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Innovations in Collective Action in the Labor Movement: Organizing Workers Beyond the NLRA and the Business Union

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American trade unionism is slowly being limited in influence by changes which destroy the basis on which it is erected. It is probable that changes in the law have adversely affected unionism. . . [but] over and above these influences, the relative decline in the power of American trade unionism is due to occupational changes and to technological revolutions.

George E Barnett, American Economic Association President, 1932

I. There and Back Again

In 1932, American Economic Association President George Barnett had every reason to believe that structural forces were suffocating the labor movement. Labor was in retreat (Barnett 1933). The American Federation of Labor had seen its membership drop from 5 million in 1919 to just 3 million in 1933 (Zieger, Minchin, and Gall 1986). Radical unions, like the International Workers of the World, had been successfully repressed during the first Red Scare (Dubofsky 2000). The Knights of Labor, who once represented 1 in 5 American workers, were a long distant memory (Zieger, Minchin, and Gall 1986). Indeed, by 1933, only 6.9% of workers were in a union (Mayer 2004). Yet, by the end of World War II, union density had risen to 35% (Gordon 2005). This renaissance of the labor movement during the first “machine age” required new strategies and models of organization that reflected the modern social and economic environment workers inhabited (Zieger, Minchin, and Gall 1986). Our “second machine age” (Brynjolfsson and McAfee 2014) will undoubtedly require similar innovation. To better understand what that innovation may look like, this paper reviews the landscape of how workers are achieving collective action and building the labor movement outside of the traditional business union.

This project is in part motivated by modern-day “Barnetts,” those scholars who portend the demise of the labor movement due to structural forces like technological change (e.g., Meyer 2019), globalization (e.g., Vachon, Wallace, and Hyde 2016), and deindustrialization (e.g., Kollmeyer 2018). These factors, along with a well-financed union-busting industry (Levitt and Conrow 1993; Mishel, Rhinehart, and Windham 2020) and a hostile political environment (McAlevy 2019), have surely hastened union density’s decline. Consequently, by the end of 2019, only 10.8%

of US workers overall, and 6.2% of private-sector workers, were in a union (BLS 2020a). The unionization gains of the 1940s have effectively been erased. Moreover, this decimation has occurred even though half of non-union workers express a willingness to join a union if given the opportunity (Kochan et al. 2018) and that most Americans support the labor movement (Rolf 2018). For whatever reason, the current union model, as codified in and governed by the 1935 National Labor Relations Act (NLRA), is failing to organize these eager workers.

Noting this dismal state of affairs, various academics and labor activists have identified strategies for jump-starting the labor movement.¹ One path is to reform the legal environment, as the NLRA did nearly a century ago. *The Clean Slate Agenda*, a report produced by the Labor and Worklife Program at Harvard Law School, presents a comprehensive overview of changes to the legal environment that could facilitate another renaissance (Block and Sachs 2019). Nevertheless, such significant reforms likely require labor to have greater power in politics before they could be implemented. The introduction of the NLRA nearly a century ago was as much a product of increasing union strength as it was the cause (Zieger, Minchin, and Gall 1986).

The second glimmer of hope comes from some unions' re-emphasis on rank-and-file organizing, which has historically proven more effective in developing and expanding unions (Bronfenbrenner and Juravich 1995; Stepan-Norris and Zeitlin 2003). Organizer and academic Jane McAlevey has compellingly made a case for this strategy in *No Shortcuts* (2016). Unfortunately, many established unions have found it difficult to pivot to this model (Fiorito 2003), making its implementation an uphill battle. Finally, some have begun to consider the fundamental "value proposition" of labor unions, highlighting the potential use of tools such as sectoral bargaining, training, and codetermination² to attract workers. David Rolf's *A Roadmap to Rebuilding Worker Power* provides a systematic review and evaluation of these opportunities (2018). How this will manifest in practice is something many labor activists are eager to observe.

Much of these strategies rely on the workers' organizations that have dominated since the NLRA - so-called "business unions" - whose principal function is to negotiate a contract around wages and working conditions at a single firm (Hoxie 1914). However, unions as collections of workers have a longer legacy than the legal doctrine that currently governs them. As an organiz-

¹This paper joins these scholars and strategists in presuming a normative desire for a more robust labor movement. It is not within the purview of this project to debate the merits of such a goal.

²Codetermination is when workers have a formal role in the management of the firm.

ing institution, a labor union is a tool for *coordinating and motivating collective action* that provides a worker with greater voice and power, in both the workplace and the polity, than they would have as an individual. In turn, it exists because, somehow, workers manage to overcome the collective action problem (Olson 1965) and, by doing so, provide the “public good” of representing and fighting for their shared interests. “Business unions” are not the only avenue for workers’ collective action and not the only institutions fighting for their rights. Indeed, both historically and cross-nationally (Ahlquist 2017; Hyman 2001), many forms of labor unions have existed, which are barely recognizable in the business union model.³

This paper reviews the broader landscape of the labor movement outside of these legal institutions: how people without “hats or badges”⁴ make their voices heard and have their interests represented.⁵ To do this, I first specify more precisely what is meant by a “business union,” the foil of this paper, and how it exists in relation to the current legal environment (Section 2). This determines the scope of the article. I do not center innovation *within* this model. Instead, throughout this paper, I introduce organizations, tools, actors, and objectives outside of the traditional union structure which are mobilizing and fighting for workers. That said, it is essential to note that these innovations often exist in conjunction with established unions or with the intention of forming one. Therefore, while the scope is clear, the boundary is often blurred. With this caveat aside, this review will then progress in three phases.

In section three, I will discuss how five different categories of workers left out of the NLRA have used their omission to organize in new and different ways – often winning their own legal frameworks through state legislation. With each of these examples, I will include key lessons drawn from organizing among these workers. In section four, I will hone in on the tools, actors, and institutions that help overcome the collective action problem absent, or in collaboration with, formal unions. Given the volume of discussed “innovations,” sections three and four will

³Various “ideal types” of unions have been introduced in the academic literature to disentangle the variety of trade unions, with a plethora of names: “pure and simple unionism,” “radical militant unionism,” “cooperationist unionism,” “social democratic unionism,” “reformist unionism,” “uplift unionism,” “revolutionary unionism,” “guilds,” “friendly societies,” “company unions,” “social partners,” “social movements,” and “anti-capitalist opposition” (as summarized in Wheeler 2002, 18).

⁴In 1992, at the peak of the neo-liberal political-economic consensus, Walt Disney Pictures remarkably produced a pro-union movie entitled “The Newsies.” In this film, a young labor organizer played by Christian Bale proclaims: “Even though we ain’t got hats or badges, we’re a union just by sayin’ so.”

⁵Importantly, I am less concerned in this article with new legal frameworks, such as the PRO Act, or government institutions, such as wage boards, which are getting increased attention (e.g., Milkman 2020).

begin with tables summarizing the key points introduced. Finally, in section five, I will describe how workers organize for more than just their economic conditions - fighting for issues beyond the workplace and building solidarity across civil society. Through three examples, I describe how this “whole worker” organizing has been used to help unions unite and “raise the consciousness” of workers while also finding allies and bolstering the labor movement’s reputation.

I attempt to be as comprehensive of the landscape of modern organizing as possible, citing dozens of cases of labor activism from across the country. The inclusion of these examples is intended only to substantiate and illustrate, not to endorse or preclude. Indeed, I do not want to make claims about the inherent or universal efficacy of the strategies demonstrated in these examples. To identify these cases, I drew on original interviews with labor activists, documents that they have produced, and contemporary news coverage,⁶ as well as existing literature. Moreover, to allow this study to be a more systematic evaluation, I created a [database of labor news](#) drawing on a [daily newsletter](#) produced by Jobs with Justice, a leading non-profit supporting the labor movement. Using this text data, I applied a topic model to organically identify what issues and ideas were getting media coverage.

Much of the labor activism described here will rhyme with the organizing that occurred in the build-up to the Depression Era labor boom, but with a contemporary flair, incorporating new technology and new ideas. As Saru Jayaraman, the co-founder of Restaurant Opportunities Centers United, an “alt-labor” organization, put it: “We’re not an alternative to the labor movement. We look something akin to what many unions looked like a hundred years ago — and different” (quoted in Israel 2014). This similarity is not the result of a lack of imagination on the part of organizers but rather a reflection of the fact that labor activists forever confront the same barrier to labor organizing: achieving collective action. To show the trans-historical nature of this conundrum, I work to bring in those past labor struggles echoed in today’s mobilization. In doing so, I hope to add an optimistic note to this review. Unions won big before, and they can do so again.

⁶When the media does not merely ignore labor actions, they tend to be portrayed in highly partisan ways. There is a well-documented negative media bias against unions (Bruno 2009; Brimeyer, Silva, and Byrne 2016; Glende 2020; Kliner 2014; Smith 2011). As a result, I am often forced to depend on more fringe or partisan news sources for details of cases – as these are the only reporters that covered them. While most major newspapers such as the *New York Times*, *Washington Post*, and *Wall Street Journal* have a business section, they lack a labor section.

II. Pure and Simple Unionism: The NLRA and the Business Union Model

For most of the 20th century, America's labor movement has been dominated by the enterprise-level model of labor unions commonly referred to as "business unionism."⁷ This type of union's defining feature is that it is a legal entity representing a *specified bargaining unit* within a *single firm* which exclusively negotiates an enterprise-level contract for that unit around wages and working conditions. Since 1935, these unions are governed in the private sector by the National Labor Relations Act. This act requires that firms negotiate in good faith with the union as a duly elected worker representative and respect the collective bargaining agreement (contract) that they settle on. It further gives workers specific protections in forming such a union.

These positive effects of these business unions on their members' lives are enormous. Being a union member is estimated to increase American workers' wages by 15-20 percentage points (Farber et al. 2018).⁸ These workers are more likely to enjoy benefits like paid family and medical leave (Jones, Schmitt, and Woo 2014). Unionized shops are associated with narrower gender (Gould and McNicholas 2017) and racial wage gaps (Weller and Madl 2018). Moreover, unions have second-order effects on society by bolstering members' political engagement (Wang 2020) and racial tolerance (Frymer and Grumbach 2020), thereby reducing overall inequality (Ahlquist 2017).

However, as it exists, the NLRA framework also limits the tools available to unions to represent working Americans' interests.⁹ This legal framework steers unions away from building broad solidarity, thereby hampering their power and voice, diminishing their reputation, and making them particularly susceptible to free-riding.

The NLRA only covers certain types of workers. It explicitly excludes agricultural and domestic workers, who are disproportionately people of color and, in the case of domestic workers,

⁷The phrase "business unionism" has been the dominant terminology for this type of union since Hoxie's 1914 typology (Hoxie 1914). This model was called "pure and simple unionism" by Samuel Gompers (Wheeler 2002), the founder and first president of the AFL. It is also, at times, referred to as "bread and butter unionism" (Wheeler 2002).

⁸This study reports "log points" rather than percentage points. However, percentage points and log points are roughly equivalent at this scale. Therefore, I describe the effect size as percentage points here for the sake of clarity to the reader.

⁹I recommend *Labor Law for the Rank and Filer* (Lynd and Gross 2008) for a more comprehensive review of the rights and laws that govern union activity, as well as their limits.

women.¹⁰ Furthermore, it excludes indirect labor, such as subcontractors, independent contractors, and temporary workers. Given the increasing precarity of employment relations in which workers are often coded as “contractors” to avoid labor protections (Standing 2011), this is particularly troubling. Finally, in applying the NLRA, the National Labor Relations Board (NLRB)¹¹ has often been conservative in whom it considers to be an employee – especially under Republican administrations. This tendency has been apparent in recent rulings, such as determining that those in the gig economy are freelancers and inconsistency regarding graduate students’ worker status. As a result of all these exclusions, it is estimated that there are five times more workers with no legal right to unionize than union members in the US (Rolf 2016b). Unprotected and unshackled by NLRA, organizing by these workers has been forced to innovate, as shall be discussed in the next section.

Perhaps the largest group of workers left out of the NLRA are public sector employees, who instead rely on state-level bargaining protections.¹² In general, state-level public sector labor law is very similar to the NLRA (Freeman 1988). Some states, such as Illinois, wholesale imported their frameworks from the private sector (Keefe 2012). As a result, most public-sector unions are modeled off of private-sector unions, and many unions represent workers in both the public and private sectors. As a result, I will not spend considerable time disentangling the two throughout the remainder of this paper.

Nevertheless, a few key differences between public and private sector unions are worth briefly noting. First, many states make it illegal for public-sector unions to strike¹³ - a point that will come up again in the subsection on wildcat strikes. Only 20% of public employees have this right (Keefe 2012), effectively preventing many of these unions from achieving wage gains (Paglayan 2019). Second, public-sector institutions are less exposed to market forces and the resulting risk of outsourcing, layoffs, or firm closures. Therefore, public-sector unions may not face the same resistance from their employers or fear of job-loss if they successfully organize

¹⁰Approximately 2.3 million Americans work in the agricultural sector (1.4% of the workforce) (BLS 2020b). Similarly, about 2.2 million Americans are employed in domestic labor. Of these, 92% are women overall, and 53% are women of color (Wolfe et al. 2020).

¹¹The NLRB is an institution within the executive branch charged with ensuring that businesses and unions comply with the NLRA.

¹²Wisconsin first adopted laws to govern collective bargaining for public sector employees in 1959 and, by 2010, 63% of government employees were covered by labor laws (Keefe 2012).

¹³Private sector unions often “give up” the right to strike in their collective bargains (Lynd and Gross 2008). However, this embargo lasts only as long as the contract is in effect.

for better wages (Fiorito, Stepina, and Bozeman 1996). Third, since 2018, the entire country is “right-to-work” for the public sector, the implications of which I will discuss below (Alito 2018). The final significant difference between private and public sector unions is their success. While the government employed only 17.4% of US workers in 2019, nearly half of American union members are in the public-sector (BLS 2020a).

Returning to the private sector, a formal union governed by the NLRA with its 1947 Taft-Hartley amendment may only strike on economic conditions and labor practices. Importantly, they cannot conduct secondary strikes or boycotts¹⁴, bargain over the company’s management, or engage in politically motivated labor actions.¹⁵ There are several repercussions of these limits on unions’ role in the workplace and society, particularly compared to the part unions play in other nations. First, due to the limited economic conditions under which a union can legally strike, these institutions are structurally prevented from using their bargaining power for social and political concerns. In effect, the NLRA incentivizes workers away from coalitions to reform social policy. Second, in other countries, particularly in Europe, unions often play a productivity-enhancing role as they can impart shop-floor expertise in management decisions (Barth, Bryson, and Dale-Olsen 2020). This increased productivity can take the edge off of wage demands. However, denied a voice in the company’s management, unions are limited in playing this role. Third, these restrictions hamper a union’s ability to push for sectoral level agreements¹⁶ (Mundlakt 2016) as it is more difficult to negotiate such contracts when workers cannot act and build solidarity across firms (McAlevy 2019). These types of sectoral agreements are common in Europe but rare in the United States. Without sectoral bargaining, firms have a strong financial incentive to resist unions, as it may put them at a disadvantage to non-unionized competitors (Rolf 2018).

¹⁴Secondary labor actions are those in which a union takes labor action (such as a strike or boycott) against an employer with which they are not in *direct* negotiation. One formation of this is when workers go on strike to support demands at a different firm; for example, if GM workers went on strike with workers at Ford. This type of secondary strike is often called a “sympathy” or “solidarity” strikes. An additional category of secondary labor actions also includes those directed at firms in the employer’s supply chain; for example, if GM workers called for a boycott of car dealerships that sold GM cars. However, one form of solidarity action is still permissible under the NLRA. Workers at the *same firm* may still legally engage in solidarity actions when fellow employees of that firm take labor action, even if they are in a separate union - as long as their contract does not forbid it. One union well known for using this strategy is the International Brotherhood of Teamsters, which makes sure to include a clause in their contracts recognizing their right “to honor picket lines” (Eidelson 2012).

¹⁵If workers conduct an “unlawful” or “illegal” strike, this means that they can be fired for striking, at the very least. Depending on the strike’s conditions and the jurisdiction, unions and even individual workers can also face substantial fines.

¹⁶A sectoral agreement sets wages and benefits for workers across firms in the same sector (such as all auto manufacturing workers).

Another common characteristic of American unions worsens the incentive to bargain over narrow interests: they tend to define the bargaining unit by the type of work that members do (“craft unionism”) rather than their employer (“industrial unionism”). The same employer may often negotiate with several different unions, and some firms will include both unionized and non-unionized workers.¹⁷ Lacking coordination within firms, unions often do not provide the equality-enhancing function of wage-compression: using the increased bargaining power of higher-skill workers to improve not only their wages but also those of lower-skill workers (Iversen and Soskice 2010).

Overall, through its effects on sectoral, industrial, and political solidarity, the NLRA legally incentivizes unions to act predominantly for their members *economic welfare* rather than the broader collective interest of workers (Olson 1984). This character has implications for the reputation and standing of unions. Business unionism can manifest in insider-outsider hostility and resentments at the local level, as those unrepresented by a union grow to see union workers as unfairly privileged (Dark 2011; Cramer 2016). At the macro level, it hinders some of the political and economic benefits that a strong labor movement can accrue to society both as advocates of the lower strata of the economy (Korpi 1989) and as champions of the collective welfare of society (Olson 1984).

Furthermore, while still winning big for members, the business union model often limits the character of a union’s relationship with its members to a service provider rather than an organization of collective activity. This relationship is particularly concerning given their funding model. Business unions raise revenue through the dues of members and agency fees of non-members. Notably, the NLRA requires that unions represent everyone in a bargaining unit, *including non-members*. This is true even in the 27 “right-to-work” states in which unions cannot charge non-members an agency fee, as well as for all public-sector unions, which are all “right-to-work” since the 2018 *Janus* ruling. Right-to-work puts business unions in a bind. The primary value which many unions provide is wage and benefits negotiation. However, when unions cannot exclude those who do not “pay their share” for that service, covered workers are incentivized to free-ride on the “public good” of a union contract (Olson 1965). As a result, the fund-

¹⁷For example, at MIT, workers are represented by four different unions, and not all workers are members of a union.

ing model for business unions is undermined in both the private sector in more than half the country and the public sector everywhere by these legally constructed incentives for free-riding.

Thus, through limitations on striking and mandates to bargain for non-members, US labor law is structured to produce relatively narrowly-focused business unions struggling to maintain their membership. Nevertheless, while most labor organizing in the United States continued within the framework of the NLRA, it is not the only structure of labor voice today.

III. Organizing Those Left Out

Denied the protection and unencumbered by the limitations of the NLRA, agricultural workers, domestic workers, freelancers, gig workers, and graduate students have been forced and allowed to innovate. They have made use of secondary labor actions to pressure employers where they are vulnerable. They have developed selective incentives to recruit and maintain members. They have developed tools for coordinating and sharing information. They have interwoven strategies to help well-intentioned employers be fair, and by mixing comprehensive campaigns with strike actions, they have publicly sanctioned those who refuse to. They have brought energy and talent to the labor movement.

Due to their activism, many of these workers have won legal rights and protections at the state level. These workers live in the “wild west” of the labor movement, conditions somewhat similar to those for all workers a century ago. Without the structure and order provided by the NLRA, they have found other ways to organize and win.

Topic	Key Lessons	Examples
Agricultural Workers	<ol style="list-style-type: none"> 1. Motivate collective action through shared identity, moral resources, and family networks 2. Use secondary labor actions to pressure employers through supply chains; institutionalize these relationships 3. Consolidate wins through state level labor law 	United Farm Workers, PCUN, Farm Labor Organizing Committee, and Coalition of Immokalee Workers
Domestic Workers	<ol style="list-style-type: none"> 1. Maintain membership through individual excludable benefits 2. Invest in activist training and development 3. Venue shop advocacy efforts between local, state, and national government 4. Provide infrastructure for employer accountability 5. Create digital tools to overcome decentralization of employment 	National Domestic Workers Union and National Domestic Workers Alliance
Freelancers	<ol style="list-style-type: none"> 1. Use large member pool to collective bargaining for insurance benefits; then use these benefits to attract more members 2. Act as information hub and trusted authority, particularly during crises 3. Use mutual aid to create solidarity and grow membership, particularly during crises 	The Freelancers Union
Gig Workers	<ol style="list-style-type: none"> 1. Use online platforms to overcome information asymmetry between employers and employees 2. Coordinate pressure from employees and customers through the media 3. Instigate wildcat strikes if unable to unionize 4. Fight for legal recognition as employees to legitimize claims 	<p>Platforms: Turkopticon & Turkview</p> <p>Campaigns: Instacart tip-theft campaign, Instacart coronavirus safety campaign, and Uber IPO campaign</p> <p>Gig Worker Proto-Unions: Gig Workers Collective, Rideshare Drivers United, and Boston Independent Drivers Guild</p>
Graduate Students	<ol style="list-style-type: none"> 1. Build solidarity with other unions and allied communities to coordinate pressure 2. Use comprehensive campaigns to target reputation vulnerable employers 3. Use momentum from crisis moments to build organizational capacity 4. Organize precarious “professional” workers 5. Organize younger workers to recruit militant energy and to change perceptions of the labor movement 	University of Michigan, NYU, Harvard, and University of California Santa-Cruz

Figure 1: **Organizing Those Left Out: Lessons from organizing among workers not covered by the NLRA.**

Agricultural Workers: The Secondary Labor Action in Action

Perhaps the most well-known union of agricultural employees is the United Farm Workers (UFW). Founded in 1962¹⁸, the UFW has organized thousands of agricultural workers across the west coast. As a result of their work, by the 1970s, over 70,000 agricultural workers were covered by a union contract (Wozniacka 2019). Three key strategies were essential to the UFW's success. First, UFW used existing shared identities, moral resources, and family networks to build their membership and develop the necessary commitment for long hard fights. Second, the UFW made active use of secondary labor actions to pressure employers for concessions. Third, after having already proven their ability to coordinate collective action, they fought for new labor laws at the state level, increasing their wins' stability. Today, labor activists organizing and supporting agricultural workers have continued to use these tools, transforming them to reflect ever-growing supply chains.

The UFW built solidarity by activating identities and relying on resonant values. The movement was framed as "Mexican people" coming together to help themselves (Ganz 2000). It relied on the "moral resources" of this community, such as a Roman Catholic commitment to sacrifice and shared stories of struggle. "Mexican history came alive [during the struggle] as slogans appeared on walls that read: Viva Juarez! Viva Zapata! Viva Chavez!" (Ganz 2000, 1034). Organizers recruited members through family networks and then structured their organization using the model of "mutuality" that existed within these extended families (Ganz 2000). However, while this type of solidarity building can attract members and develop leaders, it can often be challenging to maintain across generations. Today, the UFW's membership is just 10,000 agricultural workers, a far cry from its 1970s' peak (Flores 2018)

The UFW used this active and dedicated membership to broadly pressure their employers. Along with strike actions, the young UFW made regular use of secondary boycotts to force agribusiness to negotiate with them. For example, in 1966, the UFW coordinated a boycott of stores selling liquor produced from farms at which UFW workers were striking. Given agriculture is seasonal work, this had the added benefit of maintaining campaign momentum during the winter. The "Schenley Boycott" led to UFW recognition at these farms and a contract for

¹⁸The organization first began as the "National Farm Workers Association," predominantly representing the mostly Mexican community. It incorporated the Agricultural Workers Organizing Committee, a primarily Filipino organization, in 1966 and renamed itself the UFW.

the 500 workers employed there (Ganz 2000). The solidarity boycott was deemed so useful that workers potentially covered by the NLRA were excluded from the UFW bargaining unit to protect the organization's legal right to take these actions (Gordon 2005). UFW leader Cesar Chavez commented that if farmworkers were to be covered by the NLRA, it would be "a glowing epitaph on our tombstone" (quoted in Pope, Bruno, and Kellman 2017).¹⁹

After more than a decade of organizing and bruises from a bloody turf war with the Teamsters, the UFW turned to legal reforms as a way to codify its victories. In 1975, with an ally in the governor's mansion, the UFW won the California "Agricultural Labor Relations Act" (CALRA), extending labor rights to the state's farmworkers (Gordon 2005). While primarily importing the rights and limitations of the NLRA, the CALRA made sure to protect the right of agricultural workers to use the secondary boycott.

Today, agricultural workers' associations are using similar strategies to unite farmworkers around the country. For example, the Pineros y Campesinos Unidos del Noroeste (PCUN) in Oregon and the Farm Labor Organizing Committee (FLOC) in North Carolina and Ohio both incorporate the shared Latinx culture of workers in order to build solidarity among them. PCUN describes itself as "based in the heart of the Oregon Latinx community... we fight for low-wage workers, and Latinx families" (PCUN 2020). FLOC has created "FlocMigos" to organize youth into the movement. These organizations further make sure to connect the union with the immigrant experience common among their members: "The Union runs in the family. It is no secret that many Mexican families migrate and work in the fields of the United States to sustain themselves..." (FLOC 2020).

Farmworker associations have continued to make good use of the secondary boycott. Founded in 1993, the Coalition of Immokalee Workers (CIW) has successfully pressured fourteen national food retailers²⁰ to improve the working conditions and pay for farmworkers in their supply chain through secondary boycotts (Greenhouse 2014). CIW institutionalized this strategy into the Fair Food Program (FFP)²¹, which requires participating buyers to sign a legally

¹⁹Nevertheless, by the 1990s, the UFW did choose to begin to organize workers covered by the NLRA to "broaden its reach into the Mexican community" (Gordon 2005, 15). As a result, it could no longer make legal use of secondary labor actions.

²⁰Such as Yum! Food in 2005, McDonald's in 2007, and Walmart in 2014.

²¹"The Coalition of Immokalee Workers' (CIW) Fair Food Program is a unique partnership among farmers, farmworkers, and retail food companies that ensures humane wages and working conditions for the workers who pick fruits and vegetables on participating farms. It harnesses the power of consumer demand to give farmworkers a

enforceable contract mandating they purchase certain produce only from growers who do not violate a stringent code of conduct (Bowe 2020). Importantly, growers are responsible for violations regardless of whether or not they were intentional, meaning that farms that use brokers for hiring workers are still accountable for the workers' labor conditions on their farm (Bowe 2020). Immokalee workers have effectively ended wage theft in the FFP network by targeting supply chains, and more than 50 supervisors have been disciplined for sexual harassment (Bowe 2020). Moreover, during the Coronavirus Pandemic, farms within the FFP network have been more responsive to workers' safety concerns than those out of network (Bowe 2020) during a period when farmworkers overall have faced widespread retaliation for demanding Covid-19 protections (Miller 2020).

Finally, as UFW did before them, advocates have been pushing for labor laws to protect workers at the state level. On July 17, 2019, the Justice for Farmworkers coalition, spearheaded by Rural Migrant Ministry, a faith-based organization, won the "Farmworker Fair Labor Practices Act" in New York. This bill set standards for working conditions and gave New York farmworkers the right to collective bargaining (Pawel 2019), undoing an 80-year-old state law that specifically banned agricultural workers from joining a union (Whittaker 2019). The fact that it was their religious institutions that mobilized this campaign shows the value of recognizing the whole worker – and appealing to all the institutions they inhabit – in organizing collective action.

Domestic Workers: Innovating to Connect and Protect Workers

In the 1960s, Atlanta's black domestic workers riding the bus for long hours to and from their workplaces - middle-class white homes - shared their frustrations with long hours, low pay, and lack of worker protections. From these informal "union halls" was born the "National Domestic Workers Union" (NDWU) in 1968. Organizing around 10,000 workers at its height, NDWU was primarily a political education and advocacy organization, requiring all members to register to vote. While mainly a local organization, it developed a national voice for domestic workers, consulting multiple White Houses in the 1970s and 1980s. Nevertheless, it had its most

voice in the decisions that affect their lives and to eliminate the longstanding abuses that have plagued agriculture for generations" (FFP 2020).

significant sway in Atlanta and Georgia politics, where the organization won higher wages and greater worker protections (Slotnik 2019).

The NDWU did not survive its founder Dorothy Bolden's retirement, ultimately closing up shop in the 1990s (Slotnik 2019). Today, the torch of representing America's more than 2.5 million nannies, house cleaners, and care workers has been picked up by the National Domestic Workers Alliance. Founded in 2007, NDWA is an association of over 75 affiliate organizations and chapters and more than 250 thousand members.²² Unlike the aforementioned agricultural worker organizations, but keeping with the NDWU tradition, NDWA has not attempted to replicate the business union model. Specifically, it does not work to negotiate collective bargaining agreements directly.²³ Instead, it emphasizes its role in providing services to members, advocating for workers' rights through direct action, and providing tools to facilitate good jobs (NDWA 2020c).

As with membership organizations like AARP, NDWA provides personal benefits to their members - in this way, incentivizing individuals to join, side-stepping the problem of free riding. Dues-paying members receive services like skill-training, life insurance, and discounts on dental and vision (NDWA 2020c). Importantly, they also receive information on their legal rights as workers, helping them advocate for themselves. Nevertheless, while NDWA has dues-paying members, as with many "alt-labor" organizations, it raises money primarily through grants and donations. As will be discussed in the subsection on worker centers, while this funding model benefits from short-circuiting the free-rider problem, it diminishes the imperative to recruit and develop members (Skocpol 2003).

Members are embedded in networks of advocacy and direct action. NDWA "venue shops" (Kingdon 2014) their policy-making efforts, taking advantage of the US government's federalized structure to win where they are best organized and have the strongest allies. These victories then spillover across localities, inspiring advocates and changing expectations. Thanks to NDWA's political agitation, along with that of partner organizations, New York passed the first state "Domestic Worker Bill of Rights" in 2010 (Le 2015) and, in 2015, domestic workers were finally added to the national "Fair Labor Standards Act," correcting an eight-decade old injustice

²²As reported on the organization's website in October of 2020 (NDWA 2020c).

²³In this way, it is more firmly in the world of "worker centers." More on this type of institution in section four.

(Catauro and Wann 2016). Overall, as of October 2020, NDWA has won new domestic workers' rights in nine states and two cities (NDWA 2020c).

While it has fought hard for protections, NDWA does not necessarily assume hostile employers. NDWA's "Social Innovations Initiative" aims to provide private employers with standards by which to assess whether the domestic workers they are hiring from a third party or app are being fairly treated and compensated. Airbnb is one of the largest firms to adopt NDWA's "Living Wage Pledge" (AirBnB 2020).

Domestic workers often have many individual employers, making standardized negotiations with these "part-time bosses" difficult. NDWA provides workers with tools to negotiate individual relationships, such as "Contracts for Nannies," which helps workers draft agreements with these micro-level employers. Similarly, it can be difficult for workers to earn benefits from these disparate employers (NDWA 2020a). NDWALabs (the "innovation arm" of NDWA) developed "Alia," an online platform that allows multiple employers to contribute to a workers benefits program (NDWALabs 2020).

Another product of this decentralization is that, without a shared workplace, it can be difficult for many domestic workers to share their experiences. It is not easy to recreate Dorothy Bolden's bus-based organizing. To compensate for this decentralization, NDWALabs built La Alianza. This Spanish-speaking chatbot allows NDWA to communicate with members through Facebook messenger and gather their stories to reach these workers. In the wake of the Covid crisis, this allowed NDWA to produce a report documenting the impact of the crisis on domestic workers informed by nearly 30,000 survey responses recruited through Le Alianza (NDWA 2020b).

Freelancers: A Ghent System Light

According to one study, nearly all of the US's job growth between 2005 and 2015 was from "alternative" jobs: temporary help agency workers, on-call workers, contract workers, and independent contractors or freelancers (Katz and Krueger 2016). These alternative jobs, which approximately 1 in 6 workers are in (Katz and Krueger 2016), have proven more challenging to organize, thus alienating them from traditional opportunities for economic voice (Standing 2011). However, the Freelancers Union is no traditional union. Founded in 1995, it has recruited

half a million freelancers into their ranks (as of October 2020, “Freelancers Union” 2020), primarily by acting as an insurer for these unprotected workers.

The Freelancers Union asks for no membership dues or fees, and the Freelancers Union does not negotiate any contracts with employers. However, that does not mean that the union does not bargain collectively. The Freelancers Union uses its large member pool to bargain with *insurance providers* for health, dental, term life, disability, and liability insurance. Because freelancers usually do not get insurance through their employer, freelancers’ associations are in a unique position to use these benefits as a selective incentive to encourage membership. This practice is reminiscent of the Ghent system, standard in Scandinavia, in which unions manage unemployment insurance, thereby incentivizing membership (Matthews 2017).

Like NDWA, the Freelancers union further provides technical and solidary support. By providing tools like “contract creator” and “freelance 101,” the Union becomes a resource on which many freelancers depend. Moreover, it has also developed strategies to connect dispersed workers, which it does through its digital network and “SPARK” meetings in 25 cities (“Freelancers Union” 2020). In doing so, it can connect those working in this sometimes lonely profession.

The Freelancers Union then uses the resources it gets from members, and its voice as a representative of the freelancer community, to advocate for freelancers. Their major policy victory is the “Freelance Isn’t Free” Law in New York City. This law protects freelancers from clients who refuse to pay for services rendered by mandating contracts, setting required payment terms, providing legal assistance in ensuring payment, and establishing monetary penalties for clients who refuse to pay (“Freelancers Union” 2020).

During the Covid pandemic, the Freelancers Union sought to act as a hub for information on public unemployment benefits. The CARES Act included a provision allowing independent workers to qualify for unemployment insurance, including \$600 of additional support from the federal government. It also allowed for loans to the self-employed and independent contractors. Navigating the systems dispersing these resources often proved quite arduous and confusing. The Freelancers Union provided support in this process, helping members find what they qualify for and connecting them to the right resources to get it (“Freelancers Union” 2020).

Finally, like many groups, the Freelancers Union tapped its network to provide mutual support during the crisis. The union gave members up to \$1000 in support to cover food, utilities, and income loss (“Freelancers Union” 2020). As will be discussed more below, mutual aid is an essential tool in building solidarity and which historically played a vital role in constructing American unions over a century ago (Webb and Webb 1907).

Gig Workers: Overcoming Information Asymmetry in the Platform Economy

In May 2019, the NLRB ruled that Uber drivers are “independent contractors” and, therefore, not eligible for NLRA union rights (Pasternak 2019).²⁴ This likely applies to all workers in the “gig economy.”²⁵ While legally placed in the same category as freelancers, gig workers are unlike traditional freelancers in that there is a single firm acting as a broker, through a digital platform, to negotiate the short-term contracts these workers take on (Bajwa et al. 2018). As a result, gig workers are deeply dependent on the platforms to manage their activities, having minimal control over which contracts are available to them and at what price. Therefore, one source of worker collective action is to try to subvert this asymmetry by sharing information. With this collective knowledge, workers can then act together to demand better conditions.

We saw with domestic workers how the bus rides of the 1960s and today’s Facebook-bots some structures that can facilitate sharing information. For gig workers, who are well-acclimated with online platforms and are by the nature of their work, physically isolated and dispersed, technology is a natural venue for that information sharing. For example, specialized tools like Turkopticon and, more recently, TurkView, allow workers on Amazon’s MTurk platform to review the people who make contracts on the platform and avoid those that abuse the system to avoid paying workers (Silberman and Irani 2015). This reputation-based tool makes it possible for workers with many “bosses” to solve the information asymmetry problem, much like banks use credit scores. Similarly, Uber drivers use texting groups and Facebook to share information about Uber policies, features that the Uber app is piloting, and shared safety concerns (Ghaffary

²⁴There is hope that Biden appointees to the NLRB may revise its ruling on whether gig workers are employees. In his “Plan for Strengthening Worker Organizing, Collective Bargaining, and Unions,” Biden promised to “Ensure workers in the “gig economy” and beyond receive the legal benefits and protections they deserve” (Biden 2020). Over the course of his upcoming administration, Biden will replace four of the five members of the NLRB. Moreover, this would not be the first time the NLRB has reversed its position on whether a group of workers is given NLRA protections. They have done so three times for graduate students, as will be discussed in the next section.

²⁵Just a month before, the Department of Labor made a similar judgment, resulting in gig workers not being eligible for overtime or minimum wage guarantees (Pasternak 2019).

2019) as well as creating dedicated tools like the uperpeople.net online forum. However, while isolation is the norm, it is not always the case. For example, specific locations, especially airports, have allowed rideshare workers to meet, coordinate, and organize (Wells, Attoh, and Cullen 2020).

Once connected, workers can engage in collective action. Gig workers share information to try to understand and then maneuver within these platforms that govern their employment. For example, Uber and Lyft drivers have collaborated to be offline simultaneously to force surge pricing (Brown 2019). These everyday forms of resistance (Scott 2008) can be extremely frustrating to consumers, yet they are more symptomatic of the power-imbalance between drivers and platforms. As one scholar put it, “Being managed by an app, a black-box algorithm, that (drivers) don’t understand, they attempt to reverse-engineer it, understand the mechanism and regain some position of power” (Zalmanson quoted in Brown 2019). Like worker organizing through the ages, gig workers are resisting dehumanization. This “gaming the system” is as much about gaining control and autonomy as it is about wages (Mohlmann and Zalmanson 2017).

After all, the black-box of the algorithm is far more often manipulated for the firm’s benefit. For example, one of the main aspects of their job that gig workers often lack information about is the share that the platform is taking of their pay for each task they perform. Indeed, given the lack of transparency in that process, the platforms often take a share far exceeding their stated fee. For example, while Uber’s official rate is 25% of the cost of any ride, studies find Uber pockets closer to a third on average and often more than half (Gordon and Mehrotra 2019; Mishel 2018). Similarly, Instacart used to count tips towards the “guaranteed minimum payments” the company offered workers. In a process opaque to both workers and customers, Instacart effectively expropriated these tips rather than passing them on to the worker as expected (Roose 2019).

Instacart workers noticed. After coordinating on Reddit forums and Facebook groups (Roose 2019), over 3,500 Instacart employees signed a petition condemning this practice. The petition was picked up by the media and stirred public outrage (DiNatale 2019). As a result of this reputation-focused campaign, Instacart changed its policy and compensated maligned employees. This reform spread to other platforms, with DoorDash also agreeing to give workers

their tips after coordinated public condemnation (Newman 2019). Having once summoned the strength of collective action, it becomes easier to conjure again. For example, with the coronavirus pandemic's onset, delivery workers, like Instacart shoppers, became even more essential, and their jobs became even more dangerous. In March 2019, Instacart workers went on strike demanding better safety protections and hazard pay. This wildcat strike demonstrated gig workers' collective power, as it caused Instacart to provide workers with health kits, hazard bonuses, and extended sick leave (Rodrigo 2020).

Gig Workers Collective organized the March Instacart strike. It is just one of many groups of gig workers coming together to represent this community. For example, Rideshare Drivers United, an LA-based organization specifically for Uber and Lyft drivers, organized a strike and picket on May 8, 2019, coinciding with Uber's IPO (Wamsley 2019). Gig Workers Rising, which organizes across platforms, mobilized for a protest of an investor meeting (Pena 2019). Occasionally, this has even led to unionization. In February 2020, 15 Instacart voted to affiliate with United Food and Commercial Workers (Statt 2020).²⁶ These organizations are building public pressure on gig platforms through direct action, which has sometimes led to a political response.

In May 2019, California's legislature passed a law classifying gig workers as employees and thus eligible for rights and protections as employees (Conger and Scheiber 2019) This led to the most expensive state proposition fight in California's history, in which platform companies paid through the nose to overturn the law (O'Brien 2020). While a setback for gig workers, during the battle Gig Workers Rising, We Drive Progress, Mobile Workers United, and Rideshare Drivers United rallied over 55,000 gig workers across the state (Paul 2020). Moreover, despite this loss, other policy reforms and legal actions are being mustered across the country. In Seattle, the city council made gig delivery workers eligible for hazard pay in response to the pandemic in response to advocacy from worker advocates like Working Washington (Woodman 2020). Workers of color filed a class-action lawsuit against Uber regarding structural discrimination in the "deactivation" [firing] of workers (Sandler 2020).

Another case of this is the Boston Independent Drivers Guild (BIDG) is lobbying the Massachusetts legislature for a bill of rights guaranteeing gig workers, among other things: a min-

²⁶Unfortunately, in mass layoffs in January 2021, Instacart fired all the workers who voted to unionize (Schiffer 2021).

imum wage, benefits, the right to dispute deactivation, protections from harassment, and, of course, the right to a union (BIDG 2020). As will be discussing in section five, worker advocacy rarely ends with the workplace. To build a strong coalition in Massachusetts and represent their workers' interests broadly understood, BIDG further advocates beyond working conditions. Their demands include environmental just (e.g., green vehicle requirements and solar panels) and immigrant rights (e.g., driver's license for all regardless of citizenship/documentation status) (BIDG 2020).

Graduate Students: Re-Imagining the Union Worker

As discussed with gig-workers, one of the significant loci of struggle in the labor movement today is the very recognition of an employer-employee relationship. Despite many differences, this is one apparent similarity between gig workers and graduate students. In countries like Sweden and Finland, with high unionization rates and sympathetic labor laws, graduate student workers have long been considered employees and are unionized (Woldegiyorgis 2018). This is not, however, usually the case in the US, where NLRA protection has been repeatedly granted and deprived of workers at private universities. Despite this, graduate student unionization campaigns have flourished over the last decade, making good use of comprehensive campaigns,²⁷ industrial solidarity, crisis momentum, and a young and energetic bargaining unit.

Graduate students at public universities in labor-sympathetic mid-western states began to unionize in the late 1960s and early 1970s. For example, the University of Michigan's Graduate Employees' Organization (GEO) won its first contract in 1975 after a month-long strike, supported by undergrads who boycotted classes and Teamsters who refused to make deliveries to campus (GEO 2020a). However, by 1990, graduate students at only five schools nationwide had unionized. This situation changed in the 1990s, during which graduate student workers at 13 additional public universities won union recognition (Rhoades and Rhoads 2002). In 2000, NYU became the first private university to unionize after the NLRB unanimously ruled that graduate

²⁷Comprehensive campaigns are those which systematically evaluate the employer to identify pressure points, in addition to a strike. As summarized in Wheeler (2002), this includes, but is not limited to: public opinion and media campaigns, targeting of firms within the supply chain (as UFW did) as well as other financial ties, creative legal interventions (such as zoning regulation enforcement), focusing on individual decision-makers, and building coalitions with other interest groups. A significant component of a comprehensive campaign is often a "corporate campaign," in which unions target the directors, lenders, and other financial collaborators associated with the employer. Due to their common association, or perhaps a tendency for synecdoche, the term "corporate campaign" is often used to refer to comprehensive campaigns.

students constitute employees because they perform services for the university in exchange for payment and under the university's control and direction (Truesdale 2000).

The 2000 ruling was not the end of the fight for recognition. In the two decades since, the NLRB has reversed itself twice - coinciding with the partisan make-up of the board: in 2004, Bush's NLRB denied graduate students NLRA protections, but Obama's reinstated them in 2016. Since that time, graduate student unions have systematically avoided taking cases to the NLRB for fear of another reversal under Trump's NLRB. Instead, they have used their power as workers to strike and conduct broader comprehensive campaigns to pressure universities to "voluntarily" agree to recognize their unions. Thus, despite aggressively avoiding the NLRB, graduate students at four private universities won contracts in 2020: Brown, American, Harvard, and Georgetown (Marcus 2020).²⁸ By 2019, more than 80,000 graduate students across the country were in a recognized union – a 31% growth since 2013 (Hunter, Apkarian, and Naald 2020) – and more than 75 schools have graduate students at some stage of organizing a union (Marcus 2020).

Even once graduate students have a union, perhaps due to their youth²⁹, graduate students have often proved themselves militant organizers. One notable example is at the University of California Santa-Cruz, where graduate students launched a wildcat strike in early 2020 over a perceived imbalance of wages with the rising cost of living ("We're California Graduate Students, and We're Not Taking Poverty Wages Anymore" 2020). As this was an "illegal strike," the university dismissed 41 of the strike's organizers. However, due to widespread protests, these workers were re-appointed (Gurley 2020b). As one of the reinstated workers put it: "This is a testament to the power of collective action. We were on the picket line for five weeks. We withheld grades for five months. We had a national boycott going, email campaigns, and received letters from around the world, and now we have our jobs back" (strike organizer quoted in Gurley 2020b).

²⁸In total, eight private universities have contracts with their graduate student workers. The remaining four are Brandeis, Tufts, the New School, and New York University (Marcus 2020). As with most union campaigns, these wins have often been an uphill battle. At Harvard, the unionization process included two elections – as the NLRB threw out the first one due to the administration's use of "unfair labor practices" to influence the result (Marcus 2020). Similarly, Harvard graduate students launched a 29-day strike during the lead-up to final exams in their fight for a contract (Marcus 2020).

²⁹While young people are less likely to engage in "conventional" forms of political engagement such as voting, they are more likely to engage in "unconventional" or "militant" forms of participation such as protests (Melo and Stockemer 2014).

Campus organizing has come to the fore with the coronavirus pandemic. With universities making costly life-and-death choices for their employees, graduate student unions have worked to ensure their members had a voice in those decisions. Graduate students across more than 75 universities in the US and Canada protested on May Day 2020 for better conditions during the pandemic (Retta 2020). Moreover, after a 10-day strike at the University of Michigan, which violated a no-strike commitment in their contract, graduate student workers won pandemic childcare options, support for international graduate students, transparent COVID-19 testing protocols, and a commitment to review campus policing (GEO 2020b). As the other workers discussed in this section have also shown – graduate student workers prove that being left out of the NLRA does not mean they cannot win.

Graduate student workers are also challenging conceptions of who should unionize. Traditional ideas of the working-class focus on the “blue-collar” identity forged in factories and mines. The organizing of “white-collar,” relatively high status, graduate student workers shows that even those employed in professional workplaces want unions to manage the power-imbalances and the precarity in their employment relations.³⁰ This is not the first time this has happened. In the throes of the Great Depression, many workers who had seen themselves as “individualists,” especially news reporters, unionized (Tiku 2018).³¹ Journalists are again unionizing today (Greenhouse 2019). Organizing these “professional” workers presents the possibility (though indeed not the inevitability) of broader solidarity among different types of workers.

Beyond challenging the labor movement’s blue-collar identity, graduate-student organizing upends a significant demographic bias in the movement: age. Unions tend to both represent and to be staffed by older workers. One study from 2009 found that most unionized American workers had their *first* opportunity to join a union when they are already in their 40s or older (Budd 2009). Given that political attitudes are increasingly stable as one ages (Krosnick and Alwin 1989), this tendency in the labor movements means that most workers are not exposed to unions until they are long past their “impressionable” years. This tendency extends to those who

³⁰While graduate students could once have counted on stable, well-paid academic careers, the “corporatization” and “adjunctification” of higher education have resulted in far less secure futures (Weiner 2019). For example, in 1973, 55% of PhDs in life sciences found a tenure track job within six years – by 2006, that number was just 15% (Cyranoski et al. 2011). It is perhaps unsurprising that graduate student organizing has often gone hand-in-hand with adjunct professor organizing (Weiner 2019).

³¹I will revisit this organizing of “white collar” professions in Section 5 on tech workers.

work for unions. In 2017, the median age of someone employed by a union as a staffer was 49 (Picchi 2017). That makes it the fourth oldest job in the country.

This demographic imbalance is not because young people are less likely to support unions; in fact, they are more likely. A 2018 poll found that 65% of those under 35 support unions. This was a few points more than the 62% of those over 55 and 60% of those in-between (Saad 2018). With over 80,000 graduate students represented by unions and more joining those ranks every year (Hunter, Apkarian, and Naald 2020), the graduate-student unionization movement may provide the labor movement with a new pool of young militant unionists prepared to fight (Ro 2020).

IV. Organizing Without a Union

Unions solve two significant barriers to collective action for workers. The first is the “coordination problem,” in which everyone shares an objective but has difficulty synchronizing their demands and behavior (Runge 1984; Taylor 1997). Unions create the institutional infrastructure to coordinate their members’ actions and allow for democratic procedures to prioritize goals. They bolster voice by providing firms with a collective representative body to negotiate and expand the bargaining power of workers in these negotiations by harmonizing individual actions. The need for coordination is undeniable for the last point. After all, when one person does not show up to work, the boss is annoyed, and the person may get fired; when no one shows up to work, that is a strike.

The second barrier to collective action is the free-rider or “motivation” problem. People, expecting others to take the desired costly actions (such as paying dues, striking, or protesting) to achieve their shared goal, will avoid paying the costs themselves (Olson 1965). Unions traditionally overcome this problem through political education to construct solidarity by providing selective incentives and by establishing closed shops.³² In so doing, they further create a rational expectation among members that other workers will respect the picket-line. This expectation is critical due to the human tendency towards “conditional solidarity.” Individuals “are willing to initiate cooperative action when they estimate others will reciprocate and to repeat these actions

³²An additional method was the use of physical coercion (Olson 1965) to dissuade strike breaking, leading to unsavory alliances with organized crime (Rolf 2016a).

as long as a sufficient proportion of the others involved reciprocate” (Ostrom 2000, 142). People are not quite as selfish as many rational choice scholars assume, but neither are we quite as altruistic as many idealists hope.

While unions are the traditional vehicle for solving both of these collective action problems, they are not the only game in town. Technology, both social media and digital petitions, are lowering the coordination costs by easing mass communication and recruitment among groups. In the case of coworker.org, these technologies are then linked to resources that facilitate and direct engagement. Mutual-aid networks build a sense of community and help workers practice the art of solidarity. A resurgent left provides the “militant minority” who are willing to subsidize others’ political engagement while communities of experienced immigrant activists often take the lead in union drives. Non-majority unions and worker centers present alternative homes to this labor activism. Finally, this collective energy sometimes explodes into wildcat strikes.

None of this replaces a union. However, they make for a more dynamic labor movement and may provide some of the energy for reversing over half a century of declining worker power.

	Function	Examples
Social Media	<ol style="list-style-type: none"> 1. Distribute information 2. Share grievances 3. Develop collective identity 4. Plot coordinated action 	<p>Tech: Facebook, WhatsApp, Reddit, Zoom, Twitter</p> <p>Groups: r/Walmart, r/starbuckbaristas,</p> <p>Campaigns: 2019 Teachers’ Strike, 2018 Brazil Teamster Strike</p>
Digital Petitions	<ol style="list-style-type: none"> 1. Recruitment of members and leaders 2. Structure test of organizing capacity 3. Demonstration of shared grievance 	<p>Tech: Coworker.org</p> <p>Campaigns: Starbucks, REI, Publix, and Wells Fargo</p>
Mutual-Aid	<ol style="list-style-type: none"> 1. Politicization of participants 2. Practice collective action 3. Build solidarity 4. Investment in social capital 	Coronavirus pandemic mutual-aid networks
Resurgent Left	Pool of ideologically invested organizers willing to subsidize others’ political engagement	Democratic Socialists of America, LaborNotes
Immigrant Organizers	<ol style="list-style-type: none"> 1. Existing class-consciousness and pro-union politics 2. Ideologically committed activists 3. Repertoires of political action 4. International networks 5. Established solidary communities 	Justice for Janitors campaign, Coalition of Immokalee Workers, North Carolina poultry workers, Chicago Republic Windows and Doors occupation, and Familias Unidas por la Justicia
Workers Centers	<ol style="list-style-type: none"> 1. Deliver direct tailored services 2. Advocate for legislative change, both of working and living conditions 3. Provide legal services to workers 4. Engage in political education 5. Mobilize existing solidary groups 6. Workplace advocacy through committed membership 	National Domestic Workers Alliance, Fair Work Center, Instituto de Educacion Popular del Sur de California, Working Washington, and United for Respect
Non-Majority Unions	<ol style="list-style-type: none"> 1. Associate membership: extend non-contract benefits to dues-paying members without a contract 2. Members-only bargaining: negotiate a contract for dues-paying members rather than the whole bargaining unit 3. Issue campaign: advocate for changes in the workplace without a contract 	American Federation of Teachers, Coworker.org, Alliance@IBM, UAW at Volkswagen
Wildcat Strikes	Striking without a union or despite opposition from union leadership	<p>Previous Sections: 2019 Instacart, 2020 at UC Santa Cruz, 2018 Brazil Teamster, 2013 Familias Unidas por la Justicia, and 2019 Volkswagen.</p> <p>This Section: 1968 DRUM, 2019 Teachers, 2020 Coronavirus Strikes, and 2020 Athletes Strike</p>

Figure 2: **Organizing Without a Union: Tools and organizations mobilizing workers without a union.**

Organizing Through Social Media: The Digital Union Halls

The places where workers have congregated have always played an essential role in building a collective voice. It is where they share information, lament grievances, develop a collective identity, and, eventually, plot coordinated action. The workplace has typically been one location for these conversations, a significant reason that decentralization of work is associated with declining worker strength (Lucio and Weston 1995). Alternative sites of socialization have similarly long played a role in organizing. Historically, pubs and coffee-houses frequently gave birth to collective action (Tilly 1993). In the early 20th century, the worker's space was the union hall – a shared space for social, educational, recreational, and political activities. As UAW President (1946–1970) Walter Reuther described them, the union hall “. . . was the center of the worker's life. It was where he talks to his fellow worker about his common problems, it was his social life. . . ” (quoted in McFarland 2017). Today, the place where workers are often gathering is the internet.

Today, tools such as WhatsApp and Facebook facilitate collecting information, sharing it, and coordinating action. A 2018 study found that Americans spend more than 11 hours a day in front of a screen (Fottrell 2018). “Screen-time” has only increased since the beginning of the coronavirus pandemic (Ipsos 2020). While face-to-face organizing is more effective than digital communication in solving the free-rider problem (Ostrom 2009), workers make the digital environment work for them. The 2019 wildcat teachers' strike in West Virginia did not begin in the union hall and was not coordinated by the AFT or AAE. It started on a private Facebook group that nearly 70% of all West Virginia's teachers had joined (“Technology May Help to Revive Organised Labour” 2018). Similarly, Brazil in 2018 saw a particularly dramatic case of this digital organizing. Thousands of truck drivers used WhatsApp to coordinate a 10-day wildcat strike, winning \$2.5 billion in concessions and leading to the resignation of the CEO of Petrobras, the Brazilian Petroleum Corporation (“Technology May Help to Revive Organised Labour” 2018).

As introduced previously with the Instacart case, employees often use digital platforms like Facebook groups, online forums, blogs, and subreddits to share grievances and information about employment conditions. For example, on a random day in early August 2019, following a violent episode at a Walmart, employees at r/Walmart discussed how Walmart should do more to protect them from shootings. On that same day, Starbucks employees turned to r/starbucksbaristas

to address payment schedules and poor-management issues. Moreover, as discussed in the section on gig workers, research on Uber drivers finds that they commonly use similar forums and public blogs to share information and grievances (Rosenblat 2018). In this way, workers use technology to overcome the decentralization of employment that stymies coordination and is so characteristic of the modern economy (Schnabel 2013).

In the age of social distancing, the role of the digital environment has become even more critical. While union organizers report that it is much more difficult to persuade their fellow workers when they cannot read body language, expect full attention, or build relationships, this online organizing environment does provide some benefits. Digital meetings are often easier for members to fit into their schedule than weeknight meetings, especially for those with families. (E. Rosenberg 2020) One gig organizer I spoke to commented that this is especially valuable for those who must always be on, such as rideshare drivers. Drivers can call in while they were in a parking lot or even while driving a passenger! Finally, virtual events can be attended by labor activists from across the country (E. Rosenberg 2020).

The sure-fire sign that organizing in the online environment is working is that employers have begun to surveil these spaces and sanction employees for what they share in them. Amazon reportedly has an “Advocacy Operations Social Listening Team” delegated to monitor closed Facebook groups, subreddits, and Twitter posts and investigate potential labor agitation. They then “escalate” this social media content to leadership. Amazon keeps lists of individuals and groups who have had their posts escalated (Gurley and Cox 2020). As two Senators put it in an open letter, “The magnitude of this surveillance, the lengths to which Amazon went to keep it hidden from [Amazon’s] own workers, and its admitted purpose are extremely disturbing and are indicative of just how much of a threat Amazon perceives its own workers to be” (Cox 2020). While this “big brother” environment is sinister, it is not clear that it has yet resulted in retaliation against employees. Nevertheless, at least one Walmart employee has allegedly been fired for posts they made on the /r/Walmart subreddit (Feldman 2019).

Recruitment Through Petition: Kicking Ass by Taking Names

One of the oldest forms of political advocacy is the petition. As a form of political leverage, this strategy is peculiar in that petitions are generally ignored by their intended recipients.

The value of petitions instead stems from their use as a recruitment technique and structure test³³: “A petition’s signatory list identifies and locates individuals sympathetic to its prayer and expresses to other citizens who and how many agree with the prayer” (Carpenter 2016, 1). One organization that has specifically adapted this tool for 21st-century labor is coworker.org.³⁴

Coworker.org incubates nascent labor activism by giving disgruntled employees a platform to express their grievances and identify those who share their concerns through a digital petition tool. Any employee can create a petition on coworker.org, which can then be shared through digital platforms like Facebook and Reddit. The list of individuals on the petition then becomes a community to organize for additional actions. Moreover, the petitions themselves are a tool to gain media attention - signaling the existence of a systemic problem.

Beyond the initial petition, coworker.org supports this labor activism by publicizing it through their media contacts, conducting surveys of workers in the network, and providing training on topics like rights, power mapping, organizing, and sexual harassment. The belief underscoring this theory of change is that if workers have the tools to organize and build their own labor institutions, they will. Coworker.org has helped workers at Starbucks to expand parental leave and reduce “clogenings,”³⁵ at REI to increase wages, at Publix to allow beards, and at Wells Fargo to remove unreasonable sales goals.

Mutual-Aid Networks: Practicing Solidarity

In response to the coronavirus pandemic, mutual-aid networks have blossomed around the country. These structures have the potential to build the solidarity necessary to push forward to the labor movement. As trans activist Dean Spade describes in a review of modern mutual-aid (Spade 2020), these projects perform multiple functions that facilitate collective action. First, it shows people that their problems are not unique to them but rather part of a broader system. In this way, mutual-aid politicizes them. Second, mutual-aid is an experience of practicing collective action to solve problems, proving to those involved their own strength, and facilitating

³³“Structure tests” are when activists undertake a collective action which demonstrates to both to the activists themselves and to outsiders the capacity of the activists to achieve future collective actions (McAlevey 2016). For example, in the lead-up to a strike, activists may have members sign a petition related to their demands. If activists cannot get many of the union’s members to sign the petition, it is unlikely that they would be able to get them to strike. In other words, the petition is testing their organizing structure.

³⁴Information on coworker.org is based on an interview with one of the founders in the summer of 2019.

³⁵When the same employee is tasked with closing a store late at night and opening it early the next morning.

future actions. Third, when mutual-aid projects bring diverse people together based on a shared experience, they can create solidarity across communities – a recognition of shared hardship. Finally, by experiencing support from these once strangers, mutual-aid builds trust.

Many American unions began as mutual-aid societies (Webb and Webb 1907), and most early unions were involved in the practice of mutual-aid (Bacharach, Bamberger, and Sonnenstuhl 2018). Supporting each other in hard times was a fundamental way for workers to build solidarity, social capital, and a sense of community. For example, between 1867 and 1920, the Virginia City Miners’ union provided nearly half a million dollars in support to sick and injured members (Adereth 2020). These programs eventually evolved into the more formal benefits, and services unions provide their members (Bacharach, Bamberger, and Sonnenstuhl 2018). Moreover, by amalgamating these mutual-aid organizations, the Knights of Labor established the most extensive (albeit short-lived) labor organization of its day (Adereth 2020).

It is too early to see what comes of the more than 800 mutual-aid programs³⁶ that have sprung up across the country in response to the pandemic. However, if history is a guide, it may help build the social capital in communities necessary for collective action. Some observers have noted that this is beginning to happen. Reviewing three cases of mutual aid in New York during the pandemic, one journalist remarked: “many groups are now more embedded in their communities and have a more ideologically coherent outlook than they started with. They are establishing hubs of solidarity and community that could continue long after the pandemic comes to an end” (Levin 2020). Given that the pandemic has disproportionately affected working-class communities, these networks may act as springboards for labor activism - just as they did a century ago.³⁷

The Role of the Resurgent Left: An Army of Organizers

One of the Taft-Hartley amendment’s widely attributed effects was to rob the labor movement of some of its most dedicated organizers: socialists and communists (Stepan-Norris and

³⁶This estimate is based on the number of mutual aid networks (845) reported to the “Mutual Aid Hub” by October 30, 2020 (“Mutual Aid Hub” 2020).

³⁷In August 2020, 46% of lower-income people had trouble paying bills during the pandemic, 35% received food from a food bank, and 32% had trouble paying rent. These figures are stark compared to middle-income people, for whom the share experiencing each of these financial hardships was just 19%, 12%, and 11%, respectively. Furthermore, among high-income people, it was, unsurprisingly, just 5%, 1%, and 3%, respectively (Parker, Minkin, and Bennett 2020).

Zeitlin 2003; McAlevey 2016; Rolf 2016a; Uetrict and Eidlin 2019).³⁸ According to Saul Alinsky, in the 1930s, “it was the left-wingers who zealously worked day and night picking up the pieces of that spirit [of unionism] and putting them together” (quoted in Stepan-Norris and Zeitlin 2003, 41). Being an organizer is a personally very costly job: “the pay is low, the hours is long, and don’t nobody appreciate you”³⁹. It often requires substantial personal sacrifice to do successfully. Whatever one thinks of their political objectives, socialists are often ideologically willing to internalize these costs, thereby providing an “external” source of discounted and dedicated organizers to support unions building the labor movement.

While socialism continues to be a political bogeyman, it has seen a remarkable resurgence since the Great Recession. Today, it is viewed as net-favorable among those under 30 and by Democrats overall (Galston 2019). Following the surprising success of the “Democratic Socialist” Bernie Sanders, membership in the Democratic Socialists of America (DSA) skyrocketed from a measly 5,000 in 2015 to 66,000 by May 2020. Of those, 10,000 joined in just the two months since the beginning of the coronavirus pandemic (Godfrey 2020). Many of these activists are or become committed to labor mobilization. Thus, it is not their numbers but their relative militancy – their willingness to pay the high personal costs of organizing – which makes this population a potential source for growth in the labor movement.⁴⁰

It has been argued that DSA organizers and veterans from the Bernie campaign played a crucial role in fomenting the 2018/2019 wildcat teachers strikes. “An indispensable ingredient in the victories of West Virginia and Arizona was the existence of a militant minority of workplace activists - that is, individuals with a class struggle orientation, significant organizing experience, and a willingness to act independently of (and, if necessary, against) the top union officialdom” (Blanc 2019). While certainly not a majority in their workplaces, these activists provide the essential function of day-to-day organizing workers and pushing the strikes forward.

³⁸Taft-Hartley required that all union leaders sign affidavits disavowing the communist party. Many communists were expelled from unions for refusing to sign or renounce their political allegiances (Stepan-Norris and Zeitlin 2003). This aspect of Taft-Hartley was ruled unconstitutional in 1965.

³⁹This comment was made to President Obama when he was a community organizer in Chicago in the 1980s by an incredulous school administrator who could not understand why a well-educated young man would spend his time organizing (Obama 1988).

⁴⁰While I focus primarily on the DSA here, another group of “labor militants,” though not strictly politically motivated, are the activists associated with “Labor Notes” (Uetrict and Eidlin 2019). Labor Notes is a “non-profit organization and network for rank-and-file union members and grassroots labor activists” (“Labor Notes” 2020). They played a central role in many recent labor struggles, such as the 2019 wildcat teacher’s strikes (Blanc 2019).

Moreover, the DSA is systematically investing in labor advocacy. In 2017, they created the Democratic Socialist Labor Commission, dedicated to supporting labor activism across the country by embedding labor working groups in each of their chapters (DSA 2020a). In response to the Covid crisis, the DSA partnered with UE⁴¹ to form the “Emergency Workplace Organizing Committee” (EWOC 2020). A group committed to recruiting organizers from DSA’s ranks to support campaigns by the waves of workers agitated by the pandemic (Meinster 2020). Also in response to the crisis, they launched the Restaurant Organizing Project to train DSA organizers to mobilize workers laid-off in the foodservice industry (DSA 2020b).

Building unions takes dedicated organizers. Bernie’s class-conscious politics and the Left’s militant mobilization provide an outside pool of willing and dedicated organizers to support the hard work already being done in the labor movement.

Immigrant Organizers: Globalized Activists for a Globalized World

During the last four decades, many Latin American immigrants left their birthplaces to avoid political violence and reprisal for their political participation. For example, in the 1980s, more than a million Salvadorans and Guatemalans fleeing massacres, persecution, and war arrived in the US. While most of these immigrants were simply searching for a better life, within these communities were many activists ready to organize for it. People who had been members of unions, peasant leagues, Catholic social justice campaigns, or indigenous rights initiatives in the countries they left (Oglesby 2019). Like generations of immigrant activists before them, they did not leave their working-class politics behind. These committed organizers have played a crucial role in winning workplace victories for themselves, their fellow immigrants, and their fellow workers (Oglesby 2019). While these immigrant organizers generally, though not always, won these victories within existing unionization frameworks, I include these actors here because they bring with them an “exogenous” source of energy, thereby pushing forward the labor movement.

The year 1987 saw the Service Employees International Union (SEIU) launch the “Justice for Janitors” campaign in Los Angeles. This labor action sparked similar campaigns in Houston, Maimi, and Boston; and was a launching pad for the Fight For \$15. It was even made into

⁴¹The United Electrical, Radio & Machine Workers of America.

the 2000 film *Bread and Roses*. Significantly, this campaign was mainly composed of and led by immigrants. Between 1970 and 1990, the share of Latinx janitors in LA rose from 13% to 68%, drawing heavily from the new Salvadoran and Guatemalan populations (Cranford 2000). The Justice for Janitors campaign relied on the class-consciousness that already existed among these immigrants. As one organizer put it: “One of the good things about organizing Latino workers is... if you ask, ‘Que piensa de la union?’ [“what do you think of the union”], they answer, ‘La union hace la fuerza.’ [The union makes us strong]” (quoted in Waldinger et al. 1998, 117). The risk tolerance of these immigrant activists was also notable: “With the Salvadorans... Sometimes you found people who fought there [in El Salvador]. And there, you were in a union, they killed you... [here] you lost a job at \$4.25” (quoted in Waldinger et al. 1998, 117). This risk tolerance was necessary, given that police brutally assaulted striking janitors on camera in June 1990, sending dozens to the hospital and causing two miscarriages (Lerner and Shaffer 2015). Nevertheless, they won – earning a 22% raise (Oglesby 2019).

Similar examples are available across the country. The Coalition of Immokalee Workers, whose successes were discussed in the section on agricultural workers, comprises thousands of Guatemalan, Mexican, and Haitian immigrants and refugees. They brought their protest repertoires of street theater and socially conscious radio, which they used to unite Florida’s agricultural workers (Oglesby 2019). In North Carolina, Guatemalan immigrants imported their experiences from the coffee plantation strikes and the Mayan pride movement to organize workers in the poultry industry (Fink 2003).⁴² And, in 2008, during the height of the economic crisis, the majority Mexican emigre workforce of bankrupt Republic Windows and Doors in Chicago took over the plant (Jeter 2018) demanding the severance and vacation pay they were owed (Elliott 2008).

These immigrant activists have further used their international networks to win big. Born out of a wildcat strike in 2013, Familias Unidas por la Justicia is a union of farmworkers principally organizing in Washington State. However, many of these workers have personal and famil-

⁴²Unfortunately, despite decades of struggle against health and safety violations, the workers have faced an uphill battle. The employer, Case Farms, has pursued aggressive legal action to slow unionization, refusing to negotiate a contract once a union was won, illegally firing labor organizers, and threatening workers with deportation. Eventually, Case Farms broke the unionization effort by shifting their workforce to the less organized Burmese and Nepali immigrants and eventually prison labor (Grabell 2017). This example demonstrates the substantial role that anti-union campaigns have played in the decline of the labor movement.

ial connections with workers in Mexico and realized that many of the firms they were struggling with were the same firms that their kith and kin were battling across the border. These workers began to coordinate strike actions against their shared employer, winning a contract in 2017 (Bacon 2018).

These Latin American emigres continue a long tradition of immigrants bringing their political engagement and international networks with them. Among the waves of Italian, Jewish, and Eastern European immigrants who arrived in the US in the late 19th and early 20th century were anarchists, syndicalists, and socialists. These activists worked to organize their fellow immigrants, many of whom already had experiences with co-operatives, unions, and radical politics, preparing them to join and fight for the US labor movement (Fenton 1959; Bencivenni 2014; Green 2007; Forbath 1989; Michels 2009). Moreover, like today, these immigrants faced a hostile state – most notably during the first Red Scare (Schmidt 2004) – and xenophobia, even among their fellow workers in the labor movement.

While many of the early 20th century's immigrants formed and joined unions, they also were members of settlement houses. These were communities of mutual support, social connection, and political advocacy (Koerin 2003). Today, many immigrants are connected to similar organizations that support and advocate for these communities of workers. Collectively, these organizations are known as worker centers.

Worker Centers: Alternative Institutions for Coordination

Worker centers⁴³ are a diverse set of “hybrid” organizations that combine some form of service provision with advocacy and traditional worker organizing (Fine 2005). By not constituting themselves as labor unions, worker centers both lack the legal protections of the NLRA but also avoid many of its requirements (Fine, Narro, and Barnes 2018). Many of the organizations discussed previously, such as NDWA, are worker centers. Given their emphasis on direct service, their governance structure, and their community focus, they are often likened to the immigrant settlement houses of the early 20th century and the activist organizations of the 1960s. As of 2018, 226 active worker centers in the United States support and fight for American labor (Fine, Narro, and Barnes 2018).

⁴³Also sometimes referred to as “worker rights organizations” (Wheeler 2002).

These organizations are commonly structured more as non-profit organizations than as a union. They generally do not elect their leaders, and instead, they have full-time staff and a governing board. Moreover, they rely on donations, government grants, and foundation funding to support their work instead of member dues (Fine, Narro, and Barnes 2018). Lacking the structural incentives to build a mass base of dues-paying members, they often rely on small but highly involved memberships – activating those with intrinsic motivation. This structure follows a general trend in American civil society, shifting from voluntary associational organizations to professional-led non-profits (Skocpol 2003). While this sidesteps the free-rider problem, the downside of this strategy is that worker centers are often less able to organize large mass actions or take direct economic action (e.g., go on strike).

Instead, they tend to use existing laws, lobby for policy change, and engage in political education. A prototypical example, the Fair Work Center in Washington state empowers workers by providing them with legal support, helping them navigate bureaucracies, and connecting them with information about their rights. Each year Fair Work Center wins hundreds of thousands of dollars in damages for workers for violations of their rights, such as wage theft, harassment, wrongful termination, and retaliation (FWC 2020).

Without a specific employer to bound their advocacy, many worker centers take on the broad mandate of representing all low-income workers in a specific geography. However, some instead choose to focus on a specific economic sector or an identity group. Doing so allows them to mobilize existing solidarities within these groups, advocate for working conditions and vulnerabilities specific to these communities, and provide tailored services. For example, the Instituto de Educacion Popular del Sur de California (IDEPSCA) organizes primarily Latinx immigrants. This structure impacts both their advocacy, focusing on immigration reform in addition to labor policy, and their services, leading them to provide ESL classes (Fine, Narro, and Barnes 2018).

While most worker centers focus on a narrowly defined geographic area, some cover entire states or even the whole US. This national structure can be valuable when advocating for workers in large multi-state firms. For example, United for Respect demonstrated this approach's virtue, winning remuneration for laid-off Toys R Us employees by organizing 150 ac-

tions across 20 states. They have further won Walmart employees across the US a pregnancy accommodation policy, paid family leave, and paid time off (United4Respect 2020).

Finally, worker centers often support and coordinate the advocacy of multiple pro-worker organizations. Working Washington, a state-level worker mobilization and advocacy worker center, launched, coordinated, and won Seattle’s \$15 minimum wage campaign. Indeed, like many worker centers, Working Washington was founded by a coalition of community groups, faith organizations, and unions (“About Working Washington” 2020). The construction of these multi-stakeholder institutions is part of a broader trend towards social movement unionism, which I will return to in section five. However, while widening the scope of labor activism is one path forward, another is to narrow it via the non-majority union.

Non-Majority Unions: Winning Without an Election

A *business union* can only exist once workers win an election, granting them the right to bargain exclusively for a collective agreement. However, a *union* exists when workers come together to fight for their shared interests in the workplace.⁴⁴ As it is a rare feat for an international⁴⁵ to swoop in and quickly win an election, nearly all business unions are preceded by a “non-majority” union which has not had their right as the sole legal representative of workers at that firm ratified by an election. This nascent collection of workers may decide that their only goal is to win an election and a contract, in which case this “non-majority”⁴⁶ union’s tenure is brief, ending either in the transition to a traditional union or in the union’s demise. However, three tools are available for unions to fight for workers before or without a majority unionized workplace: associate membership, members-only bargaining, and issue campaigns.

Associate membership extends the *non-contract* benefits of union membership to dues-paying workers even if they are not part of a unionized workplace.⁴⁷ For example, the American Federation of Teachers (AFT) offers an associate membership program to those employed within

⁴⁴The AFL’s original 1886 constitution defined a union as an organization of at least “seven wage workers of good character and favorable to Trade Unions” (AFL 1886).

⁴⁵Since many unions (particularly in the Mid-West) in the early 20th century represented workers in both the US and Canada, unions are commonly referred to as “internationals.”

⁴⁶Non-majority unions are also known as “minority unions,” “members-only,” or “solidarity” unions.

⁴⁷It is a legitimate fear that anti-union organizations will be created which provide the non-contract benefits of a union to members at a discount rate to sap the incentive for workers to join unions. This type of poaching appears to have occurred recently, with the non-union Professional Educators of Tennessee recruiting members from the union Tennessee Education Association (Brooks 2018).

the teaching, health-care, and public sectors. Through this program, workers can access things like organizer training, legal defense protection, financial services, and skills clinics (AFT 2014, 2018). By providing workers access to these services, unions can create a “personal affiliation with organized labor,” which may lay the groundwork for future campaigns (Shostak 1991, 63). However, when treated as a mandatory and costly placeholder for a stalled union campaign - as AFT attempted to do with the Chicago graduate student union drive (Thompson 2020) - this can build resentment among organizers who feel abandoned.

The second tool of non-majority unionism is “members-only” bargaining. In this process, a union seeks to negotiate a contract for only those who choose to join the union. Traditionally, a business union seeks to exclusively negotiate for all workers in the bargaining unit – earning this right through the NLRA by winning a majority of workers’ votes. Nevertheless, the NLRA also provides all workers the right to “bargain collectively through representatives of their own choosing” even without a majority union (Summers 1990; Morris 2005). Indeed, the NLRA gives any group of employees the right to collectively present demands to employers, negotiate through a union representative, and bargain a collective agreement (Summers 1990). However, firms do not have the legal “duty to bargain” with these members-only unions. Moreover, whether these organizations legally have the right to strike is hotly debated (Summers 1990). Therefore, while members-only bargaining is possible, without the power of the courts or a legal right to strike, they have far less recourse in the face of recalcitrant employers.⁴⁸

Members-only unions were historically relatively widespread and effective. In 1933, two years before the NLRA, 18% of union contracts were negotiated with a members-only union (Morris 2005). These types of unions are more common in the public sector, where, depending on state laws, workers may already lack the right to strike and employers may have no duty to bargain. As a result, in 2015, approximately 120,000 of AFT’s members were in a members-only union (Marvit and Schriever 2015).

As more and more states adopt right-to-work laws, calls for unions to fight only for their members have spread (e.g., Sachs and Fisk 2014). Nevertheless, there are few cases of successful members-only bargaining in the private sector. One widely cited example of a members-only

⁴⁸An additional concern is that the spread of minority unions will create conditions of union competition and member poaching, which was common in the early 20th century (Brooks 2018).

union, Alliance@IBM affiliated with CWA⁴⁹, was formed in 1999 in response to changes to the pension system. While it originally built up substantial momentum, after 17 years, it had to close up shop; its founder commented, “There was so much that could have been done if we had thousands of members. But that never happened (Conrad 2016).” A more recent hopeful example is at Google, where 225 employees joined together to publicly form the Alphabet Workers Union on January 4, 2021, also affiliating with CWA (Conger 2021). This non-majority union currently represents less than 1% of Google’s 260,000 employees. Nevertheless, it may act as an organizational backbone for the type of issue-based organizing that has already been going on at Google (Conger 2021).⁵⁰

It is specific issue campaigns where non-majority unions have probably seen their most notable success. Whether in a minority or majority union, all organizers work to identify the grievances that exist in the workplace. In an issue campaign, rather than begin fighting for a contract to remedy these issues, workers start by advocating directly for changes to be made related to a specific grievance. Issue campaigns can be a win-win for organizers. If successful, they prove what collective action can accomplish, building momentum for an election drive. If they fail, they can demonstrate the intransigence of management and the need for a union. As Wheeler (2002) put it:

Workers organize when they become frustrated. Frustration occurs only when workers take action to achieve their goals and are blocked by their employer. This means that they must somehow be put in motion toward their goals. If the employer refuses to grant a minority union’s demands, or even to meet with it, this is a classic situation for worker frustration. It has a high potential for leading to unionization.

Coworker.org discussed earlier in this section, is grounded in the idea that organizing done for specific issues can mobilize and motivate longer-term collective power among workers. Issue campaigns allow workers to practice collective action and build a sense of shared identity. They also provide a space for the union to find and develop leaders. Furthermore, they allow organizers to better understand the resonate values and goals of workers (Bradbury, Brenner, and Slaughter 2016).⁵¹

⁴⁹Communication Workers of America.

⁵⁰More on this in section five.

⁵¹Bradbury, Brenner, and Slaughter (2016) is an excellent guide on running successful issue campaigns.

While generally focused on working conditions, issue campaigns can also be part of broader social struggles, such as the Fight for \$15 or Black Lives Matter. As shall be discussed in the next section, issue campaigns can connect workers with allies from across the civil society space. Issue campaigns win victories for workers while building the collective power necessary to win future victories. Nevertheless, without a union contract, issue campaigns cannot guarantee that the employer will not renege on the hard-fought wins once the difficult-to-maintain collective power dissipates. Thus, issue campaigns may best function as pre-cursors to, rather than a substitute for, the push for a union contract.

Perhaps the most notable example of a non-majority union today is at a Volkswagen plant in Tennessee. After a failed UAW union drive in 2014, pro-union workers chose to continue to organize. This group successfully launched a wildcat strike in 2019, winning paid time off and proving to many workers the value of a union (Elk 2019).⁵² This case demonstrates the power of another unconventional tactic: the wildcat strike.

The Wildcats: Striking Without a Union

The result of the emergence of these new tools for solving the “collective action problem” is that strikes are happening without an NLRA-sanctioned union. We have seen this throughout the previous sections: the gig workers at Instacart who won coronavirus protections, the graduate students at UC Santa Cruz fighting over the cost of living, the farmworkers who formed 2013 Familias Unidas por la Justicia, and the Volkswagen employees who won paid time off. Workers are learning how to use their power to withhold their labor with or without a union. Nearly half a million workers went on strike in 2018 and again in 2019, the largest two-year average in over three decades (McNicholas and Poydock 2020),

A wildcat strike is when workers strike without the authorization of a union. As legally defined, it applies only to cases where those workers are members of a union. However, the term is commonly used to describe any strike action arising from workers without union guidance or authorization. I use this broader definition in this section. For workers within unions, wildcat strikes were made illegal^[97] by the NLRA. Workers without unions are allowed to coordinate

⁵²These workers lost another election in 2019, though this time by a slimmer margin (Elk 2019).

these strikes, but the NLRA protection from employer retribution will only apply when workers strike for economic conditions or employer labor practices.

Wildcat strikes enable workers to make demands of their employers and their unions, acting as an essential check on biases within union spaces. For example, in the 1960s, when racial discrimination was common within unions, black workers would occasionally form insurgent worker groups. One case of this is DRUM⁵³, which engaged in a wildcat strike in 1968 to demand that both the company and the union make improvements for black workers (Weber 2018).

Already mentioned, perhaps the most widely discussed wildcat strike in recent memory was conducted by teachers and school support workers in West Virginia in 2018. In a state where public employees are legally barred from striking at all, and with a union that had already agreed to a new contract, teachers were frustrated by what they saw as a meager wage increase that would not cover the rising costs of the state health plan (Krieg 2018). After a statewide strike, these workers won a 5% pay rise and inspired similar statewide strikes in Arizona, Oklahoma, Kentucky, Colorado, and North Carolina (Dam 2019). While the strike began with union support, union leaders attempted to call it off halfway through, having negotiated a 2% raise (Quinn 2018). However, due to their alternative sources of coordination and radical rank-and-file organizers, workers maintained the now wildcat strike without their leaders' approval, winning a 5% raise (Blanc 2019).

Wildcat strikes have recently entered the mainstream vernacular due to actions taken in the coronavirus pandemic's initial wake in 2020. On March 17, autoworkers at Fiat-Chrysler in Detroit walked off the job due to coronavirus safety concerns (Brooks 2020). On March 23, workers did not show up to work at a Georgia poultry processing plant (Hammond 2020). On March 24, workers closed a shipyard in Maine (Valigra 2020). On March 27, teamsters shutdown a Memphis plant after one of their coworkers tested positive (Elk 2020). As discussed above, on March 30, Instacart workers went on strike in late March due to lack of safety and hazard pay (Rodrigo 2020). That same day, over 100 Amazon warehouse workers walked off the job (Salas-Rodriguez and Fitz-Gibbon 2020). These are only a scattershot of the labor actions in the weeks after the pandemic took hold in the United States. While not all of these wildcat strikes

⁵³Dodge Revolutionary Union Movement.

were successful, they did demonstrate the capacity and potential for workers to take coordinated efforts with or without union leadership.

Perhaps the most widely known wildcat strike of 2020 was in August when the National Basketball League's (NBA) Milwaukee Bucks refused to play after the police shooting of Jacob Blake. Four additional teams joined the strike causing the NBA to postpone the playoffs (J. Rosenberg 2020). This led to a widespread athlete strike, including teams from the WNBA, MLB, MLS, and NHL (Nair 2020). These players chose to *illegally* use their power as workers to demand social change - a far cry from the bread and butter strikes of the NLRA.

V. Organizing Beyond the Union

The earliest major labor organization in the United States was the Knights of Labor. At its peak in 1886, it represented 1 in 5 workers in the country (Zieger, Minchin, and Gall 1986). However, as an organization, it looked very different from the American Federation of Labor - its successor as labor's torchbearer. AFL unions at the turn of the 20th century organized (white male) skilled labor to win collective bargaining agreements over pay and working conditions. They were the quintessential business union. The Knights of Labor organized men and women, white and black, skilled and unskilled, to achieve a broader vision for society. They wanted to change production relations, abolish child and convict labor, establish equal pay for equal work, adopt a graduated income tax, and instill the 8-hour workday (Kaufman 2001).

This alternative approach to unionism has gone by many names over the years but is generally referred to today as "social movement unionism" (McAlevy 2010). It stems from recognizing that workers want more than just higher wages, and unions can better organize when they focus on the whole worker. It asserts that unions have shared cause with other advocates for social changes and can achieve bigger wins for their members and society when they join forces. Indeed, the idea of social movement unionism "flows rather naturally from the idea that the function of a labor movement is to improve the lives of workers" (Wheeler 2002, 58) and that "[u]nionism prospers when it stands for more than a 3 percent raise and a cost-of-living increase" (Richard Belous quoted in Wheeler 2002).

Many of today's labor organizations share this grander vision of social change. Indeed, as one commentator put it: "Business unionism is out, social movement unionism is in: On this, North American union activists agree" (Gindin 2016). To illustrate both the social and the strategic value of this model, I explore three cases of social movement organizing. Beginning with the tech sector, I review how organizing by these relatively privileged high-skill workers both pressured employers to be more socially responsible and sparked the creation of unions in a new sector of the economy. Turning to the strikes for racial justice in the wake of the George Floyd Uprisings, I discuss the virtue of demonstrating broader working-class solidarity. Finally, the bargaining for a common good framework illustrates that when unions fight for broader reforms, they can build alliances and build power.

In short, by being a vehicle not just for workplace negotiations but also for social and political action, labor activism can conscientize workers, attract activists, break-down barriers, build their reputation, and win big for working-Americans.

Tech Organizing: Fighting for Socially Responsible Firms

As discussed regarding the wildcat strike, in practice, workers can strike without a union. While labor actions are still protected by the NLRA when they are taken for economic conditions and employer labor practices even without a union, those done in solidarity with others or for broader political purposes are unprotected. This is what was so remarkable about the walkouts and protests by the tech workers⁵⁴, which made headlines in 2018 and 2019. They happened without a union and for the types of broader social issues that the US's legal framework actively steers workers away from. Moreover, in flexing their collective power as workers for social change, these activists have conscientized themselves and their colleagues, laying the groundwork for building unions in the tech industry.

In November 2018, as part of the #metoo movement, tens of thousands of workers walked off the job at Google offices worldwide to protest how the firm handled sexual harassment claims. These protests ultimately lead to reforms in Google's arbitration process (Robertson 2018). These

⁵⁴For this subsection, I am focusing on the relatively high-skilled workers who use their concentrated bargaining power to pressure their firms as part of a larger social agenda. Many workers in the tech sector are not employed in these more privileged occupations. For example, in 2019, Amazon warehouse workers went on strike during Prime Day over working conditions (Fingas 2019), and in 2020, Amazon warehouse workers in Alabama began a union drive (Conger 2021). Indeed, all the organizing gig workers have done could fall under the heading "Tech Organizing." This organizing tends to be centered more on traditional workplace grievances and issues of compensation.

high-skill workers acknowledged that “Sometimes your base salary doesn’t protect you. . . Everybody needs to have voice in their job and dignity at work” and the way to get it is collective action (Unite Here Head of Communications Rachel Gumpert quoted in Tiku 2018). Nevertheless, while this brief strike was notable for who was doing it, the issue - sexual harassment in the workplace - is well within the traditional boundaries of labor action. Indeed, this half-hour protest was in the middle of Marriott workers’ 59-day strike, which similarly took aim at sexual harassment (Tiku 2018).

What is more surprising is that tech workers regularly used their collective bargaining power to shape the types of projects in which their firms engage. In April 2019, nearly a thousand Google employees petitioned their employer - this time in solidarity with the temps, vendors, and contract workers (“Google Walkout for Real Change: Not OK, Google” 2019).⁵⁵ That same summer, workers at Google successfully advocated for the tech giant to terminate a contract for military drone technology it was developing for the Pentagon (Conger 2018). In June 2019, 10% of Wayfair workers walked off the job to protest Wayfair’s collaboration with ICE detention centers (Spellings 2019). That same year, at Amazon, Microsoft, Google, Palantir, Tableau, and Salesforce, employees pressured their bosses to end cooperation with ICE and Customs and Border Protection (Tarnoff 2018; Chu 2019).⁵⁶ Then, in September 2019, workers from Amazon, Twitter, Google, Microsoft, Facebook, Square, and other tech companies joined the global climate strike (Matsakis 2019).

This tech worker activism is beginning to formalize. A worker center called the Tech Workers Coalition has organized employees in the technology sector in eleven US cities⁵⁷ and abroad. Not (yet) a union, they describe themselves as “a democratically structured, all-volunteer, and worker-led organization. At this point, membership consists of attending meetings in person and working on the various projects that people are interested in” (TWC 2020). Google became the first of the big five tech companies to have a formalized union in its midst. In early 2021, the Alphabet Workers Union (AWU) formed a non-majority union to support and coordinate the workplace-based activism that began years earlier (Conger 2021). In their statement launching

⁵⁵Later that year, 80 tech workers at Google contractor HCL Technologies went on to win a union of their own (Broomell 2019).

⁵⁶At least two workers were terminated for this activism (Conger 2021).

⁵⁷As of October 2020.

the unions, AWU placed their organization firmly in the social movement unionism framework: “We want Alphabet to be a company where workers have a meaningful say in decisions that affect us and the societies we live in” (Koul and Shaw 2021).

Some tech workers have gone so far as to win majority unions. One of the first union drives was at Kickstarter (McKay 2019). Despite management engaging in unlawful union-busting techniques, including firing an employee for labor organizing (Gurley 2020c), workers won a union in February 2020 (Gurley 2020a). What is particularly notable is that, while general frustration with management appears to have been a factor in initiating the drive, the trigger condition was fundamentally social (Harnett 2020). In 2018, management decided to take down a comic book trying to raise money on the site, “Always Punch Nazis,” in response to haranguing by right-wing website Breitbart. Employees disagreed with the decision and collectively pressured Kickstarter to keep the project up. While successful, management allegedly retaliated against workers who led the mobilization. Forcing them to recognize their lack of power in the workplace, this experience motivated workers at Kickstarter to build the first major successful tech worker union (Harnett 2020).

It is often presumed that workers are mobilized only by their own “bread and butter” issues; indeed, that is the heart of Gompers’s “pure and simple union” model (Wheeler 2002). Nevertheless, tech organizing demonstrates that employees often want more than just a well-paying job. As suffragist and labor activist Helen Todd put it over a century ago: “Bread for all, and Roses, too” (Todd 1911). Many workers want to feed their souls. They want firms they can believe in and societies that reflect their values. The Google and Kickstarter examples illustrate that many of these workers have decided that to get the power to influence their firm’s direction and to impact society, they need to organize a union.

Strike for Our Lives: Fighting for Racial Justice

In the United States, the working class⁵⁸ has long been split along racial lines⁵⁹, a division that continues to this day.⁶⁰ Racial divisions among workers impede unions' ability to win gains, a fact that has been clear to unionists for generations. As the racist (Mann 1953) AFL founder, Samuel Gompers, said more than a century ago, "[F]or even if it were not a matter of principle, self-preservation would prompt the workers to organize intelligently and to make common cause [across racial groups]" (quoted in Washington 1913, 759). While the principle of justice remains unchanged, that strategic logic is even more true today. Nearly half⁶¹ of working-class Americans are people of color (Rowell 2018), and a larger share of Black Americans are members of a union than white Americans (BLS 2020a). Whether for principled or strategic reasons, some unions have chosen to invest their energy in building inter-racial solidarity and fighting for racial justice. In so doing, they reshape the beliefs of their members and prove their commitment to solidarity.

In an economy where inequalities and privileges run along both class and racial lines, America's unionized white workers have been inconsistent in their solidarity with people of color and immigrants. In the early twentieth century, the more conservative AFL was organized mainly along ethnic lines, excluding Black Americans and "new" immigrants from Southern Europe, Eastern Europe, and China (Lipset and Marks 2000). Indeed, one study found that only 15% of AFL unions guaranteed membership to all eligible workers in the 1940s, excluding many based on race or ethnicity (Stepan-Norris and Zeitlin 2003).

More radical American union traditions have a better record of fighting for racial equality, yet even they fall short. While the president of the Knights of Labor proclaimed in 1886: "In the

⁵⁸What is "working class" is highly debated. The quantitative studies noted in this section use education attainment as the relevant indicator. Working-class, by this definition, encompasses those without a four-year college degree.

⁵⁹One of the significant barriers to the US achieving a "European-style welfare state," with its broad protections of working people, is "racial discord" (Alesina, Glaeser, and Sacerdote 2001; Lipset and Marks 2000).

⁶⁰This is most evident in electoral politics, where the working class's political affiliations are split along racial lines. Since at least 1992, the Republican Party has increasingly become the representative of "white working class" Americans. This process won the White House for Bush in 2000 when Al Gore lost West Virginia's six electoral votes. (Until 2000, West Virginia, home of the radical CIO United Mine Workers, had voted for the Democratic presidential candidate in 17 of the last 19 elections.) More recently, this population was credited with Trump's 2016 victory (Carnes and Lupu 2020). Conversely, over the same period, working-class people of color – particularly Black Americans – have been some of the most reliable Democratic voters.

⁶¹Using 2016 American Community Survey data, it is estimated that 42% of the "working class" (those without a four-year degree) are non-white (Rowell 2018).

field of labor and American citizenship we recognize no line of race, creed, politics or color” (quoted in Powderly 1889), his organization continued to discriminate against Chinese immigrants. Similarly, while among the Congress of Industrial Workers,⁶² 81% of unions constitutionally guaranteed membership to all workers, nine of this federation’s thirty-six unions continued to maintain segregated locals (Lipset and Marks 2000). Therefore, it is unsurprising that Booker T. Washington wrote in 1913: “there is unquestionably a very widespread prejudice and distrust of labor unions” among Black Americans (Washington 1913, 757).

Nevertheless, at times, unions have been at the vanguard of the fight for racial justice. In the mid 20th century, the interracial unions of steelworkers, autoworkers⁶³, and packinghouse workers were essential allies of the Civil Rights Movement (Siegel 2013). “[These unions] believed that black workers and their fate was intertwined with that of white workers; that questions of economic security and anti-discrimination were joined at the hip” (Thomas Sugrue quoted in Siegel 2013). In supporting this struggle, they went beyond their “economic mandate” to man the picket lines and fill the coffers of the Black freedom movement (Siegel 2013; Ransby 2003).⁶⁴

This tradition continues to this day. Many unions have chosen to exert their power as workers to support the call for racial justice during the George Floyd Uprisings, showing up for black lives in various ways throughout the months of protests. For example, New York City’s MTA workers refused to help the police transport people arrested during the demonstrations (Koebler 2020).⁶⁵ On Juneteenth (June 19), the ILWU⁶⁶ shut down 29 west coast ports from Vancouver to San Diego to protest police violence (Greenspan 2020). On July 20, tens of thousands of workers affiliated with more than a dozen labor organizations, including SEIU, AFT, and the International Brotherhood of Teamsters, took part in a massive coordinated strike in over 200

⁶²A break-off group of more radical AFL unions formed in 1935.

⁶³While United Autoworkers was generally an ally of the civil rights movement, it was not free of racism within the organization. So much so that in 1968, following a wildcat strike, DRUM (“Dodge Revolutionary Union Movement”) split off from the UAW to fight for improved working conditions for black workers who felt ignored by the majority white union leadership. They then joined similar splinter groups to form the League of Revolutionary Black Workers (“The League of Revolutionary Black Workers (LRBW)” 2020).

⁶⁴This inter-racial solidarity sometimes expanded beyond American borders. For eleven days in 1984, the International Longshore and Warehouse Union in San Francisco Bay Area refused to unload South African cargo (Cole 2015). “In response to this demonstration, other workers, church people, community activists, and educators gathered each day at the docks to express their solidarity with the dockworkers” (Nelson Mandela quoted in Cole 2015).

⁶⁵Refusing to transport arrested protesters is an official policy of this union – demonstrating a broader commitment to political struggle. In 2011, this local refused to transport Occupy protesters to prison (Koebler 2020).

⁶⁶International Longshore and Warehouse Union.

cities across the country (Bogage 2020). These acts of solidarity move beyond the narrow bread and butter organizing that is the hallmark of business unionism.

Yet, this period has also shown the damage done when unions are concerned only for the narrowly-defined interests of their members. Police unions have fought hard to protect their constituents and, in so doing, alienated themselves from much of the rest of the labor movement and non-white Americans (Scheiber, Stockman, and Goodman 2020). Today only 19% of black adults express confidence in the police (Gallup 2020), and faith overall is at an all-time low (Gallup 2020).

Some unionists fear that when unions wade into social issues, they will alienate their members. They believe that they can win better by limiting their bargaining to working conditions. In the short run, they may be right. However, in the long run, unions that embrace racial equality invest in a stronger labor movement. As Stepan-Norris and Zeitlin argue in their discussion of the left-wing unions of the 1940s:

If union leaders and activists are willing, whether as an expression of democratic ideals or egalitarian principles, or both, to challenge and engage the union's members fully and freely in a real give-and-take about the issue of bigotry or brotherhood and try to bring them together, in practice, around common grievances, in common struggles, irrespective of "race or color," then they are bound to develop mutual regard and respect or, in Dubois's words, "interracial tolerance and understanding" (Stepan-Norris and Zeitlin 2003, 242).

Indeed, recent scholarship has found that unions have the power - as well as the ideological and strategic incentives - to reduce racial resentment among white workers (Frymer and Grumbach 2020). By taking a stand for racial justice, unions have the power to create a stronger labor movement.

Bargaining for the Common Good

Community-based organizations, worker centers, faith-based organizations, and unions have long fought together and for each other. Bargaining for the common good is an explicit adoption of this approach. In this strategy, unions will include social concerns in their bargaining demands. This allows them to represent the values of their members and rally the support of key allies and stakeholders. By joining together, these networks of organizations can better push for public services, corporate responsibility, and labor rights. In essence, this approach recognizes that teachers are also parents, that miners live in polluted environments, and that construction

workers need affordable housing. In organizing the “whole worker,” bargaining for the common good expands the demands that unions have of employers beyond wages and working conditions, forging alliances with others who share those same interests.

The most often cited expression of this approach is the 2012 struggle of the Chicago Teachers Union. The teachers union worked with eleven membership organizations in Chicago to coordinate their direct actions. In the process, they consulted with community members and parents to shape their bargaining demands to benefit both the teachers and the students (McCartin 2018). While teachers were fighting for better wages and benefits, they also fought for education justice: reduced class sizes, curriculum changes, improved facilities, greater parent support, more equitable treatment of students, and better staff training (Caref and Al 2018; Smiley 2015).⁶⁷ Ultimately, their campaign won many of its demands for teachers, parents, and students (McCartin 2018).⁶⁸

This approach quickly spread across the country. In 2013, SEIU Local 503, representing care workers and state employees in Oregon, launched the “In It Together” campaign demanding that the state target banks for fraudulent financial practices (McCartin 2016). In 2015, unions and community groups came together for the Minneapolis People’s Congress to create a common agenda (McCartin 2016). That same year, LA City workers won increased maintenance and sanitation investments (SEIU 2015). Also in LA, due to input from a series of youth, parent, and community forums, the 2019 LA Teachers’ Strike ended with a contract that increased green spaces on school campuses and improved services for immigrant parents (Caputo-Pearl and McAlevee 2019). And in February 2020, Minneapolis janitors went on strike demanding improved wages and that their employers take action on climate change (Vachon et al. 2020). The Bargaining for the Common Good Network gathers both lessons learned by these campaigns and cultivates the alliances created in these fights to empower and embolden these activists for future struggles.

⁶⁷Teachers’ unions are regularly accused of harming students’ education. For example, several speakers at the 2020 Republican National Convention “slammed teachers’ unions for hurting children” (Ujifusa 2020). Bargaining for the common good has the added benefit of disrupting this narrative.

⁶⁸That this approach should come out of a Chicago teacher’s union is historically fitting. The city’s first teachers’ union, the all-female Chicago Teachers’ Federation, fought in alliance with community groups and suffragists in a fight over the structure of public education and tax policy over a century ago (Hagopian 2010).

Beyond contracts, the types of coalitions that bargain for the common good can facilitate other kinds of victories for working people. For example, the collective efforts of unions and community organizations have been essential to the Fight for \$15. It was a coalition of unions, worker centers, and community activists working together who won the campaign's first victory, achieving the \$15 minimum wage in Seattle (Rolf 2016b). As the fight spreads across the country, community groups and unions continue to collaborate (Liacas 2016). While this activism centers on achieving a living wage, the workers mobilized during the campaign inevitably connect that struggle to Black Lives Matter, immigration reform, and childcare (Ocasio and Gertner 2017). Thus, this style of social movement unionism creates a virtuous cycle of politicization and community organizing that benefits both the labor movement and American civil society.

VI. A Nation Ready

It is worth repeating that half of those not in a union would vote to join a union if given the opportunity (Kochan et al. 2018) and that most Americans support the labor movement (Rolf 2018) and see the decline in unions as bad for working people (Pew 2018b). This support for unions is perhaps unsurprising given the level of economic anxiety that exists today. Half of Americans think technology has hurt workers (Pew 2018a), and a quarter is worried about losing their job to automation (Newport 2017). Two out of five workers believe they are underpaid (Norman 2018), and 82% see inequality as a big problem (Pew 2017). And like the two-thirds of American's favor a \$15 minimum wage (Davis and Hartig 2019), most want real change in their working conditions. The iron is hot for the labor movement, and it's beginning to strike.

Nevertheless, if the labor movement does experience a second renaissance, it may not come only from the ongoing work of traditional labor unions - though they will undoubtedly play a central role. Those left out of the NLRA have shown the power of secondary labor action, digital platforms, and mobilizing through service provision. They have overcome information asymmetries, won new legal rights, and even created novel institutions to defend workers. Many of the practices these activists have used can be adopted by workers across the labor movement.

Moreover, the discussion of “organizing without unions” showed how online worker forums and digital petitions could help workers commiserate, coordinate, and act, while mutual-aid allows them to practice and build solidarity. New communities such as the emergent left, unionizing professionals, and radical immigrants may populate the ranks of organizers by providing an exogenous infusion of energy and talent. Workers’ centers and non-majority unions may provide institutional support to those who have yet to win a union election. Even the most potent tool of workers, the strike, is not out of reach of those without a union.

The labor movement of the coming decades will also likely not be limited to just the questions of working conditions. Indeed, to win, it may have to expand its purview. Tech workers have found their way into the labor movement through the fight for social justice. Uniting the working-class may require that unions take on the issue of racial inequality. Finally, building the coalitions necessary to win may mean bargaining for more than workers’ bread and butter issues.

Yet, while this paper has noted a remarkable amount of dynamism in the American labor movement today, it has also often linked these elements to earlier experiences of worker activism. The fundamental problems of coordination and motivation problems have plagued labor organizing for over a century. Since the fundamental issues are the same, the solutions are often quite similar as well. By placing these strategies in the historical context, broader lessons can be drawn.

However, there was an additional aim in introducing these comparisons. At one point, the American labor movement overcame the challenges it faced: the new technology, the changing social environment, the massive inequality, the hostile employers, and a debilitating legal framework. Perhaps it can do so again.

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