 1 |
| Texas | 12 |
| Utah | 0 |
| Vermont | 2 |
| Virginia | 5 |
| Washington | 3 |
| West Virginia | 0 |
| Wisconsin | 3 |
| Wyoming | 0 |
| Washington, D.C. | 5 |

and Texas (12). Altogether, these five states are home to more than half (53.7%) of all U.S. worker centers. By region, the Northeast has the most, with over a third of all worker centers (35.0%).

Of the 12 new worker centers formed since 2018, three are in California, three in Pennsylvania, two in Minnesota, and one each in Texas, Connecticut, Illinois, and Mississippi. Since 2018, five new Black worker centers have been created: the Pittsburgh Black Worker Center, Inland Empire Black Worker Center (in California), San Diego Black Worker Center, Philly Black Worker Project, and NDWA We Dream in Black Houston. The first four, which are all part of the National Black Worker Center network, emerged in 2021.

Worker Center Distribution by Industry or Sector. One hundred forty-eight (60.2%) of U.S. worker centers serve workers across multiple sectors or industries. Among worker centers with a specific sectoral focus, 28 focus on domestic workers (most of those are part of the National Domestic Workers Alliance); 20 on day laborers (most of which are part of the National Day Laborer Organizing Network); and 19 on farmworkers. Notably, 32 (21.6%) of the multisector worker centers are focused on both domestic workers and day laborers. Two examples are Adelante Alabama Worker Center and El Centro Humanitario Para Los Trabajadores in Denver. Among the 12 newest centers, seven are multisectoral and the remaining focus on domestic workers (4) and restaurant workers (1). Figure 14 shows the diversity of sectors or industries among contemporary worker centers.

Issues that Worker Centers Address

Worker centers address a range of issues, from wage theft to improving wages and workplace standards, as well as issues related to community law enforcement and policing.¹⁰² Much of this advocacy, enforcement, and policy work operates at the local level and thus is a function of the needs of the local workers.

While fundamental issues like wages and working conditions remain front and center, several additional trends are worth highlighting. First, the COVID-19 pandemic raised public and policy attention about the poor working conditions and lack of basic health and safety protections for many workers, particularly essential workers—43% of whom are from communities of color and more than 5 million

of whom are undocumented immigrants.¹⁰³ Mutual aid funds for undocumented workers have been set up through national worker center federations as well as through many individual worker centers.

Second, a growing number of worker centers have begun expanding their focus to include mitigating the impact that climate crises and other environmental issues have on workers. Northwest Forest Worker Center in the Pacific Northwest, Vida Verde Women’s Cooperative, Warehouse Workers for Justice in Illinois, and VOZ Portland in Oregon are examples of worker centers that are adopting such an approach.

Third, countering anti-immigrant activities and addressing immigration policy reform has long been a focus of worker centers, given that a majority of their constituencies are foreign-born and many are undocumented. Over the past few years, there has been greater attention devoted to these issues due to growing anti-immigrant policies and politics, including efforts to withdraw temporary protected status designations for many workers from a number of countries.

Figure 14:
Worker Center Distribution by Industry

More than half of U.S. worker centers serve workers across multiple sectors or industries.

| Industry | Number of Worker Centers |
|------------------------------|--------------------------|
| Multiple | 148 |
| Domestic workers | 28 |
| Day laborers | 20 |
| Farmworkers | 19 |
| Restaurant workers | 10 |
| Taxi workers | 6 |
| Construction workers | 3 |
| Garment workers | 2 |
| Warehouse workers | 2 |
| Retail workers | 2 |
| Food industry workers | 2 |
| Car wash workers | 1 |
| Janitorial workers | 1 |
| Forest workers | 1 |
| Street vendors | 1 |

A final growing trend among some worker centers—including Workers Defense Project in Texas, Voces de la Frontera in Wisconsin, Pineros y Campesinos Unidos del Noroeste in Oregon, and several local affiliates of the National Domestic Workers Alliance—has been a move into electoral politics through the establishment of new 501(c)(4) organizational arms to involve their organizations more directly in voter outreach and electoral work.¹⁰⁴

To provide a more qualitative sense of the nature of the activities of worker centers and worker center federations, below we discuss the Coalition of Immokalee Workers, as well as three worker center federations: the National Domestic Workers Alliance, Restaurant Opportunities Centers United, and the National Black Worker Center.

Coalition of Immokalee Workers. The Coalition of Immokalee Workers (CIW) has been organizing farmworkers since 1992. Initially struggling for years to negotiate directly with tomato growers in Immokalee, Florida—where predominantly migrant workers were often working under extremely harsh conditions—CIW shifted its strategy to targeting major buyers of Immokalee produce. Beginning with Taco Bell, CIW successfully pressured multiple national fast food and grocery chains to pay a small premium on purchased produce that would go to supporting farmworkers, and to agree to purchase Florida tomatoes only from approved farms. As part of what is now known as the Fair Food Program, approved growers are required to sign a Fair Food Code of Conduct that guarantees fundamental rights to workers, such as access to shade and water, protections against abuse and harassment, direct employment, and the establishment of health and safety committees.¹⁰⁵

After multiple successful campaigns, CIW secured fair food agreements with 14 participating food chains and retailers, including McDonald's, Walmart, Subway, and Whole Foods.¹⁰⁶ CIW established the Fair Food Standards Council (FFSC) in 2011 to monitor adherence to the Fair Food Program and its codes of conduct. The FFSC conducts inspections of participating farms as well as reviews of farm financial records, and workers at the farms receive mandatory “on the clock” worker education provided by the CIW. FFP has expanded from Immokalee tomato farms to include pepper, sweet potato, and fresh-cut flower farms across eight states.

The worker-driven social responsibility (WSR) model that CIW prioritizes promotes a bottom-up approach to raising industry standards by giving workers and worker organizations a direct role in the setting of standards and monitoring of compliance.¹⁰⁷ In 2015, CIW supported the Migrant Justice collective in its creation of Milk with Dignity, a WSR program covering Vermont dairy workers that has signed an agreement with Ben & Jerry's, a major regional dairy buyer. More recently, CIW has engaged with Minnesota worker center Centro de Trabajadores Unidos en la Lucha to create the Building Dignity and Respect Standards Council in the Minneapolis-St. Paul region, bringing the WSR model to the construction industry through extensive collaboration with building trades unions.

While CIW has improved conditions for many farmworkers through the FFP and FFSC,¹⁰⁸ these codes of conduct do not guarantee the right to unionize, as agricultural workers are excluded from the National Labor Relations Act.¹⁰⁹

National Domestic Workers Alliance. The National Domestic Workers Alliance (NDWA) was established in 2007, the first national organization of domestic workers—including care workers, housecleaners, and nannies—to be attempted in 30 years.¹¹⁰ Originally a coalition of 13 organizations, NDWA has grown over its 15 years into a national network of nearly 70 affiliates across 21 states and Washington, D.C. Many affiliates are worker centers that have been key coalitional partners in driving and supporting NDWA's policy and organizing efforts. The NDWA network also includes seven chapters that are staffed by NDWA organizers and focus on local efforts to organize domestic workers, primarily within several of the nation's largest metro areas; four of these are We Dream in Black chapters, focused particularly on organizing and advocating for Black domestic workers.

According to NDWA's website, domestic workers can get access to a number of benefits through dues of \$5 per month, such as discounts on vision care, prescriptions, and hearing aids.¹¹¹ Membership dues appear to go predominantly to the support of these benefits programs and are not seen as a significant source of revenue for NDWA. According to the Alliance's tax filings, nearly 97% of NDWA's revenue in 2019 came from contributions and grants.¹¹²

NDWA has utilized its membership and organizing efforts to drive policy change at all levels of

government. Since winning the first domestic worker bill of rights in New York nearly 12 years ago, NDWA and its affiliates have played a key role in passing similar bills in an additional nine states and two cities. NDWA also played an important part in winning the 2015 national expansion of minimum wage and overtime rights to more domestic workers, and has in recent years directed much of its efforts to passing a domestic worker bill of rights at the federal level. NDWA is part of a coalition that is seeking greater recognition of the importance of care work in today's economy and lobbying for government investment in a "comprehensive care infrastructure," including a paid family leave mandate, reduced childcare costs for parents, and the expansion of access to critical services.¹¹³

In the absence of federal unionization rights for domestic workers, NDWA continues to lead innovative organizing efforts. In 2020, leaders of the Alliance created NDWA Gig Worker Advocates, an independent organization that seeks to negotiate with major gig economy companies to improve the conditions of domestic workers finding work through their platforms. Their main achievement to date has been an agreement with Handy, an online platform for home service providers, to create a pilot program in three states that ensures that house cleaners working through the platform will earn at least \$15 an hour in wages, receive paid time off contributions and insurance coverage for occupational accidents, and have ways to provide feedback about working via the platform. With benefits to be administered by NDWA's own portable benefits platform, the Handy agreement provides an important example of how worker organizations can continue to build worker power within the platform economy.¹¹⁴

The National Black Worker Center. The National Black Worker Center (NBWC) is a Black worker power-building and worker rights advocacy organization. In addition to the national organization, there are 12 local Black worker center chapters across the country. Since its inception in 2011, the NBWC has worked "to build collective power amongst Black workers to achieve liberation by dismantling systemic racism and economic exploitation."¹¹⁵ Its work is guided by the overarching belief that the political economy of the United States has produced Black poverty and racial disparities, and that the African slave trade, the use and exploitation of Black slave

labor, and racial violence have shaped the Black worker experience in the United States. Given this, the NBWC's work is rooted in the Black community and steeped in a progressive vision of racial and economic justice for the labor market and better economic outcomes. Black workers disproportionately face unemployment and under-employment.¹¹⁶ Thus, the NBWC works to support Black workers who experience racism in the labor market and workplace by institutionalizing and expanding legal protections for Black employees and anti-racist policies and building collective action and power.

The NBWC advances its aims through policy and advocacy work. It also features programs such as Working While Black, which is focused on creating safe spaces for Black workers to share their experiences of work and on elevating these voices and experiences to mobilize and fight for change; We Ready, which seeks to build a movement of advocates committed to ending wage and employment disparities among Black workers; and Black Voices Black Votes, which is aimed at engaging and mobilizing Black voters, educating them on issues of voter rights and suppression, and holding elected officials accountable.

Restaurant Opportunities Centers United.

Restaurant Opportunities Centers United (ROC United) is a national organization that seeks to engage and organize workers, employers, consumers, and allies in support of improved conditions within the restaurant industry.¹¹⁷ Over the last 20 years, ROC United has expanded to 11 chapters within many of the top restaurant markets in the U.S.

The federation has focused its work around a three-pronged organizational model, including (a) worker-led organizing for workplace justice, (b) labor-management partnerships to promote business strategies that improve job quality for workers, and (c) research and policy work to identify problems and promote solutions within the industry.¹¹⁸

ROC United emphasizes achieving workplace justice and supporting best practices through targeted, worker-driven campaigns against influential employers. ROC United sees workplace justice not simply as an issue of economic inequality but as encompassing the intersecting fights for racial, immigrant, and gender justice.¹¹⁹ Through these campaigns, the federation has been able to both win back wages and negotiate settlement agreements that

create sustained changes in employment policies.¹²⁰ For example, a recent initiative led by ROC-Minnesota resulted in the recovery of over \$230,000 in unpaid wages for more than 200 Minneapolis workers who were employed in restaurants owned by the Bartmann Companies.¹²¹

The federation also promotes the dissemination of best practices through Restaurants Advancing Industry Standards in Employment (RAISE), a network of restaurant employers that collectively prioritize management practices such as better wages and benefits, safe and sustainable business practices, and improvements in racial and gender equity.¹²² According to RAISE’s website, the network has grown to more than 750 restaurants.

Workforce development is also a key part of ROC United’s work. The federation’s COLORS Hospitality Opportunities for Workers (CHOW) Institute provides free training in both front- and back-of-house restaurant skills and offers job placement services to program graduates. The CHOW Institute not only provides important and affordable training for restaurant workers to enter living-wage jobs, but has proven to be a vital tool for organizing, political education, and leadership development.¹²³ According to ROC United’s website, CHOW has expanded from its establishment in New York City in 2007 to offer classes in Chicago, Los Angeles, Michigan, Oakland, Philadelphia, and Washington, D.C.¹²⁴

ROC United continues to prioritize policy and research initiatives. As part of its mission to shift the industry toward better job quality, ROC United conducts local and national surveys of restaurant workers—such as a recent survey on the impact of COVID-19—and publishes research analyzing the state of the restaurant industry and workforce.¹²⁵ While advocacy around ending the subminimum tipped wage had been a main focus of the federation, ROC United co-founder Saru Jayaraman left to build a new independent organization, One Fair Wage, that focuses specifically on these efforts. ROC United today focuses its policy work around issues that benefit both front- and back-of-house workers—including minimum wage, paid sick leave, and wage theft legislation, as well as improved enforcement of occupational safety and health standards and provision of personal protective equipment—and has increased its focus on building chapter offices alongside its organizing and training efforts. Most

recently, it has launched a national campaign for a Restaurant Workers Bill of Rights. According to its 2019 IRS filings, nearly 98% of ROC United’s revenue comes from contributions and grants.¹²⁶

SUMMARY

1 In lieu of collective bargaining, worker centers continue to protect low-wage workers and build worker power through a combination of service provision, advocacy, and organizing around issues of concern to workers.

2 The number of worker centers has steadily increased from 2000 to the present.

3 Almost half of the newest worker centers—those formed since 2018—are focused on Black workers.

4 There has been increased attention among worker centers to worker health and safety and immigration in the face of growing anti-immigrant hostilities and the emergence of recent crises like COVID-19 and climate-related disasters.

5 Worker centers craft innovative ways of raising standards for workers at the margins of existing labor and employment institutions.

6 Worker centers and the federations they are part of seek to secure protections for workers through local and state policy initiatives and advocacy for broad policy change at the federal level.

7 Many worker centers are small organizations and rely on funding from foundations or other outside sources, including individual donors and government. Only a small fraction of worker center revenues comes from dues-paying workers. Whether or how worker centers could develop more self-sustaining sources of revenue is a topic of ongoing discussion.

PART VI:

NEW ORGANIZATIONAL FORMS AND STRATEGIC INNOVATIONS IN WORKER ORGANIZING

In addition to unions and worker centers, a wide array of efforts have been initiated in recent years to strengthen worker voice in individual occupations, companies, and industries. Some have arisen out of frustrations with the difficulties of organizing unions, as noted in prior sections of this review. Others are tailored to address the concerns of workers currently excluded from coverage under labor law. And some reflect the differing preferences workers have for how they express their work-related concerns.

Most of these efforts do not seek to achieve formal collective bargaining rights, although some eventually do so after building a base of worker interest. Many use social media communication tools and digital platforms to reach potential participants and demonstrate that a significant number of employees want to engage their employer or groups of employers on issues ranging from wages and working conditions to company values and policies that go beyond the traditional scope of collective bargaining. And some are advocating for a seat at the table in corporate governance through representation on boards or in enterprise or sectoral committees. Some of these initiatives were launched by unions, some by worker advocacy organizations with support from unions, some by advocacy groups acting independently, and some by workers acting on their own. Like more formal union organizing efforts, many experience resistance from employers.

There is no single source of data on the number (or variety) of these nontraditional initiatives. So this section of our review uses a wide range of examples to illustrate the different types of organizing and efforts underway to achieve a voice at work, but we do not attempt to create an inventory of the range or number of such efforts. Some of these organizing efforts have been in place for years; others are of recent origin.

We start this section by discussing several digital platforms that focus on supporting worker advocacy efforts. These online tools and spaces have enabled more distributed, decentralized, lower-cost communication structures for workers, allowing them to amplify their voices, build relationships and community in and across their networks, and make use of better data analytics.¹²⁷

Coworker.org

Coworker.org, founded in 2013, is a peer-based digital platform that provides online resources to workers engaging in workplace petition campaigns and other power-building strategies. Coworker.org's petition site empowers workers to exercise their voice and push for better working conditions, as well as to bring greater public awareness to issues and challenges within specific worker communities.

Coworker.org supports the collection of signatures among employees in organizations and also provides resources such as training, funds, and communication spaces that aim to help workers maintain large decentralized networks in workplaces. According to Coworker.org co-executive director Michelle Miller, the first two months of the pandemic saw a large increase in worker activities on the site.

While dedicated to serving all types of workers, the past and current organizing activities on Coworker.org have mostly taken place in the low-wage service and retail sector and in the tech sector.¹²⁸ Over 700 campaigns were listed on its site as this report was being prepared. Petitions target a range of issues, including wages and benefits, health and safety, the coronavirus, hiring and firing, paid sick leave, scheduling, dress code, staffing levels, discrimination and workplace harassment, training and development, and parental leave.

Coworker.org also supports workers through collecting surveys and other data about working conditions and organizing priorities to help workers and guide organizing. For instance, to help workers

better understand important issues such as workplace surveillance and monitoring and algorithmic control, it conducted research and produced a report on the usage and workplace impact of surveillance software.¹²⁹ Coworker.org also collaborates with a variety of union and nonunion advocacy groups in helping workers launch campaigns.

Turkopticon

Turkopticon, launched in 2009 by two graduate students, grew from a volunteer-run software project to a worker-run nonprofit. It was one of the first digital platforms to support worker advocacy efforts by creating a space for people who do work through the Amazon Mechanical Turk platform to express their voices in their community, create a reputation system for the clients they work with, and aid one another through information-sharing. Turkopticon allows workers to share reviews about their clients and tasks based on a number of criteria, such as pay, speed in task reviewing and compensation, review fairness, and communication. By April 2018, more than 430,000 worker reviews of over 60,000 requesters had been posted to the Turkopticon website.¹³⁰ This client reputation system overcomes the information asymmetry between crowdsourced workers and clients and helps individual workers make better decisions in choosing clients. In addition to the role of information equalizer, Turkopticon has served to amplify the collective Turk worker voice to policy makers, labor and advocacy leaders, and the public.¹³¹

Platforms that Connect Workers and Unions

Launched in 2019, Action Builder is a mobile-enabled database tool to facilitate workplace organizing that was developed in collaboration with the AFL-CIO and affiliated unions. UnionBase, founded in 2015, provides a platform that connects unions and union members, helps workers who want to organize find a union, and offers subscription-based educational content to unions and worker advocacy groups. Unit of Work, a public benefit corporation startup, provides the Unit platform to help workers sign union cards and form independent unions at their workplaces. Similarly, Frank, founded in 2019, offers a private digital platform for unions, labor advocacy groups, and workers interested in organizing and discussing workplace issues with their colleagues.

Platform Cooperatives

Platform cooperatives, where a website, mobile app, or protocol is used to sell goods or services but the digital platform is owned by its workers and users, are another way in which workers have used technology to build voice and economic power. The Platform Cooperativism Consortium (PCC)¹³² defines a cooperative, or co-op, as “an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise.” Platform co-ops span a broad range of industries, and the PCC makes a co-op directory and resource library available on its website. An annual conference on platform cooperativism was launched in 2015, and the conference has often taken place in the United States.

Freelancers Union

Founded by Sara Horowitz in 1995, Freelancers Union is one of the longest-standing worker advocacy organizations that does not seek to achieve formal collective bargaining rights. A multi-occupational professional association promoting the interests of independent workers through policy advocacy, benefits provision, resources, and community building, Freelancers Union has more than 500,000 members nationwide.

In recent years, Freelancers Union has pursued a variety of policy advocacy campaigns for independent contractors, including the 2017 enactment of the Freelance Isn't Free Act in New York City protecting independent contractors from nonpayment, and the inclusion of self-employed people in pandemic unemployment assistance benefits authorized in the CARES Act of 2020.¹³³ Freelancers Union also offers educational resources and community spaces to help with freelancers' professional development.

United for Respect

Founded as OUR Walmart in 2010 with support from the United Food and Commercial Workers (UFCW) union, this group's initial focus was on organizing Walmart associates. After UFCW leadership drastically cut support to the organization in 2015,¹³⁴ OUR Walmart shifted its strategy from a focus on Walmart Inc. to a broader fight for worker protections across the retail sector. The organization began campaigns to organize laid-off workers at

Toys R Us and Sears under the new banner Rise Up Retail, fighting for severance pay and corporate accountability. The ongoing campaigns of OUR Walmart and Rise Up Retail were subsequently merged into a single organization, United for Respect (UFR).

The organization has played an important role in winning better pregnancy protections for Walmart workers across the country and helping secure \$20 million in severance pay for former Toys R Us employees.¹³⁵ UFR has fostered campaigns against Amazon in recent years and, during the COVID-19 pandemic, UFR started organizing campaigns at other major retailers, including Petco and PetSmart, seeking protections for workers such as hazard pay and better safety precautions against COVID-19. Walmart remains an important focus, as UFR continues to advocate for a \$15 minimum wage for Walmart workers, better scheduling practices, paid leave expansions, improved anti-discrimination policies, and worker representation on the company's board.

Passing progressive legislation is also a focus of UFR's work. In addition to its efforts to reform the private equity industry—such as playing a key role in introducing the Stop Wall Street Looting Act¹³⁶—the organization is currently co-leading the Fair Workweek Initiative with the Center for Popular Democracy, advocating for policies that mandate predictable, flexible, healthy, and livable scheduling practices.¹³⁷ So far, the state of Oregon and a number of



Online tools and spaces have enabled more distributed, decentralized, lower-cost communication structures for workers, allowing them to amplify their voices, build relationships and community in and across their networks, and make use of better data analytics.

cities, including Chicago, New York, and Philadelphia, have passed some type of “fair workweek” scheduling legislation.

UFR regularly advocates for worker representation on corporate boards. The organization has also increasingly emphasized racial and gender equity in its organizing efforts, with a recognition that poor working conditions for frontline retail workers disproportionately impact women and people of color. UFR’s focus on nationwide corporate targets has led the organization to adopt a technology-based approach that allows it to organize campaigns quickly and efficiently using digital tools.¹³⁸

Always Essential

Always Essential (AE) is a coalition of organizations working with community leaders and essential workers across the country who maintain critical infrastructure and are expected to physically show up to their work sites. Established in February 2021 with leadership from Jobs With Justice, AE seeks to build a public presence in the conversation around essential workers, solidify the “essential work” nomenclature as a permanent part of the culture, and improve job quality for low-wage essential workers—a workforce that disproportionately includes workers of color and immigrants.

In addition to leadership from Jobs With Justice and United for Respect (UFR), AE partners include national organizations such as the NDWA, Bargaining for the Common Good, the American Federation of Teachers, the Action Center on Race & the Economy, Justice for Migrant Women, and the Service Employees International Union. The coalition also includes a number of local worker centers and advocacy organizations that have played an important role in driving organizing efforts and state policy campaigns.

AE and its partner organizations have introduced legislation in three states and Washington, D.C. to improve workplace protections and health and safety standards for essential workers. Several AE partners recently led a successful campaign to establish the nation’s first essential workers board in Harris County, Texas.¹³⁹

In June 2021, AE launched the Always Essential Fellowship, designed for essential workers who want to organize their coworkers to improve their workplaces and have more power in decision-making.

Through this skill development and networking program, essential workers across the country receive focused training over several months from expert organizers, negotiators, and change-makers. The shared learning environment provides the opportunity for essential workers to build connections with other movements and learn from each other’s campaign challenges and successes.

Resilience Force

Resilience Force, formed by National Guestworker Alliance founder Saket Soni, advocates for the largely immigrant labor force that works in disaster restoration.¹⁴⁰ As climate disasters increase, a growing and mobile workforce travels from disaster to disaster across the country. Resilience Force focuses its advocacy on the health, safety, and wage concerns of these workers and on improving the quality of disaster recovery jobs.

Committee for Better Banks

The Committee for Better Banks (CBB) was established in 2013 by the Communications Workers of America in collaboration with Brazil’s São Paulo Bank Workers’ Union and other groups, with a goal of improving the working conditions of low-wage bank workers.¹⁴¹ Since its establishment, CBB has, with other grassroots organizations, launched several campaigns to publicize labor issues and set better labor standards in the banking industry.

After working to expose the news about a Wells Fargo sales quota system that led to the creation of fake accounts, CBB launched a campaign to change the company’s sales practices and protect bank workers, as well as an online petition to put pressure on the company.¹⁴² The group also lobbied some members of the Senate Banking Committee to urge the Committee to take action. Wells Fargo was subsequently fined \$100 million by the Consumer Financial Protection Bureau.¹⁴³

Recently, CBB’s activities have extended to helping unionize bank workers. In March 2020, bank workers at Beneficial State Bank, a mission-driven community bank based in Oakland, California, unionized with CWA, a first in the banking industry in 40 years. In September 2021, union members approved a collective bargaining agreement with Beneficial that included an increased starting wage and improved benefits.¹⁴⁴



The Independent Drivers Guild has launched campaigns to improve working conditions for Uber and Lyft drivers.

Ride-Hailing and Delivery Workers

A growing body of research has shown that while new technologies have helped to spur an entire new economy of work and services built on digital platforms, they also have created new challenges for those workers, including longer, unpredictable hours and pay and lack of access to benefits and social safety net protections.¹⁴⁵ Accordingly, organizing among gig workers has risen, as these workers push for better working conditions. Rideshare Drivers United, Gig Workers Rising, Gig Workers Collective, New York Taxi Workers Alliance, We Drive Progress, and Mobile Workers Alliance are examples of the worker advocacy organizations that are forming among workers who provide services for app-based platforms such as food delivery and ride-hailing.

Another example is Driver’s Seat Cooperative, which was established in 2019 and provides an app that helps drivers track their work activities and visualize their income trends and other work-related information. This data helps workers build strategies to maximize their income.¹⁴⁶ Members of another ride-hailing cooperative, The Drivers Cooperative, which launched with about 2,500 drivers in May 2021, seek to set higher industry labor standards through a ride-hailing app that charges drivers a lower commission rate than Uber.¹⁴⁷

The origins of The Drivers Cooperative is linked to the Independent Drivers Guild (IDG), a group that advocates for Uber and Lyft drivers in New York, New Jersey, Connecticut, Massachusetts, and Illinois. The IDG, which was started by the International Association of Machinists and Aerospace Workers, has launched a range of campaigns to improve drivers’ working conditions. In particular, the organization campaigned to push the New York City Taxi and Limousine Commission to set minimum pay for app-based drivers. This institutional change increased those drivers’ wages by about 9%.¹⁴⁸

High-Tech Industries

In recent years, there has been an uptick in various forms of labor actions in a number of high-tech industries and occupations. Data compiled by the group Collective Action in Tech, based on publicly reported events, show a sharp spike in collective actions in the tech industry from 2018 to 2020. In tandem with these collective actions, some new efforts to unionize are taking place among tech workers.¹⁴⁹

In this section, we highlight several important efforts that have unfolded over the last few years in these industries and occupations. What is distinctive about them is that many involve generally high-wage

workers in occupations that had little previous experience with unions or other forms of collective action, such as web developers, programmers, game developers, and coders—a signal of the changing demographics of the worker advocacy and organization landscape. Some actions have occurred in large companies known globally, such as Alphabet and its subsidiary Google, and others are scattered across a range of smaller firms and contractors.

Game Workers Unite (GWU) and Tech Workers Coalition (TWC) are two examples of worker organizing groups in the tech industry. Founded in conjunction with the 2018 Game Developers Conference, GWU has grown to 29 chapters in 12 countries. Game Workers Unite is a grassroots advocacy group “that seeks to connect pro-union activists, exploited workers, and allies across disciplines, classes, and countries in the name of building a unionized game industry.”¹⁵⁰ By building social networks among tech workers and educating them to share a common vision, GWU fosters tech workers’ collective actions—such as a 2019 walkout by workers at Riot Games—and encourages the formation of unions.¹⁵¹

The Tech Workers Coalition, a worker-led organization established in 2014, aims for an “inclusive and equitable tech industry” and is focused on increasing worker power in the tech industry “through rank & file self-organization and education,” according to its website. TWC helps tech workers stage collective actions, connects workers to labor activists, and provides training

and education. TWC has established 21 chapters around the world, launched multiple campaigns for tech workers’ rights, and worked to create a Tech Workers’ Bill of Rights calling for equity, empowerment, representation, accountability, safety, fairness, and freedom among tech workers.¹⁵² TWC also helped organize tech workers’ participation in walkouts that took place on September 20, 2019 as part of the Global Climate Strike demanding action be taken to address climate change.¹⁵³

Building on the wave of tech worker activism, the Communications Workers of America started the Campaign to Organize Digital Employees (CODE-CWA) in early 2020. CODE-CWA’s focus is on encouraging the movement to form unions within the tech sector and gain collective bargaining rights with employers. Since CODE-CWA’s establishment, unions have been formed at a number of U.S. technology and digital media firms, including Blue State, Alphabet, Mobilize, Catalist, Change.Org, EveryAction, Glitch, and Vodeo Games. In March 2021, Glitch workers signed what was said to be the first collective bargaining agreement covering white-collar workers in the tech industry in the U.S.¹⁵⁴

Google. One highly visible example of tech worker mobilization has taken place at Google. On November 1, 2018, approximately 20,000 Google workers in 50 cities participated in a walkout to protest the company’s handling of sexual misconduct issues.¹⁵⁵ While a news report of a \$90 million exit package given to an executive accused of sexual misconduct was a triggering event for the walkout,¹⁵⁶ Google employees presented management with a broader set of demands for change in corporate policies, governance, and voice. Their demands ranged from initiatives that would strengthen diversity and improve processes for reporting and resolving claims of sexual misconduct to proposals to end the requirement that all disputes over employment issues go to arbitration (blocking access to filing a lawsuit) and to put an employee representative on the Google board of directors. Google did subsequently make some changes, most notably by making arbitration optional for all employment disputes.¹⁵⁷

In 2017, Google signed a contract with the U.S. Department of Defense to develop AI to monitor people and vehicles via drone video footage. Basic information about the project was posted on a Google



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internal launch calendar, and several employees started digging deeper. Resonating with an internal blog post uploaded by one employee, other workers began expressing their concerns about the ethics of the project, signing a petition and questioning company management at Google town-hall meetings. In 2018, management said that Google would not renew its contract for the project. Employees had similar success in halting a secret project called Dragonfly that would have involved censorship of search results in China.¹⁵⁸

Google announced a “need-to-know” policy in May 2019 that restricted workers’ open access to projects, with the company warning that workers who accessed confidential company information that they did not have a need to know about could be disciplined and fired. This policy came into play in November 2019. Google fired four employee activists, alleging that they violated company policies related to data security. This backlash from the company served as an important turning point, with some workers starting to think seriously about forming unions to protect themselves from retaliation.¹⁵⁹ In January 2021, more than 400 Google employees announced that they had formed the Alphabet Workers Union.¹⁶⁰ However, the union does not have collective bargaining rights on behalf of most workers at Google, although it now has them for a small group of contractors who work in a Google Fiber retail operation in the Kansas City, Missouri area.¹⁶¹

Apple. Apple Inc. has also seen worker activism. In August 2021, a group of about 15 current and former Apple employees launched an #AppleToo website to collect Apple workers’ stories about issues they faced in the workplace, as a catalyst for change at the company.¹⁶²

One source of conflict at Apple was that the company reportedly quashed three informal employee surveys regarding pay equity.¹⁶³ In the fall of 2021, Cher Scarlett, one of the leaders of the #AppleToo project, filed an unfair labor practice complaint with the NLRB that alleged that Apple was attempting to restrict workers from sharing information about their pay with one another. In November 2021, Apple affirmed that employees have the right to discuss their pay freely.¹⁶⁴

During the fall of 2021, Scarlett reached a settlement with Apple and left the company, and Apple fired another leader of the #AppleToo project.

In September 2021, Apple had also fired another activist employee who had spoken out about workplace concerns.¹⁶⁵

A new group, Apple Together, has evolved from the #AppleToo project, and is bringing together workers from Apple’s corporate, retail, and tech support operations. In addition, by early May 2022, employees at three different Apple retail stores in the U.S. had announced union organizing efforts.¹⁶⁶

SUMMARY

- 1 New organizational forms and strategic innovations in worker organizing are growing and involve a wide range of workers, from employees of large high-tech companies to low-wage service sector workers and gig workers who are often classified as independent contractors.
- 2 Many of these initiatives use social media tools to mobilize and communicate with workers.
- 3 Some of these efforts have received financial and other supports from unions. Some rely heavily on financial support from foundations.
- 4 The conditions of work experienced during the pandemic have substantially increased the number of requests from employees for support of their efforts to gain a voice and representation at work.
- 5 While many of these efforts began as protests in response to specific incidents, there appears to be an increase in interest in building sustainable organizations for asserting worker voices and engaging employers on an ongoing basis.
- 6 As has been the case with other forms of employee organizing, these new organizing efforts often face strong management opposition and resistance.

PART VII: POLITICAL MOBILIZATION

The role political actions and affiliations play in mobilizing, organizing, and representing American workers has been a contested issue for years. There have been longstanding debates about why, unlike their European counterparts, the American labor movement has neither a Labor Party of its own nor a formal alliance with another party that shares a strong working-class identity and policy platform.¹⁶⁷ Instead, the principle laid down by Samuel Gompers, a legendary leader of the American Federation of Labor over a century ago, was that in political affairs unions should help their friends and fight their enemies, and that at the workplace, unions should focus on addressing workers’ “bread and butter” issues.¹⁶⁸ In practice, this has led most, but not all, labor organizations to favor Democratic over Republican candidates, with the expectation that Democrats are more likely to advocate for and support worker-friendly policy initiatives. That said, union members reflect the broader political spectrum in the United States.

When considering the role political mobilization plays in advancing worker voice and representation, it is important to distinguish between how American workers historically and currently view the role of unions at their workplaces and how they view the broader political and other roles unions play in society. Surveys from as far back as the 1970s and up through today have found that workers’ views on whether to join a union are more strongly influenced by their judgements of whether a union will be instrumental to improving wages and working conditions than their image of or views about the roles unions in general play in political affairs.¹⁶⁹ More recent data suggest,

however, that both such practical concerns and alignment with the broader social objectives unions espouse predict support for unionization.¹⁷⁰

The need for political mobilization to support worker-friendly candidates and worker-friendly public policies is evident. At the national, state, and local levels, business interests have strong trade associations, lobbyists, and other well-funded groups that consistently oppose unions and other legislative or executive actions that would strengthen worker rights. Workers clearly need to have their voices heard in these political arenas and policy debates.

If, as findings presented in this report suggest,

U.S. labor laws and policies need to be reformed and updated to strengthen and expand worker voice and representation, the need for effective political mobilization may be more important than ever. The question, therefore, is how political mobilization is occurring in the context of today's divisive and polarized politics. Below, we review a number of political mobilization efforts on behalf of workers. Some are institutions or efforts that have been in place for many years, and some have emerged more recently as new issues of concern have gained prominence.

National Labor Federations

Historically and currently, unions have formed national-level labor federations to spearhead and coordinate political mobilization in support of worker interests. We highlight the work of the two largest labor federations in place today.

The AFL-CIO. The AFL-CIO is America's largest labor federation; its 57 member unions represent approximately 12.5 million workers. It is the largest and most powerful institution engaged in political mobilization on behalf of the American workforce. It does not engage directly in collective bargaining; that is the primary function of its member unions. The federation's national leaders and staff, along with its state and community-level affiliates, bring workers' interests to bear on a broad array of issues by supporting pro-worker political candidates and elected officials, supporting or opposing legislative proposals, and mobilizing union members and the general public to support these efforts.

In recent years, the AFL-CIO has made efforts to reform and update labor law a top priority among its many activities. It is the major political force behind the Protecting the Right to Organize Act, otherwise known as the PRO Act, a bill that passed in the House of Representatives in March 2021 and is under consideration in the Senate.

In 2018, the AFL-CIO undertook another major initiative: the launch of a Commission on the Future of Work and Unions to outline its views on how to rebuild worker bargaining power and union representation. The commission's September 2019 report covered a wide array of issues, ranging from changes needed in the labor movement's strategies and structures to ideas for reaching and organizing new groups, strategies for dealing with globalization and financialization, and new approaches for addressing technological advances.¹⁷¹

One of the key recommendations was the creation of an AFL-CIO technology institute to develop expertise on new technologies that may transform work and organizing. The institute was founded in 2021 and serves as a hub to collect and share strategies to engage working people early in the process of planning, designing, and deploying new technologies and explore strategies to ensure that working people enjoy broad and positive benefits from technological change.

Strategic Organizing Center (formerly Change to Win). The Strategic Organizing Center, formerly known as Change to Win, is the second-largest federation of labor unions in the U.S., formed in 2005 when a number of the nation's largest unions split off from the AFL-CIO. The Strategic Organizing Center currently consists of four international unions—Service Employees International Union, International Brotherhood of Teamsters, Communications Workers of America, and United Farm Workers of America—representing more than 4 million workers.¹⁷² The coalition's focus includes innovative organizing campaigns; for example, it played a leadership role in the Fight for \$15 campaign to raise the minimum wage.

Issue-Focused Mobilization Initiatives

While these two labor federations seek to represent worker interests across a broad spectrum of issues, other groups are mobilizing workers in support of more specific issues.

Fight for \$15. A prominent example of a focused campaign that relies on political mobilization is Fight for \$15. Started by a group of fast-food workers in New York City in 2012 with extensive financial and organizational support from SEIU and Change to Win, Fight for \$15 now operates in over 300 cities and six continents. The campaign has spread beyond fast food to include other low-wage workers such as home care workers, airport workers, and adjunct professors. It relies on citywide and regional organizing committees that mobilize brief strikes in order to create political leverage and change the narrative on low-wage work.¹⁷³

Fight for \$15 has worked to achieve minimum wage increases in localities and states across the country. Nine states have now passed legislation that will result in a \$15 minimum wage by 2026 or earlier.¹⁷⁴ In total, an estimated 26 million workers have benefited from minimum wage increases since 2012, with about half of the income gains made by workers of color. Fight for \$15 has created political leverage, improved wage

standards, and changed the conversation about low-wage work across the United States.¹⁷⁵

One Fair Wage. One Fair Wage is an organization that seeks to end the employer practice of paying subminimum wages to tipped workers in restaurants and some other workplaces in the service sector, such as nail salons. The current federal minimum wage for tipped workers is \$2.13 per hour, a rate that has not changed since the 1990s, although many states have a higher subminimum wage than that and seven states no longer allow a subminimum wage for tipped workers. One Fair Wage has pointed out that Black workers are disproportionately highly represented in industries where workers rely on tips for part of their compensation, and that “the subminimum wage for tipped workers...is a direct legacy of slavery.”¹⁷⁶

Sectoral Strategies and Wage and Employment Standards Boards

Recent years have seen growing calls and proposals for sectoral-focused strategies to build worker power. For example, the Clean Slate for Worker Power project at the Labor and Worklife Program at Harvard Law School has recommended collective bargaining at the sectoral (i.e., industry) level, and the Center for American Progress has called for establishing wage and employment standards boards.¹⁷⁷ Such boards typically include worker representatives as well as employer representatives and focus on job standards in a particular sector or field.¹⁷⁸

One example of a sectoral strategy that has been successfully deployed is in home healthcare in Minnesota, where all workers in the sector are covered with union contracts negotiated with the state government; however, workers do not need to join unions to gain the benefits of the contract. Another sectoral approach is the ongoing effort supported by a coalition of unions and worker advocates in California to create an industrywide council to set wages in the fast food industry. The state bill AB 257, The Fast Food Accountability and Standards Recovery Act (FAST), would create a board with representatives from state government, workers, and the fast food industry to set labor standards for workers in this sector. The state of New York has taken a similar approach to setting minimum wages in the fast food and farmworker sectors via a wage board, and Seattle and Philadelphia have established labor standards boards for domestic workers.¹⁷⁹

Campaigns and Grassroots Networks

Some organizations focus on mobilizing support for a range of local and regional campaigns to support worker rights, while others focus on addressing public policy issues of special interest to specific groups of workers.

Jobs With Justice. Jobs With Justice is a grassroots network of labor-based community organizations and coalitions that formed in 1987. In 2012, it merged with American Rights at Work. The merged organization serves as a national network that provides support to a wide variety of labor and worker advocacy campaigns and organizations through research and analysis, staff development, policy and legislative work, and political mobilization.

Poor People’s Campaign. Building on the legacy of Dr. Martin Luther King, Jr. and other Black activists, the Poor People’s Campaign aims to engage in nonviolent civil disobedience to combat “systemic racism, poverty, the war economy, ecological devastation, and the nation’s distorted moral narrative of religious nationalism.”¹⁸⁰ Active in over 40 states, the campaign operates as a state-based movement, helping to organize rallies and direct action to draw public attention to poverty and low wages.

In December 2021, over 70 activists organizing with the campaign were arrested outside of the U.S. Capitol, demanding the passage of the Build Back Better Act as a step to aiding and empowering low-wage workers.¹⁸¹ As this report was being written, campaign organizers were working on the Poor People’s and Low-Wage Workers’ Assembly and Moral March on Washington and to the Polls, to take place on June 18, 2022.¹⁸²

Unemployed Workers United. Unemployed Workers United is made up of five national progressive organizations: People’s Action, United for Respect, Mijente, the National Black Worker Center, and the Working Families Party. Unemployed Workers United focuses on building a multiracial working-class coalition and addressing the economic and social precariousness of unemployed and underemployed workers. It offers a range of resources online, including information on mutual aid networks, unemployment benefits by state, and rights in the workplace.

Social Movements

No review of efforts to achieve a stronger voice for workers would be complete without including the growing political mobilization driven by social

movements. Many movements do not focus exclusively (or even primarily) on mobilizing around employment demands, but focus on how one social harm can contribute to inequality and discrimination in many ways. As an example, Black Lives Matter is one of the largest social movements in U.S. history.¹⁸³ Founded in 2013 and with chapters all over the world, Black Lives Matter has a mission of fighting against white supremacy and building power in local communities to protest against violence directed against Black people. Black Lives Matter began as an online platform with the use of the slogan and hashtag #BlackLivesMatter on social media following the July 2013 acquittal of George Zimmerman in the death of Trayvon Martin, a Black teen. In 2014, after the deaths of Eric Garner and Michael Brown, Jr., two Black men who were killed by police officers in New York and Missouri, respectively, the organization started to gain national and international recognition. The Black Lives Matter network includes a focus on those who have historically often been marginalized within Black liberation movements, including Black queer and trans people, disabled people, undocumented immigrants, people with criminal records, and women.¹⁸⁴ While Black Lives Matter does not focus squarely on workplace issues, the movement has had a major impact on awareness of racial injustice in the U.S., including in the workplace.

Sunrise Movement. The Sunrise Movement was founded in 2017 as “a youth movement to stop climate change and create millions of good jobs in the process.” While the group’s ongoing activities range from campaigning for a Green New Deal to climate disaster response,¹⁸⁵ one core focus is advocating for “good jobs for all.” The Sunrise Movement argues that government should incentivize the creation of good jobs that will help combat climate change, build a sustainable economy, and restore and revitalize areas of the country affected by climate disasters.¹⁸⁶ Sunrise has over 400 local hubs across the country, enabling the movement to have a relatively decentralized process of decision-making, as well as allowing its members to influence local politics and legislation. Other environmental organizations, including 350.org and the Sierra Club, are also actively pursuing a combined environmental and worker justice agenda.¹⁸⁷

#MeToo. The Me Too campaign began in 2006 when activist Tarana Burke developed the phrase in her work focused on survivors of sexual violence. In 2017, actress Alyssa Milano asked her Twitter

followers to use the hashtag #MeToo if they had experienced sexual harassment or sexual assault in their own lives. Social media users around the world posted their replies with the #MeToo hashtag, bringing to light the scale and scope of sexual violence, including in the workplace.¹⁸⁸

The institutions and movements described above are only samples of what appear to be a growing number of groups, coalitions, and organizations engaged in political mobilization of workers. While many support each other when their efforts overlap or intersect, they have not attempted to combine forces around any single set of proposals or strategies for strengthening worker voice and representation.

SUMMARY

1 A broad range of groups and organizations focus on strengthening and/or defending workers’ rights and power by mobilizing support for worker-friendly public policies and/or candidates for public office.

2 Some of the largest political mobilizing organizations, such as the AFL-CIO, have national, state, and local affiliates, while many smaller political mobilization bodies focus on specific occupational groups, issues, and state or local political initiatives.

3 In general, these different groups operate separately but often come together in supporting specific policy proposals and candidates.

4 Issues being addressed by social movements, including racial and gender injustice, sexual harassment, and climate change, increasingly overlap with the issues raised by worker advocacy and labor organizations. This may be offering new opportunities for mobilizing workers, employers, and elected officials to join in addressing these challenges in America’s workplaces and in society.

PART VIII: WHO'S NOTICING? PERSPECTIVES FROM VARIOUS GROUPS

The upsurge in worker organizing and collective actions across the country has been attracting increased attention. Indeed, the media, think tanks, public policy commissions, philanthropic foundations, academic groups, and even some business groups have begun to take note of the consequences of long-term union decline and the need to strengthen workers' power, voice, and representation. We summarize below examples of how worker voice and representation are being discussed in some of these forums. We believe the examples reported here, while not exhaustive, signal a growing recognition that it is time to put the future of worker voice and representation "on the table" for broad-based public discussion.

Revival of the “Labor Beat”

The growing number of worker efforts to gain a voice at work has led to a resurgence in media reporting on labor issues. The “labor beat” in U.S. newspapers fell into sharp decline in the latter years of the 20th century, reflecting both the decline in U.S. union membership and newspapers’ attempts to target affluent readers. That has changed with the rise of digital media outlets and an increase in societal concern about how workers are treated. Now, as veteran labor reporter Steven Greenhouse observed in January 2022, the labor beat “has expanded to include everything from how Uber treats its drivers to some Amazon workers not having enough time to go to the bathroom to issues like the #MeToo movement, work-family balance, and the lack of childcare.”¹⁸⁹

Socially Responsible Investors

Some institutional investors that focus on socially responsible investing strategies have begun to caution companies they invest in against anti-union activities. A group of such investors wrote to the Starbucks CEO and board chair in March 2022 calling for the company to adopt a neutral stance toward workers’ unionization efforts, for instance, and a group of investors sent a letter with a similar message to The New York Times leadership in February 2022 as that company’s tech workers were seeking to unionize.¹⁹⁰

Worker Voice in “Future of Work” Discussions

How are the issues of worker voice being treated in the many study groups that have taken up discussions and debates about the future of work and the future of American corporations? For the most part, these discussions are motivated by two issues: (1) questions about how emerging technologies might both destroy and create jobs, and (2) a recognition that corporations need to take a broader view of their purpose and responsibilities, beyond a focus on maximizing shareholder value. Prominent business groups including the World Economic Forum, the Business Roundtable, Just Capital, and McKinsey and other consulting firms have discussed these issues, commissioned or carried out studies, and/or produced statements and reports calling for changes in business practices and selected public policies, especially with respect to investments in workforce training and education. But only a few business-related groups

recognize union decline has gone too far or address the question of how to rebuild worker voice and representation in meaningful ways.

Coalition for Inclusive Capitalism. One business-linked group that addresses options for increasing worker voice in corporations is the Coalition for Inclusive Capitalism, a nonprofit that works with private sector and civic leaders “to advance the global movement to make economic systems more inclusive, sustainable, strong, and trusted.” A 2021 statement from the group called for incorporating worker voice into corporate governance at large companies and for workers considering unionization to be protected from employer interference and retaliation.¹⁹¹

The American Compass. The American Compass is a conservative think tank whose leaders have spoken out on the need for a new labor movement that works in cooperation with employers and for reforms to U.S. labor law “that would require concessions from all sides but lay the groundwork for the labor movement’s renewal.” Such reform might encompass a range of topics, from sectoral bargaining to training and benefits.¹⁹²

The Aspen Institute. The Aspen Institute’s Business and Society Program has hosted discussions and commissioned a set of essays that discuss the role that workers could play on corporate boards of directors. As a 2021 Business and Society Program report notes, “CEOs, board directors, and investors are far removed from the tens of millions who work at the front lines of business. Worker insights rarely inform board-level decisions and the risks shouldered by workers are too often undervalued. The result is wasted potential that if captured, could benefit companies, workers, and society as a whole.”¹⁹³

State Government and Academic Future of Work Reports. A number of state government-sponsored and academic future of work reports have addressed the need to rebuild worker voice and representation through renewed union growth and other means. For example, the California Future of Work Commission “identified worker voice and worker power as critical enablers for improved outcomes for work and workers in the state,” arguing that the “Social Compact should reinvigorate the voice of workers through unions and worker organizations in California. The goal should be to improve equality, job quality, and worker rights and safety, regardless of the nature of their employment.”¹⁹⁴

In early 2020, a group of labor experts brought together by the Labor and Worklife Program at Harvard Law School issued a wide-ranging report and recommendations for what they termed a “Clean Slate for Worker Power” approach to reforming, expanding, and updating labor law would look like. Similarly, the 2020 report of the MIT Task Force on Work of the Future recommended that the U.S. “strengthen and adapt labor laws and better enforce them...Open up labor law to allow innovation in new forms of representation and... build legal protections that allow for organizing workers without risk of retaliation in non-traditional realms, such as domestic and home-care workers, farmworkers, and independent contractors.”¹⁹⁵

White House Task Force Report. In February 2022, the White House Task Force on Worker Organizing and Empowerment issued its report to President Joe Biden and offered recommendations

for ways the federal government could “promote [the] Administration’s policy of support for worker power, worker organizing, and collective bargaining.”¹⁹⁶ A number of recommendations focused on increasing public and private sector workers’ access to information about their rights to join and/or organize a union, while others addressed ways to use federal contracting processes to promote high-quality jobs and constructive union-management relationships. The report sends a message to employers, unions, worker advocates, and the workforce that these are issues of high priority to the nation and to the Biden administration.

Taken together, these statements from think tanks, state and federal government commissions and task forces, and academics are encouraging signs that the door may be opening for a more full-bodied, multi-stakeholder discussion of the future of worker voice and representation.

PART IX: **CONCLUSION AND QUESTIONS FOR FURTHER DISCUSSION**

Research data as well as the level and varieties of recent worker activism tell us that American workers want a greater voice at work and are taking actions to assert their interests, sometimes in ways that bear little resemblance to the forms of organizing and collective bargaining provided under legacy labor laws. Workers have stepped up where systems and policies have fallen short. Under the mounting pressures and long-term effects of decades of stagnant wages, declining unionization and labor power, and most recently the effects of the COVID-19 pandemic and its economic fallout, workers are using whatever tools and resources are available to them to bring about desired change on a broad range of workplace and community issues.

The varied nature of collective actions observed today suggests that workers care about issues that include and go beyond wages and working conditions. They are concerned about the quality of their daily lives and communities and are looking for ways to exercise voice and to advocate for themselves, their families, and their communities. Yet despite visible signs of renewed interest in and efforts to rebuild worker power and gain a voice at work, there has been little growth over a sustained period of time in the number of workers covered by a representative organization.

These developments call for elevating a national dialogue over the future of worker power, voice, and representation—a dialogue that engages all stakeholders who have an interest in building employment relationships that are equitable, productive, innovative, and resilient. The data, research evidence, and case examples presented here demonstrate the need for a broad-based national discussion of how to address the pent-up demand by U.S. workers for voice and representation at work and suggest a number of questions to consider.

Questions for Discussion

1 The NLRA, the basic labor law governing worker representation, is supposed to provide workers who want to join a union a regulated channel for gaining representation for collective bargaining. Yet the evidence presented in this report reinforces previous findings by researchers, government study commissions, and worker organizations that comparatively few workers are able to organize successfully under the procedures provided in the law, and the likelihood of gaining access to collective bargaining is substantially reduced when employers strongly resist organizing efforts. This points to a number of basic questions:

- What changes in law and practice might increase workers' ability to join a union?
- Why do employers in the U.S. so strongly resist employee efforts to form independent unions? Are there public policy actions or actions on the part of unions and/or employers that would reduce the levels of conflict, resistance, and delay often experienced?
- How can the gap between the promise of the NLRA and the reality on the ground be reduced?
- How should public policies and organizational practices address the range of organizing efforts that go beyond those covered by the NLRA and its procedures governing organizing?

2 The NLRA supports unionization at the workplace level; however, labor campaigns are becoming increasingly place-based, often organizing workers at the city or regional level. How do we compare and learn from campaigns that organize workplace by workplace, such as ongoing Starbucks unionization efforts, with those that make demands at regional, occupational, or sectoral levels, such as Fight for \$15?

3 A number of unions and other worker advocates argue that attempting to organize large, multi-location employers one location at a time is not a viable way to engage them in dialogue and/or negotiations on workers' issues of concern. This has led to a range of different protests, mobilizing efforts, and political campaigns for new regulations aimed at gaining a voice in decision-making and governance processes at the corporate level, where key employment and labor strategies and decisions are made. To date, very few of these efforts have been successful in bringing worker and corporate management representatives to a table for dialogue. What steps, via public policy, private actions, and/or dialogue across business and worker representatives at the firm, sector, or national levels might explore ways to foster some form(s) of engagement?

4 While we have illustrated the wide variety and apparently growing number of different worker efforts that do not focus on achieving collective bargaining status, many of these organizations are challenged when it comes to developing broad-based, sustainable, and adequately resourced organizational models.

- What changes are needed to strengthen these emerging worker advocacy organizations?
- Dues-paying members fund union organizing for new members, creating a sustainable financial base for worker representation. How can new forms of labor organizing be made financially self-sufficient, so they do not rely on government or foundation money?

5 A good deal of current worker organizing activities either occur among workers not covered under the nation's labor laws (for example, domestic workers, farmworkers, independent contractors, and mid-level managers) or seek to address issues that lie outside the scope of mandatory collective bargaining under current labor law. How can these groups' organizing efforts be protected, and how can these issues be addressed?

6 Worker centers continue to grow in number and expand in terms of geography, sector/industry, and issues addressed. Moreover, many worker centers see themselves as grassroots community- and movement-based organizations. As such, they serve as fertile laboratories for deepening our understanding of

broader social movements, such as the struggle for immigration reform, Black Lives Matter, #MeToo, and climate justice. What innovations in research and public policy might inform our understanding of worker centers' work, support their efforts, and strengthen the voices they bring, in order to create more inclusive and equitable workplaces and communities?

7 Past efforts to reform and update U.S. labor law have often taken place under the public's radar and ended up in intractable impasses between business and labor interest groups and their respective supporters in Congress. The increase in worker activism and the growth in reporting on the "labor beat" are signs that the discussion of the future of both labor law and the strategies and practices of unions, worker advocacy organizations, and employers may be ready to come out of the back rooms and into the mainstream. How can this momentum be used to foster a national discussion over how to best restore worker voice, power, and representation in ways that produce more equitable, productive, inclusive, and resilient workplaces and employment relationships?

8 Recent years have seen a growing number of groups advocate proposals for different forms of labor law reform, including the following:

- The PRO Act, a comprehensive labor law reform bill that, among other things, strengthens penalties for violating worker rights to organize;
- Works councils, which are representative bodies elected by workers to advise management on employment issues;
- Worker representation on company boards of directors;
- Worker-management committees at the establishment level;
- Sectoral (i.e., industry-level) bargaining and/or the establishment of community-level boards for setting wages and employment standards for low-wage occupations;
- The building and sustaining of labor-management partnerships;
- Protections and rights for groups of workers that do not have majority status in a designated bargaining unit;
- Expansion of coverage of labor law to include

groups currently excluded, such as domestic workers, independent contractors, farmworkers, and others—many of whom are among the nation's most vulnerable and disenfranchised workers;

- Collaborative agreements and processes between employment law enforcement agencies and worker centers, labor organizations, and other groups in civil society to strengthen enforcement of employment laws and/or to deliver labor market services.

The above list is not exhaustive, but it is a much broader range of proposals for reforming and updating labor law than have been under consideration in past years. What combination of these or other options might best serve the workforce and the country?

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