

## Fighting for the Common Good: How Low-Wage Workers' Identities Are Shaping Labor Law

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Social movements led by workers in low-wage industries, from fast food to car washes to nursing homes, have upended the public narrative of who poor workers are and what they deserve both at work and at home.<sup>1</sup> By doing so, these movements have won victories that were once considered “unrealistic” and “doomed.”<sup>2</sup> As a result of the Fight for \$15’s campaign,<sup>3</sup> for example, nearly

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1. See Steven Greenhouse, *How the \$15 Minimum Wage Went from Laughable to Viable*, N.Y. TIMES (Apr. 1, 2016), <http://www.nytimes.com/2016/04/03/sunday-review/how-the-15-minimum-wage-went-from-laughable-to-viable.html> [<http://perma.cc/Q983-YU4C>]; Editorial, *A \$15 Minimum Wage for New York*, N.Y. TIMES (Mar. 4, 2016), <http://www.nytimes.com/2016/03/05/opinion/a-15-minimum-wage-for-new-york.html> [<http://perma.cc/DSD7-4FTC>]; Jennifer Gerson Uffalussy, *Find Out Why These Minimum Wage Workers Across 340 Cities Banned Together*, TEEN VOGUE (Nov. 30, 2016), <http://www.teenvogue.com/story/find-out-why-these-minimum-wage-workers-across-340-cities-banned-together> [<http://perma.cc/FG4B-7AH7>].
  2. See Greenhouse, *supra* note 1; see also Derek Thompson, *Why the Fast-Food Worker Strikes Are Doomed*, THE ATLANTIC (Aug. 29, 2013), <http://www.theatlantic.com/business/archive/2013/08/why-the-fast-food-worker-strikes-are-doomed/279179> [<http://perma.cc/Y4YP-6N2A>]; Mark Trumball, *Fast-Food Wage Protest: Is \$15 an Hour Asking Too Much?*, CHRISTIAN SCI. MONITOR (Aug. 30, 2013), <http://www.csmonitor.com/Business/2013/0830/Fast-food-wage-protest-Is-15-an-hour-asking-too-much> [<http://perma.cc/6YSC-BABU>]. Now, \$15 and a union is considered the bare minimum workers should accept, as evidenced by its adoption in the Democratic Party platform. See Alex Seitz-Wald, *Democrats Add \$15 Minimum Wage to Platform*, NBCNEWS.COM (July 8, 2016), <http://www.nbcnews.com/politics/2016-election/democrats-add-15-minimum-wage-platform-n606351> [<http://perma.cc/WK79-QWN3>].
  3. Our employer, the Service Employees International Union, is one of the primary supporters of Fight for \$15. This worker campaign, whose demands are \$15 an hour and the right to unionize, started in 2012 with 200 fast food workers in New York City and has since spread

seventeen million U.S. workers have earned wage increases, and 59% of those—ten million workers—will receive gradual raises to \$15 an hour.<sup>4</sup> In fact, between 2012 and 2016, workers earning less than \$15 gained \$61.5 billion in wage increases.<sup>5</sup> However, the workers who lead and drive these movements are not simply agitating for a higher wage. As Jorel Ware, a McDonald's worker from Chicago and member of the Fight for \$15, states it:

What's motivating me is there's a lot of different issues going on in the United States with living wages, with Black Lives Matter issues, immigration reform, childcare. These issues are basically the same because everybody's going through them, black and brown people are going through this. This is how it comes together and it gives me the drive and I'm finally willing to make a change.<sup>6</sup>

Jorel's desire for broad-based change that cannot simply be bought with a higher wage is emblematic of the desires of large numbers of low wage workers, a disproportionate number of whom are women, Black, and Latino. Although public attention has focused on their success in lifting the minimum wage,<sup>7</sup> workers are also demanding greater political and economic equality in

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to thousands of low wage workers in over 340 cities throughout the country. *Why We Strike*, FIGHTFOR15, <http://fightfor15.org/why-we-strike/> [<http://perma.cc/Q4H5-XSVE>]; see Steven Greenhouse, *With Day of Protests, Fast-Food Workers Seek More Pay*, N.Y. TIMES (Nov. 29, 2012), <http://www.nytimes.com/2012/11/30/nyregion/fast-food-workers-in-new-york-city-rally-for-higher-wages.html> [<http://perma.cc/G6A7-XHUB>]; Steven Greenhouse, *Thousands of Fight for 15 Protesters Rise Up in 340 Cities Across the U.S.*, GUARDIAN (Nov. 29, 2016), <http://www.theguardian.com/us-news/2016/nov/29/fight-for-15-protest-minimum-wage-fast-food-airport-workers> [<http://perma.cc/848S-PPTU>].

4. *Fight for \$15 Impact Report: Raises for 17 Million Workers, 10 Million Going to \$15*, NAT'L EMP. L. PROJECT (Apr. 2016), <http://www.nelp.org/content/uploads/NELP-Fact-Sheet-Fight-for-15-Impact-Report.pdf> [<http://perma.cc/X69L-WYLB>]. This wage increase is equal to a sixth of the annual federal budget for safety net programs (excluding Social Security or Medicare). See *Policy Basics: Where Do Our Federal Tax Dollars Go?*, CTR. ON BUDGET & POL'Y PRIORITIES (Mar. 4, 2016), <http://www.cbpp.org/sites/default/files/atoms/files/4-14-08tax.pdf> [<http://perma.cc/XMK4-WUEG>].
5. *Fight for \$15: Four Years, \$62 Billion*, NAT'L EMP. L. PROJECT (Dec. 2016), <http://www.nelp.org/content/uploads/Fight-for-15-Four-Years-62-Billion-in-Raises.pdf> [<http://perma.cc/39XC-6BXX>].
6. *Id.*
7. Several large cities have passed \$15 minimum wage laws, including Seattle, Los Angeles, Washington, D.C., New York, and Pittsburgh. See Daniel Beekman, *\$15 Wage Law Has Little Impact on Seattle's Thriving Labor Market, Report Suggests*, SEATTLE TIMES (July 25, 2016), <http://www.seattletimes.com/seattle-news/politics/15-wage-has-little-impact-on-seattles-thriving-labor-market-report-suggests/> [<http://perma.cc/MER5-MWDF>]; Abby Sewell, Jean Merl & Katie Shepherd, *L.A. County Supervisors Agree To Boost Minimum Wage to \$15 an Hour By 2020*, L.A. TIMES (July 21, 2015), <http://www.latimes.com/local/lanow/la>

the form of an agenda that addresses systemic racism, sexism, and other forms of structural discrimination.

Seen in this light, it is no surprise then that low wage workers are turning to labor unions. As Professor Benjamin Sachs has written, labor is “the legal regime that has most successfully facilitated lower-and middle-class political organizing.”<sup>8</sup> Labor unions, in turn, are responding to low-wage worker organizing by acknowledging the intersectional identities of these workers. Out of this recognition of their members’ identities, we see emerging what commentators have coined as “common-good unionism”<sup>9</sup> – that is, a form of union organizing

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- me-ln-county-minimum-wage-20150721-story.html [http://perma.cc/SD7V-U8KG]. Nineteen states increased their minimum statutory wages at the beginning of 2017. Michael Edison Hayden, *19 States Increase Minimum Wage at the Start of 2017*, ABCNEWS (Jan. 1, 2017), <http://abcnews.go.com/Politics/19-states-increase-minimum-wage-start-2017/story?id=44501349> [http://perma.cc/4DRJ-HG89]. The federal government has also increased wages for federal contractor employees. See Wage and Hour Division, *Fact Sheet: Final Rule to Implement Executive Order 13658, Establishing a Minimum Wage for Contractors*, DEP’T LAB. <http://www.dol.gov/whd/flsa/eo13658/fr-factsheet.htm> [http://perma.cc/FJ2H-44KD]. Employers have also voluntarily increased wages. See, e.g., Winnie Hu, *As New York Debates \$15 Minimum Wage, a Bronx Company Makes It a Reality*, N.Y. TIMES (Mar. 30, 2016), <http://www.nytimes.com/2016/03/31/nyregion/new-york-15-dollar-minimum-wage-reality-at-bronx-company.html> [http://perma.cc/2MAV-5MLD]; Cindy Atoji Keene, *Why One Company Voluntarily Boosted Its Minimum Wage to \$15 an Hour*, BOSTON GLOBE (Nov. 10, 2015), <http://www.bostonglobe.com/magazine/2015/11/10/why-one-company-voluntarily-boosted-its-minimum-wage-hour/U996ARxhvmyLzhJ3THrIBI/story.html> [http://perma.cc/4PY3-E5BJ]; Eric Morath, *What Wal-Mart’s Pay Raise May Mean For Other Workers*, WALL ST. J. (Feb. 19, 2015), <http://blogs.wsj.com/economics/2015/02/19/what-wal-marts-pay-raise-may-mean-for-other-workers/> [http://perma.cc/XY4X-LBGU]. University campuses have also followed suit with respect to work-study jobs. Danielle Douglas-Gabriel & Lydia DePillis, *Students Take up the Fight for \$15 for Another Group: Themselves*, WASH. POST (Oct. 19, 2015), <http://www.washingtonpost.com/news/wnk/wp/2015/10/19/students-take-up-the-fight-for-15-for-another-group-themselves/> [http://perma.cc/39BP-Z56S].
8. Benjamin I. Sachs, *The Unbundled Union: Politics Without Collective Bargaining*, 123 YALE L.J. 148, 152 (2013) (“At the peak of union strength, more than twenty million Americans – nearly all within the income classes for whom representational inequality is now a problem – exercised collective political voice through the union form.”). The labor movement has achieved broad-based victories benefiting both union and non-union workers, including an eight-hour work day, workplace safety rules, minimum wage laws, Social Security, and Medicare, among other achievements that helped lift entire communities and create the middle-class. Dean Baker, *Labor Unions: The Folks Who Gave You the Weekend*, HUFFINGTON POST, (Sept. 7, 2015), [http://www.huffingtonpost.com/dean-baker/labor-unions-the-folks-wh\\_b\\_8101242.html](http://www.huffingtonpost.com/dean-baker/labor-unions-the-folks-wh_b_8101242.html) [http://perma.cc/B4Z2-KA59].
  9. Rachel M. Cohen, *Teacher Unions Are “Bargaining for the Common Good”*, AM. PROSPECT (June 16, 2016), <http://prospect.org/article/teacher-unions-are-bargaining-common-good> [http://perma.cc/6X5X-ZN4C]; Moshe Marvit, *In This Moment, Labor Must Become a Movement*, ON LABOR (Nov. 21, 2016), <http://onlabor.org/2016/11/21/guest-post-in-this-moment-labor-must-become-a-movement/> [http://perma.cc/3MX4-V8H7].

that addresses social conditions whether or not they are directly related to traditional terms and conditions of employment. Unions are thus increasingly pursuing innovative strategies spurred by the need to address the multifaceted and complex nature of inequality in the United States. The resurgence of tripartite, sectoral bargaining that Professor Kate Andrias extolls in *The New Labor Law* is but one salient example of this emerging trend.<sup>10</sup> Like the fight for an eight-hour day and the weekend before it, common-good unionism is bringing about positive change not just for the benefit of union members but for all people who are similarly situated. We see common-good unionism as the better predictor of the future of labor law and its increasing intersection with other areas of law and organizing.

In this Essay, we therefore shift the focus from the legal strategies that low-wage workers and their advocates are currently using to the workers themselves.<sup>11</sup> By taking a closer look at these workers' identities and demands, we argue that the strategic innovation in low-wage worker campaigns is driven not merely by a need to overcome economic and legal barriers to organizing in the fissured economy, but also by the needs of marginalized workers, which require going beyond traditional labor law and sometimes beyond the law altogether. Part I provides a picture of the workers making less than \$15 and presents the

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10. As practitioners, we agree with one of the central claims of Professor Kate Andrias's article, *The New Labor Law*, that tripartite sectoral bargaining has potential as a powerful strategic tool to raise wage and labor standards across entire industries. The Fight for \$15 and similar movements have the potential to forge a legal labor regime that "enable[s] unions to negotiate in ways that respond to the problem of the fissured employer." Kate Andrias, *The New Labor Law*, 126 YALE L.J. 2, 78 (2016) [hereinafter Andrias, *New Labor Law*]. The old National Labor Relations Board representation process has struggled with this problem. During the Obama years, the Board did much to try to adapt to modern corporate structures and economic conditions, from the *Browning-Ferris Industries* case that recognized that corporate headquarters could be in a dual employer relationship with franchisees, to rules that provided for quicker elections. However, as Professor Andrias notes, it is much more difficult to certify a union through Board proceedings in the current environment, and these changes have resulted in some improvements but not directly in growth of union membership. See *Browning-Ferris Indus. of California, Inc.*, 362 N.L.R.B. No. 186 (Aug. 27, 2015); Melanie Trottman, *New NLRB Election Rules Haven't Helped Unions Grow As Expected*, WALL ST. J. (Apr. 20, 2016), <http://www.wsj.com/articles/new-nlr-election-rules-havent-helped-unions-grow-as-expected-1461190043> [<http://perma.cc/T2TG-HTJW>].
11. While a recent wave of labor law scholarship has contributed to understanding the implications of the new low-wage worker movements for labor law, this scholarship tends to overlook the role that the composition of the low-wage workforce plays in the strategies adopted and the broader goals to which the campaigns are aimed. See Michael M. Oswalt, *Improvisational Unionism*, 104 CALIF. L. REV. 597 (2016) (describing Fight for \$15's approach to organizing as "improvisational"); Kate Andrias, *Building Labor's Constitution*, 94 TEX. L. REV. 1591 (2016) [hereinafter Andrias, *Building Labor's Constitution*]; Brishen Rogers, *Libertarian Corporatism Is Not an Oxymoron*, 94 TEX. L. REV. 1623 (2016); Heather M. Whitney, *Rethinking the Ban on Employer-Labor Organization Cooperation*, 37 CARDOZO L. REV. 1455 (2016).

economic and social factors shaping their demands. Part II provides a broad overview of the kinds of legal and non-legal strategies that low-wage worker movements are using to raise the visibility of the most disenfranchised workers and address the discrimination and inequality they face both within and outside the workplace. Finally, in Part III, we provide a sketch of the “common-good unionism” we see being shaped by a deliberately intersectional analysis<sup>12</sup> of the needs of workers and their communities.

**I. LOW WAGE WORKER MOVEMENTS ADVOCATE FOR A WORKFORCE THAT IS DISPROPORTIONATELY COMPOSED OF WOMEN AND PEOPLE OF COLOR**

Workers in low-wage industries endure a host of challenges that create instability in their lives, including “on-call scheduling, missed breaks, generalized disrespect, and [ ] physical and emotional tolls.”<sup>13</sup> They are also among the most marginalized in our economy. While 42% of the U.S. workforce—more than fifty million workers—now earns less than \$15 an hour,<sup>14</sup> the lowest wages in our economy are earned in marked disproportion by women, Blacks, and Latinos.<sup>15</sup>

**TABLE 1**<sup>16</sup>

	All Workers	Female	Black	Latino	White
% of U.S. Workers	100%	46.9%	11.8%	16.5%	64.5%
% of <\$15 Workers	42.4%	54.7%	15.0%	23.2%	55.4%

In fact, close to half of all women workers, more than half of all Black workers, and just shy of sixty percent of all Latino workers earn less than a \$15 hourly wage<sup>17</sup>—what researchers at the Massachusetts Institute of Technology

13. See Oswalt, *supra* note 11, at 613.

14. Michelle Chen, *Almost Half of All American Workers Make Less Than \$15 an Hour*, NATION (Nov. 11, 2015), <http://www.thenation.com/article/almost-half-of-all-american-workers-make-less-than-15-an-hour/> [<http://perma.cc/P3AF-RE59>]; Greenhouse, *supra* note 1; Irene Tung, Yannet Lathrop & Paul Sonn, *The Growing Movement for \$15*, NAT’L EMP. L. PROJECT 1 (Nov. 2015), <http://www.nelp.org/content/uploads/Growing-Movement-for-15-Dollars.pdf> [<http://perma.cc/5B6F-97MA>].

15. Tung et al., *supra* note 14, at 4.

16. *Id.* at 5.

17. *Id.*

say is the baseline wage necessary in the vast majority of U.S. communities to “live locally given the local cost of living” while supporting one child.<sup>18</sup>

The membership of low-wage worker campaigns, such as the Fight for \$15, the CLEAN Carwash Initiative,<sup>19</sup> and OURWalmart,<sup>20</sup> are defined just as much by these racial and gender dynamics, as by the fact that they are primarily low-wage service workers toiling in fissured<sup>21</sup> workplaces and in positions that are often less than full-time or otherwise contingent.<sup>22</sup> Their greatest numbers are in retail, food service, and healthcare (excluding hospitals)<sup>23</sup> – all industries di-

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18. See *Wage Calculator*, MIT, <http://livingwage.mit.edu/> [<http://perma.cc/MAJ7-MD6T>] (showing that at least \$15 per hour is necessary in the overwhelming majority of localities to support one worker and one child dependent); see also Wendi C. Thomas & Frederick McKissack, Jr., *How New York’s “Fight for \$15” Launched a Nationwide Movement*, AM. PROSPECT (Jan. 4, 2016), <http://prospect.org/article/how-new-yorks-fight-15-launched-nationwide-movement> [<http://perma.cc/BC3H-STHE>] (stating that in New York City the cost of necessities for a family of four is \$8,227 a month, or \$22 an hour if two adults work full-time).
  19. The CLEAN Carwash Initiative is a joint project of the Community Labor Environmental Action Network (CLEAN) and the Carwash Workers Organizing Committee (CWOC) of the United Steel Workers that for the last seven years has worked in the areas of low-wage worker justice, environmental health and safety, and comprehensive immigration reform for the benefit of car wash workers and their families in the greater Los Angeles area. See *Our Story*, CLEAN CARWASH CAMPAIGN <http://www.cleancarwashcampaign.org/our-work/> [<http://perma.cc/2Z2S-JML9>].
  20. Organization United for Respect, better known as OURWalmart, is a non-profit that brings together low-income workers and their families and communities to improve working conditions at Walmart and throughout the retail industry, to promote human and civil rights, to build strong and healthy communities, and to end all forms of discrimination. See *Our Vision & Mission*, OURWALMART, [http://www.united4respect.org/our\\_vision](http://www.united4respect.org/our_vision) [<http://perma.cc/V4KK-UWGK>].
  21. See Andrias, *New Labor Law*, *supra* note 10, at 6 (citing DAVID WEIL, *THE FISSURED WORKPLACE: WHY WORK BECAME SO BAD FOR SO MANY AND WHAT CAN BE DONE TO IMPROVE IT* 10 (2014)).
  22. The median number of hours for fast-food workers is thirty. *Big Business, Corporate Profits, and the Minimum Wage*, NAT’L EMP. L. PROJECT (July 2012), [http://nelp.3cdn.net/24befb45b36b626a7a\\_v2m6iirxb.pdf](http://nelp.3cdn.net/24befb45b36b626a7a_v2m6iirxb.pdf) [<http://perma.cc/RWC5-LQZA>]. Fight for \$15’s membership includes fast food workers at franchised global corporations such as Burger King and McDonald’s; airport contractors such as baggage handlers, janitors, and wheelchair transporters; home-based child care providers; home care providers for the elderly and infirm; drivers for ride-sharing service Uber; and even graduate assistants and adjunct faculty working in higher education.
  23. Low-wage workers are concentrated in a few areas of the economy: the retail trade (over 9.1 million workers, 64.3% of industry), food service and drinking places (over 7 million workers, 85.3% of industry), and healthcare services except hospitals (over 4.1 million workers, 46.7% of industry). Tung et al., *supra* note 14, at 8.

rectly affected by the globalized economy<sup>24</sup> and exhibiting low unionization rates<sup>25</sup> – but they are also heavily employed in private households and other industries, such as transportation.<sup>26</sup>

**TABLE 2**

Industry	Percent of Front Line Workers Earning < \$15	Median Wage	Women	Black	Latino	Union
Fast Food <sup>27</sup>	95.9%	\$8.25	71.1%	21.4%	26.2%	1.7%
Home Care <sup>28</sup>	88.6%	\$10.00	91.4%	33.5%	20.3%	10.6%
Child Care <sup>29</sup>	85.1%	\$9.83	93.5%	14.9%	21.4%	5.7%
Retail <sup>30</sup>	79.9%	\$9.94	52.6%	14.6%	17.9%	5.0%

24. As Professor Andrias describes, starting in the 1970s, the U.S. economy globalized, manufacturing and industrial jobs were in great measure exported, corporations and workplaces fissured, and many individual work positions were outsourced or became contingent. After decades of focused anti-union efforts, organized labor is now at an all-time low and wages have stagnated. Andrias, *New Labor Law*, *supra* note 10, at 21-24.

25. Tung et al., *supra* note 14, at 2 (“Unionization rates are low—ranging from about 2 to 10 percent—for front-line workers in these industries[.]”).

26. These industries house some of the occupations projected to add the most jobs in the coming years. See Tung et al., *supra* note 14, at 34. See also ECONOMIC ROUNDTABLE, FLYING RIGHT (forthcoming) (at airports, African-American workers are disproportionately represented among the lowest paid job categories, such as restaurant workers and cabin cleaners).

27. More than half of fast food front line workers’ families are enrolled in public assistance programs that cost taxpayers \$7 billion a year. Tung et al., *supra* note 14, at 11. It is estimated that \$1.2 billion of that goes to McDonald’s workers alone. See *Super-Sizing Public Costs: How Low Wages at Top Fast-Food Chains Leave Taxpayers Footing the Bill*, NAT’L EMP. L. PROJECT (Oct. 2013), <http://nelp.org/content/uploads/2015/03/NELP-Super-Sizing-Public-Costs-Fast-Food-Report.pdf> [<http://perma.cc/FC7K-SWW5>].

28. One in three home care workers is over 50, and low wages among these workers “driv[e] alarmingly high turnover and burnout, jeopardizing critical services, and straining the home care system just as more and more Americans come to rely on its services.” See Tung et al., *supra* note 14, at 14.

29. It has been estimated that 46% of child care workers rely on public assistance, and that the annual public cost for such assistance is \$1.3 billion. *Id.* at 17.

30. More than one in ten U.S. workers is employed in the retail sector, where low wages are compounded by less than full time hours and unpredictable schedules. See Tung et al., *supra* note 14, at 12.

For these workers, the demand for higher wages and safe working conditions<sup>31</sup> cannot be divorced from the need to address disparities in wealth, health, housing, and education that are tied to race, gender, class, geography, and immigration status.<sup>32</sup> Many low-wage worker groups such as the Fight for \$15, CLEAN Carwash Initiative, and the National Domestic Workers Alliance<sup>33</sup> are therefore employing an intersectional approach to addressing their members' multiple, layered identities. Respecting what Professor Kimberlé Crenshaw calls "the need to account for multiple grounds of identity when considering how the social world is constructed,"<sup>34</sup> these movements recognize that

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31. See Katie Little, *McDonald's Conditions Are Hazardous, Workers Claim*, CNBC (Mar. 16, 2015, 12:00 PM), <http://www.cnbc.com/2015/03/16/mcdonalds-conditions-are-hazardous-workers-claim.html> [<http://perma.cc/6MR5-2FLP>].
  32. See MICHELLE ALEXANDER, *THE NEW JIM CROW* (2010) (discussing the mass incarceration system as a form of racial discrimination); Catherine Albiston & Lindsey Trimble O'Connor, *Just Leave*, 39 HARV. J.L. & GENDER 1, 7 (2016) (discussing how "legislative solutions that focus only on wage replacement fail to address how structural shifts in both work and family make leave-taking a dangerous choice for many workers"); Samantha Artiga et al., *Key Facts on Health and Health Care by Race and Ethnicity*, KAISER FAM. FOUND. (June 2016), <http://files.kff.org/attachment/Chartpack-Key-Facts-on-Health-and-Health-Care-by-Race-and-Ethnicity> [<http://perma.cc/775R-ZWTZ>] (providing data on how Blacks, American Indians, and Alaska Natives fare worse than Whites on health indicators); Matt Bruenig, *The Racial Wealth Gap*, DEMOS (Nov. 5, 2013), <http://www.demos.org/blog/11/5/13/racial-wealth-gap> [<http://perma.cc/JA2P-62K6>] (noting that "Black median wealth is 12 percent of white median wealth. Hispanic median wealth is 14.3 percent of white median wealth."); John R. Logan, *Separate and Unequal: The Neighborhood Gap for Blacks, Hispanics and Asians in Metropolitan America*, US2010 PROJECT (July 2011), <http://s4.ad.brown.edu/Projects/Diversity/Data/Report/report0727.pdf> [<http://perma.cc/JDC5-6YPB>] (noting that, on average, Black and Hispanic households live in neighborhoods with more than one and a half times the poverty rate of the average non-Hispanic white neighborhood); Halley Potter et al., *A New Wave of School Integration*, CENTURY FOUND. (Feb. 9, 2016) <http://tcf.org/content/report/a-new-wave-of-school-integration/> [<http://perma.cc/GF8W-UEZS>] (noting that schools are more segregated now than in the 1970s); Roland G. Fryer, Jr., *An Empirical Analysis of Racial Differences in Police Use of Force* 3 (Nat'l Bureau of Econ. Research, Working Paper No. 22399, 2016), <http://www.nber.org/papers/w22399.pdf> [<http://perma.cc/82GF-MNBX>] (noting that blacks and Hispanics are fifty percent more likely to experience some form of police force); see also Steven W. Thrasher, *'Fight for \$15' Will Ease Economic Inequality. But Could It End Police Violence Too?*, GUARDIAN (May 22, 2015, 7:45 AM), <http://www.theguardian.com/commentisfree/2015/may/22/fight-for-15-ease-economic-inequality-end-police-violence> [<http://perma.cc/34BY-NAT>] (exploring how higher wages may help curb police use of deadly force).
  33. The National Domestic Workers Alliance, led by 2014 MacArthur Fellow Ai-jen Poo, works to secure improved labor conditions for domestic workers while building a powerful movement rooted in the human rights and dignity of domestic workers, immigrants, women, and their families. See *Who We Are*, NAT'L DOMESTIC WORKERS ALL., <http://www.domesticworkers.org/who-we-are> [<http://perma.cc/5MB6-PYLZ>].
  34. See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1245 (1991).

poor workers are not defined by a simple lack of money, but by a collection of racial, ethnic, gender, geographic, and other identities with a corresponding variety of experiences of poverty that require more than traditional labor law to address.

While the lack of collective bargaining power in low-wage industries certainly plays a key role in perpetuating poverty, workers themselves attest that it is not the only factor contributing to their disenfranchisement. Fight for \$15 worker leader Adriana Alvarez maintains that attaining \$15 an hour and a union at work is paramount for the movement's members: "I want to give the world to my son, but I can't on minimum wage. I need a living wage."<sup>35</sup> But racial justice is equally a concern. According to Gabrielle Hatcher, "[a] lot of people here are wondering why we're talking about racial justice, but racial justice and economic justice are really just two sides of the same coin here. As a woman of color, I've been passed up for promotions and higher-paying positions."<sup>36</sup> Immigration reform is also a high priority because, according to leader Adriana Sanchez, "[i]mmigrants make billions of dollars for the fast food industry, yet at the same time we are forced to live in fear in our jobs and in our communities."<sup>37</sup>

The efforts of low-wage workers' campaigns to improve wages and working conditions are therefore increasingly inextricable from their attempts to address the discrimination and injustices that worker leaders like Adriana Sanchez and Jorel Ware experience. In the next Part, we discuss the strategies that the low-wage worker campaigns are using to raise the visibility of low-wage workers within the broader labor movement, to challenge low-wage employers to improve working conditions, and to build workers' political power.

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35. *Adriana Alvarez*, FIGHT FOR \$15, <http://fightfor15chicago.org/en/adriana-alvarez/> [<http://perma.cc/3R6J-MESW>]. Adriana Alvarez is a Fight for \$15 leader and single mother to a three-year-old son. After working full-time for five years as a cashier for McDonald's in Chicago, she earns \$10.50 an hour, lives in a basement apartment that floods and has mold, and still requires food stamps, Medicaid, and a child care subsidy to survive. See Adriana Alvarez, *What It's Really Like To Support Yourself on McDonald's Pay*, REFINERY29 (Apr. 15, 2015), <http://www.refinery29.com/2015/04/85666/fight-for-15-mcdonalds-minimum-wage> [<http://perma.cc/HET2-BU6E>].
36. Willa Frej, *These Are the Faces of the Fight for 15 Movement*, HUFFINGTON POST (Nov. 10, 2015), [http://www.huffingtonpost.com/entry/faces-of-fight-for-15-movement\\_us\\_56424398e4b0411d3072cc3e](http://www.huffingtonpost.com/entry/faces-of-fight-for-15-movement_us_56424398e4b0411d3072cc3e) [<http://perma.cc/7DM4-LW4J>]. Hatcher is a waitress who earns \$5 plus tips and struggles to make ends meet while living with five other workers in New York City. Mary Hood, a McDonald's worker in Chicago, echoed Hatcher. *Mary Hood*, FIGHT FOR \$15, <http://fightfor15chicago.org/en/diamond-binford/> [<http://perma.cc/2PGJ-VDHY>] ("We are also fighting for racial justice because our communities are both underpaid and overpoliced.").
37. See *Adriana Sanchez*, FIGHT FOR \$15, <http://fightfor15chicago.org/en/connie-bennett/> [<http://perma.cc/C8FY-CZ3N>]. Adriana Sanchez is also a McDonald's worker in Chicago.

## II. LOW-WAGE WORKER MOVEMENTS ARE USING LEGAL AND NON-LEGAL TOOLS TO RESHAPE WORKER ADVOCACY

The innovation in advocacy and labor law that Professor Andrias and other scholars have addressed is at once an attempt to grapple with the effects of the fissured workplace and a response to the problems affecting low wage workers outside their place of employment. As Andrias argues, “decentralized, private representation and bargaining”<sup>38</sup> cannot fully address the obstacles workers face in today’s economy. Yet tripartite sectoral bargaining is also only part of the answer. Low-wage worker movements are going beyond traditional areas of bargaining and using numerous strategies to address various facets of inequality. Campaigns such as the Fight for \$15 employ a host of strategies aimed at lifting up entire communities by organizing around voting rights, housing segregation, environmental pollution and climate change, access to healthcare, student debt, and other issues that affect low-wage workers. Workers’ advocates, worker centers, law firms, policy organizations, and labor unions across the country are all leading the way in developing innovative solutions to the problems low-wage workers face.

From these efforts, we see three broad, interlocking strategies that low-wage worker movements are using to respond to workers’ intersectional demands and that seek “to democratize control over workers’ lives and, more broadly, over the economy and politics.”<sup>39</sup> The first is the aggressive and highly visible advocacy of labor standards and civil rights through legal and non-legal means, focusing on building broad awareness of working conditions. The second strategy is the formation of coalitions that bring together labor unions, policy organizations, and community groups to advocate for shared goals—from investment in environmentally-sustainable jobs to police accountability. These coalitions are forged both at the national level, where broad visions and goals can be set, and at the local level, where they can be most responsive to specific communities’ needs. The third and final strategy is local and state innovation, focused on moving local governments, agencies, and institutions to treat workers as key stakeholders.

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38. Andrias, *New Labor Law*, *supra* note 10, at 13.

39. Andrias, *Building Labor’s Constitution*, *supra* note 11, at 1594.

1. *Advocacy of Labor Standards and Civil Rights through Legal and Non-Legal Means*

Low-wage worker movements have taken on low-wage industries once thought impervious to unionization.<sup>40</sup> As arguably the flagship amongst these movements, the Fight for \$15 pursues a variety of legal and non-legal strategies to enforce labor standards and civil rights. Some of the Fight for \$15's legal strategies are well known, even iconic: mass actions and strikes;<sup>41</sup> the New York fast food wage board;<sup>42</sup> and NLRB joint employer litigation.<sup>43</sup> Others are more legally conventional and smaller in scale yet still vitally important, especially for the workers directly affected: unfair labor practice charges to protect strikers from retaliation,<sup>44</sup> employment law claims for wage theft and other FLSA violations,<sup>45</sup> claims to correct workplace safety violations,<sup>46</sup> and claims to

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40. Many of its strategists and organizers have a well-documented history of organizing workers in previously service-oriented unorganized industries. Cora Lewis, *Fast Food Workers Will Vote on Joining Service Workers Union*, BUZZFEED (May 21, 2016), <http://www.buzzfeed.com/coralewis/fast-food-workers-will-vote-on-joining-service-workers-union> [<http://perma.cc/524R-A5E9>] (quoting Mary Kay Henry, leader of the Service Employees International Union: “We have never let an outdated labor law stand in the way of workers being able to stand together . . . We did it 90 years ago for janitors, 40 years ago with every public employee, and 15 years ago for home care workers.”).

41. Andrias, *New Labor Law*, *supra* note 10, at 48.

42. *Id.* at 53.

43. *Id.* at 58-61.

44. *Id.* at 60, fn. 314.

45. Emily Jane Fox, *McDonald's Workers Sue for Wage Theft*, CNN MONEY (Mar. 14, 2014), <http://money.cnn.com/2014/03/13/news/companies/mcdonalds-wage-theft-class-action/> [<http://perma.cc/Z94R-3TAT>]. These suits have often advanced joint employer theories of liability and stated allegations of shaving work hours, denying meals and rest breaks, failing to pay overtime, compelled work off the clock, and forcing workers to pay for their own uniform cleaning. Most of these cases have reached monetary settlements.

46. Steven Greenhouse, *Wal-Mart Settles OSHA Case Over Cleaning Products*, N.Y. TIMES (Aug. 7, 2013), <http://www.nytimes.com/2013/08/08/business/wal-mart-settles-osha-case-over-cleaning-procedures.html> [<http://perma.cc/AV57-BD4S>]. In March 2015, for example, more than two dozen OSHA complaints were filed by fast food workers against McDonald's restaurants owned by both corporate and franchisees in 19 cities. These complaints generally alleged that unsafe work conditions such as greasy floors, understaffing, and pressure to work fast had resulted in workers sustaining injuries including serious burns and even nerve damage. Some of these complaints resulted in citations and fines for McDonald's. Susan Berfield, *McDonald's Workers Get Burned: Complaints Filed on Hot Grease, Risky Conditions*, BLOOMBERG (Mar. 16, 2015), <http://www.bloomberg.com/news/articles/2015-03-16/mcdonald-s-workers-get-burned-citing-kitchen-scaldings-in-osha-filing> [<http://perma.cc/P22H-GHV3>].

address sexual harassment.<sup>47</sup> The Fight for \$15's legal strategy thus encompasses a wide spectrum of legal disciplines including traditional labor and employment law, corporate law in support of corporate activism initiatives<sup>48</sup> and even criminal law to defend strikers and protestors who are arrested while engaging in civil disobedience.<sup>49</sup>

The law, however, is not the only source of protection for workers active in these movements. One of the most powerful tools developed by the Fight for \$15, for example, is the "walk back." When Fight for \$15 members return to work on their next shift following a strike, the standard practice is that they be accompanied to their worksite by a contingent of community members who engage in a public show of solidarity that lets management know the community supports the worker and the movement's demands.<sup>50</sup> This simple walk back to work gives the workers confidence and is credited with lowering the incidence of retaliation. The Fight for \$15 has also employed fasting as a form of civil disobedience in an effective manner. Most notably, twenty-one-year old McDonald's worker Anggie Godoy fasted for fifteen days in April 2015 to raise the Los Angeles city council's awareness of low wages,<sup>51</sup> shortly thereafter, the council voted to raise the minimum wage to \$15 by 2020.<sup>52</sup> These non-legal actions are characteristic of Fight for \$15's creative and multi-disciplined approach to worker advocacy.

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47. Bryce Covert, *Charges Filed Against Trump's Labor Secretary Pick's Company Over Wage Theft and Sexual Harassment*, THINKPROGRESS (Jan. 26, 2017), <http://thinkprogress.org/puzder-cke-wage-theft-sexual-harassment-89f573a9d413#.w4fwvaa9c> [<http://perma.cc/LNS7-EW6C>]. Emily Peck, *McDonald's Worker Detail Horrifying Sexual Harassment*, HUFFINGTON POST (Oct. 5, 2016), [http://www.huffingtonpost.com/entry/mcdonalds-harassment-complaint\\_us\\_57f5385ae4bob7aafeob4584](http://www.huffingtonpost.com/entry/mcdonalds-harassment-complaint_us_57f5385ae4bob7aafeob4584)
48. Allison Aubrey, *McMadness: Activists Pile on at McDonald's Shareholders Meeting*, NPR (May 20, 2015), <http://www.npr.org/sections/thesalt/2015/05/20/408260429/mcmadness-activists-pile-on-at-mcdonalds-shareholders-meeting> [<http://perma.cc/Z9QX-V3VW>].
49. See, e.g., Wendi C. Thomas & Frederick McKissack, Jr., *How New York's "Fight for \$15" Launched a Nationwide Movement*, AM. PROSPECT (Jan. 4, 2016), <http://prospect.org/article/how-new-yorks-fight-15-launched-nationwide-movement> [<http://perma.cc/BC3H-STHE>]; see also Diane Stafford & Katy Bergen, *More than 100 Fight for \$15 Protestors Arrested at Kansas City Sit-In* (Nov. 30, 2016, 3:03PM), <http://www.kansascity.com/news/business/article117999418.html> [<http://perma.cc/SLP2-SUQ3>].
50. *For Workers*, FIGHT FOR \$15, <http://fightfor15.org/for-workers/> [<http://perma.cc/KWK8-KTLV>].
51. Sasha Abramsky, *A Fight for \$15 Activist on Why She Fasted for 15 Days—And Would Again*, NATION (Dec. 19, 2016), <http://www.thenation.com/article/a-fight-for-15-activist-on-why-she-fasted-for-15-days-and-would-again/> [<http://perma.cc/5FHL-3L63>].
52. Kim Bellware, *Los Angeles City Council Gives Final Approval to \$15 Minimum Wage*, HUFFINGTON POST (June 11, 2015 4:56PM), [http://www.huffingtonpost.com/2015/06/10/los-angeles-minimum-wage\\_n\\_7556450.html](http://www.huffingtonpost.com/2015/06/10/los-angeles-minimum-wage_n_7556450.html) [<http://perma.cc/2MP9-PTQW>].

## 2. *Building Coalitions Locally and Nationally*

Coalition building has been instrumental in low-wage workers' campaigns because it broadens workers' support base while linking workers to other issues and groups that they care about. At the local level, for example, coalition building has connected labor issues to immigration, police violence, and access to healthcare, as well as to issues that can sometimes feel remote to workers, such as NLRA remedies and preemption questions.

One salient example of linking labor to immigration issues, for example, is the work of the CLEAN Carwash Initiative. Through CLEAN Carwash, immigrant groups have joined worker centers and labor unions such as the United Steel Workers to take on abuses in Los Angeles' car washes.<sup>53</sup> DREAMers—undocumented Americans who were brought as children to the United States—have played an important role in this campaign by helping to deepen the relationship between the labor and immigration movements. As one DREAMer states, “as workers, day laborers, undocumented immigrants, and people, we were sharing tools for [the car wash workers] to defend themselves and become unafraid . . . and [continuing] to show that unity is power.”<sup>54</sup> Working together, these groups helped secure the first union contracts with car washes in the entire country.<sup>55</sup>

The Fight for \$15 has also made strides in linking the struggle for economic justice with that for racial justice. In Ferguson, Missouri, for example, the killing of Michael Brown brought renewed national attention to police violence and the issue of anti-Black racism. It was also in Ferguson that the intersection between class and race was cemented because Fight for \$15—and fast food workers specifically—were at the forefront of the demonstrations for police accountability.<sup>56</sup> Indeed, on West Florissant Avenue where Brown died and

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53. See Ana Avendaño & Charlie Fanning, *The CLEAN Carwash Initiative*, 39 *Labor Studies J.* 2 (2014); CLEAN CARWASH CAMPAIGN, <http://www.cleancarwashcampaign.org/> [<http://perma.cc/8KF8-JJXG>]; Ava Avendaño & Charlie Fanning, *DREAMers at Work: Immigrants and Unions Are Putting Movement Back into the Labor Movement*, *DISSENT* (Sep. 21, 2012), <http://www.dissentmagazine.org/blog/dreamers-at-work-immigrants-and-unions-are-putting-movement-back-into-the-labor-movement> [<http://perma.cc/EZ9M-6MVA>].

54. Avendaño & Fanning, *supra* note 53.

55. *Our Work*, CLEAN CARWASH CAMPAIGN, <http://www.cleancarwashcampaign.org/our-work/> [<http://perma.cc/64XS-R2TD>].

56. See Jane Slaughter, *Mike Brown Is Our Son*, *LABOR NOTES* (Aug. 20, 2014), <http://labornotes.org/2014/08/mike-brown-our-son> [<http://perma.cc/XL39-WK86>]; *And Still I Rise: Black Women Labor Leaders' Voices, Power, Promise*, *INST. POL'Y STUD.* (2015), [http://and-still-i-rise.org/wp-content/uploads/2015/04/ASIR4\\_21.pdf](http://and-still-i-rise.org/wp-content/uploads/2015/04/ASIR4_21.pdf) [<http://perma.cc/GL5M-J9VH>].

where most of the civil unrest took place, there is a McDonald's restaurant.<sup>57</sup> The workers in that restaurant are among the most active in the movement and overlap with the local Black Lives Matter leadership.<sup>58</sup> As Rasheen Aldridge, a joint leader of the local Fight for \$15 and Black Lives Matter movements, explains,

[o]ne key thing that connects both movements is poverty. If we had jobs in our communities that actually paid people a livable wage, not a minimum wage that isn't even survival, we would get rid of crime and violence in our communities. People wouldn't have to worry about the lights going off or about getting childcare.<sup>59</sup>

Through their commitment and solidarity the coalition between Black Lives Matter and the Fight for \$15 was able to effectively channel the intersectional needs of Ferguson's low wage community such that the Ferguson Commission appointed by the governor of Missouri formally recommended in its final report that the city's minimum wage be set at a minimum of \$15 an hour.<sup>60</sup>

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57. Susan Berfield, *Ferguson's McDonald's Becomes a Headquarters—And a Target*, BLOOMBERG NEWS (Aug. 19, 2014, 1:05 PM), <http://www.bloomberg.com/news/articles/2014-08-19/fergusons-mcdonalds-becomes-a-headquarters-and-a-target> [<http://perma.cc/D5W4-BA3E>].
58. Ethan Corey, *Connecting the Dots Between the “Identity Politics” of Black Lives Matter and Class Politics*, IN THESE TIMES (Oct. 27, 2015, 12:36PM), <http://inthesetimes.com/working/entry/18545/Blacklivesmatter-fightfor15-paneldiscussion> [<http://perma.cc/9GQD-LY3D>] (“Jenkins’ response was simple: ‘Poor communities are underpaid and overpoliced. And too often those communities are black and brown.’”).
59. Gabriel T. Rubin, *Ferguson and the Fight for 15*, WASH. U. POL. REV. (Apr. 14, 2015), <http://www.wupr.org/2015/04/14/ferguson-and-the-fight-for-15/> [<http://perma.cc/MX32-4DCS>] (quoting Rasheen Aldridge). In October 2015, the Ferguson Commission issued a formal call to action to raise the minimum wage to \$15 per hour. The Ferguson Commission, *Forward Through Ferguson: A Path Toward Racial Equality* 136 (Oct. 14, 2015), [http://forwardthroughferguson.org/wp-content/uploads/2015/09/101415\\_FergusonCommissionReport.pdf](http://forwardthroughferguson.org/wp-content/uploads/2015/09/101415_FergusonCommissionReport.pdf) [[http://perma.cc/766\]-VWJN](http://perma.cc/766]-VWJN)].
60. See Bill Chappell, *Ferguson Panel Outlines Possible Solutions to Community's Problems*, NPR (Sept. 14, 2015), <http://www.npr.org/sections/thetwo-way/2015/09/14/440244127/ferguson-panel-outlines-possible-solutions-to-communitys-problems> [<http://perma.cc/BMN6-5924>]; Ferguson Commission, *supra* note 59.

### 3. Local and State Initiatives

As the likelihood of federal pro-worker legislation has become more remote, states and cities are engaging in bold experiments both in litigation and legislation to raise labor and employment standards. Spurred by the change in the federal climate as well as the exhortation of low wage worker movements, states and localities are starting to find innovative ways to raise wages and benefits.<sup>61</sup> At Seattle's SeaTac airport region, for example, the nation's first \$15 municipal wage ordinance was secured in 2013 through a ballot initiative<sup>62</sup> supported by a broad coalition of union, faith, and community groups<sup>63</sup> and enforced by Washington's state supreme court.<sup>64</sup> Six months later, the SeaTac ordinance served as a catalyst for the approval of a minimum wage policy by the Seattle City Council that established this city as the first in the country to mandate a minimum \$15 wage.<sup>65</sup> In New York, the 2015 fast food wage board that Professor Andrias lauds as a main example of tripartite sectoral bargaining instated a phased-in \$15 minimum wage for fast food workers and addressed the problem of abusive scheduling,<sup>66</sup> while in 2016 low wage airport workers at La Guardia and John F. Kennedy airports in New York were able to unionize and bargain for a phased-in \$15 minimum wage.<sup>67</sup>

In all, twenty-one states raised their minimum wage in 2016<sup>68</sup> and four states now also have paid sick leave laws.<sup>69</sup> Meanwhile, lawyers and workers'

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61. See, e.g., Peter Callaghan, *Minneapolis Approves "Landmark" Paid Sick Leave Law*, MINN. POST (May 27, 2016), <http://www.minnpost.com/politics-policy/2016/05/minneapolis-approves-landmark-paid-sick-leave-law> [<http://perma.cc/Q7F2-94DN>]; *New York Works Better with Paid Sick Leave*, N.Y.C. CONSUMER AFFAIRS, <http://www1.nyc.gov/site/dca/about/paid-sick-leave-law.page> [<http://perma.cc/54BG-7ANE>].
62. Kirk Johnson, *Voters in SeaTac, Wash., Back \$15 Minimum Wage*, N.Y. TIMES (Nov. 26, 2013), <http://www.nytimes.com/2013/11/27/us/voters-in-seatac-wash-back-15-minimum-wage.html> [<http://perma.cc/77PM-SFHT>].
63. The SeaTac/Seattle Minimum Wage Project: Campaigns, <http://content.lib.washington.edu/projects/seais/campaign-SeaTac.html> [<http://perma.cc/Y4Q5-98KG>].
64. Judy Woodruff, *Court Gives SeaTac Workers a Raise After \$15 Minimum Wage Exclusion*, PBS NEWSHOUR (Aug. 27, 2015), <http://www.pbs.org/newshour/bb/court-gives-seatac-workers-raise-15-minimum-wage-exclusion/> [<http://perma.cc/T4WM-B2JK>].
65. The SeaTac/Seattle Minimum Wage Project: Campaigns, *supra* note 63.
66. Andrias, *New Labor Law*, *supra* note 10 at 7.
67. *Airport Personnel in New York, New Jersey Strike Union Deal for 8,000 Workers*, N.Y. DAILY NEWS (Dec. 15, 2016), <http://www.nydailynews.com/news/national/airport-personnel-n-y-n-unionize-8-000-workers-article-1.2912310> [<http://perma.cc/PH7A-KBUP>].
68. Jeanne Sahadi, *Minimum Wage Going Up in 21 States, 22 Cities*, CNN MONEY (Dec. 19, 2016, 11:41 EST), <http://money.cnn.com/2016/12/19/pf/minimum-wage-increases> [<http://perma.cc/JZR2-84YP>].

advocates continue looking to mechanisms at the local and state levels to provide workers with family leave, child care, and paid sick days; to address wage theft, housing, and immigration issues; and to promote new forms of worker ownership and benefits. This upspring of support for low wage workers would not have come about without low wage worker movements employing a savvy media strategy that helped shape the public perception of their demands. Stories of individual workers in newspaper articles and on social media debunk myths about low wage workers; they reveal campaign leaders to be dedicated working parents and caregivers, students struggling with loans and tight schedules, and community members worried about their neighborhoods. Press coverage of Fight for \$15 strikes by television, print, and digital outlets has boosted the movement by amplifying victories and building momentum.<sup>70</sup> Indeed, it is in large part due to media coverage that low wage worker movements have been able to jumpstart the public discourse on economic inequality and become a normalized part of mainstream discourse, as evidenced during the 2016 primaries and election season.<sup>71</sup>

The three strategies set out above have worked because they center on the workers who are most negatively impacted by anti-worker policies, recognize

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69. *Overview of Paid Sick Leave in the United States*, BETTER BALANCE (Jan. 4, 2017), <http://www.abetterbalance.org/resources/paid-sick-time-legislative-successes> [http://perma.cc/WL8A-ATHD].
70. Andrias, *New Labor Law*, *supra* note 10 at 48-50. The latest strike on November 29, 2016 counted coordinated events in over 340 American cities with workers in fast food, child care, home care, adjunct faculty, Uber drivers, and now airport workers joining the strike line. See Steven Greenhouse, *Thousands Fight for 15 Protestors Rise Up in 340 Cities Across the US*, GUARDIAN (Nov. 29, 2016, 5:48PM), <http://www.theguardian.com/us-news/2016/nov/29/fight-for-15-protest-minimum-wage-fast-food-airport-workers> [http://perma.cc/X4MQ-X8XQ]; Brad Tuttle, *See All the Groups Joining Tuesday's #Fightfor15 Protests*, TIME (Nov. 29, 2016), <http://time.com/money/4584989/protests-fightfor15-day-of-disruption-november-29/> [http://perma.cc/DD92-HEK2]. Some strikes have also included a global component, with workers on six continents and in 33 countries—including Germany, India, New Zealand, Malawi, and Brazil—rallying in support. See Ned Resnikoff, *Biggest Fast Food Strike Ever Attracts Global Support*, MSNBC (May 15, 2014, 6:37PM), <http://www.msnbc.com/msnbc/massive-fast-food-strike-goes-global#52188> [http://perma.cc/2TKS-5NPC].
71. See, e.g., Lauren Carroll, *Does Hillary Clinton Want a \$15 or \$12 Minimum Wage?*, POLITIFACT (Apr. 15, 2016, 12:12 AM), <http://www.politifact.com/truth-o-meter/statements/2016/apr/15/bernie-s/does-hillary-clinton-want-15-or-12-minimum-wage/> [http://perma.cc/2WUW-QJ77]; Michelle Chen, *Vote for \$15*, DISSENT (Summer 2016), <http://www.dissentmagazine.org/article/vote-for-15-minimum-wage-labor-movement> [http://perma.cc/LFF8-4UTH]; David Moberg, *In Latest Round of Fast Food Strikes, Fight for \$15 Tells Politicians: "Come Get My Vote,"* IN THESE TIMES (Nov. 11, 2015, 12:54 PM), <http://inthesetimes.com/working/entry/18593/fight-for-15-fast-food-strikes-politicians-black-lives-matter> [http://perma.cc/ND6R-QVL2]; Terrence Wise, *Why I'm Voting for the First Time and Bringing Everyone I Know*, CNBC (Nov. 7, 2016, 10:53 AM), <http://www.cnbc.com/2016/11/07/election-fight-for-15-vote-commentary.html> [http://perma.cc/VYQ7-UGSZ].

the multiple forms of inequality that workers experience in the United States, and build power at the grassroots level. In the next Part, we focus on how a new unionism is emerging from these bold attempts to challenge inequality.

### III. A NEW “COMMON-GOOD UNIONISM” IS EMERGING FROM THE FIGHT FOR \$15 AND OTHER LOW-WAGE WORKER MOVEMENTS

Out of this innovation, a broad conception of worker welfare is emerging that moves beyond wages and benefits for its members, taking on the root causes of structural economic inequality.<sup>72</sup> We call this “common-good unionism,” borrowing a term coined some public commentators to describe union-led campaigns that seek to address structural inequality for both workers and their communities.<sup>73</sup> “Common-good unionism” results when unions bring their demands in line with the needs of the community, thereby benefiting not only union workers but all similarly situated workers across various geographies and demographics. As labor law practitioners we see that the demands of low-wage worker movements for greater equality for all workers have been critical to mobilizing workers across the country, and that new legal innovation flows from this commitment to democratic inclusivity. Robust community-based worker organizing, creative lawyering, and the formation of stakeholder coalitions are propelling this new labor movement.

The common-good labor movement is working cooperatively with a range of community allies on broad-based goals, which include closing the racial wage gap,<sup>74</sup> regulating scheduling practices that destabilize workers’ lives,<sup>75</sup> creating environmentally-sustainable jobs,<sup>76</sup> stamping out sexual harassment

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72. See Cohen, *supra* note 9.

73. See, e.g., Joseph A. McCartin, *Bargaining for the Common Good*, DISSENT (2016), <http://www.dissentmagazine.org/article/bargaining-common-good-community-union-alignment> [<http://perma.cc/JMC3-MCE9>]; Cohen, *supra* note 9; Marvit, *supra* note 9. There is even a group of public service union locals and community organizations founded in 2014 to “build broad based campaigns that demand common good solutions to win progressive revenue and advance community fights such as affordable housing, universal pre-k and expanded after school programs, and improved city services, as just a few examples.” *About Us*, BARGAINING FOR COMMON GOOD, <http://www.bargainingforthecommongood.org/about/> [<http://perma.cc/N4NS-9JA8>].

74. See Thrasher, *supra* note 32.

75. *The Fair Workweek Initiative*, CTR. FOR POPULAR DEMOCRACY, <http://populardemocracy.org/campaign/restoring-fair-workweek> [<http://perma.cc/5786-3GPX>] (describing a campaign to create stable schedules throughout the service industries).

76. *About Us*, BLUE GREEN ALLIANCE, <http://www.bluegreenalliance.org/about/> [<http://perma.cc/SDH9-GA28>] (describing the Blue Green Alliance, a coalition of environmental

and gender wage disparities,<sup>77</sup> preserving and expanding health care,<sup>78</sup> providing paid family leave and affordable childcare to all workers, and electing politicians who put workers' interests before powerful business concerns.<sup>79</sup> The Fight for \$15, in particular, has foregrounded the connection between racial and economic justice. Dubbed the "new civil rights movement,"<sup>80</sup> Fight for \$15 has made combatting anti-Black racism a cornerstone of its national platform<sup>81</sup> and has striven to address both government policies that disadvantage the Black working class<sup>82</sup> and discrimination within the labor movement.<sup>83</sup> One of the

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groups like Sierra Club and unions, including SEIU, to promote environmentally sustainable jobs and infrastructure).

77. See Cheryl Corely, *Union Publicizes Sexual Harassment in Chicago's Hospitality Industry*, NPR (Oct. 17, 2016, 5:03AM), <http://www.npr.org/2016/10/17/498219510/union-publicizes-sexual-harassment-incidents-in-chicago-s-hospitality-industry> [<http://perma.cc/M6BB-XGH5>]; *Sexual Harassment: A Union Issue*, AFSCME, <http://www.afscme.org/news/publications/for-leaders/stopping-sexual-harassment-an-afscme-guide/sexual-harassment-a-union-issue> [<http://perma.cc/YKF4-U8YG>].
78. Save My Care is a campaign led by SEIU to preserve the Affordable Care Act and protect the medical coverage of 30 million Americans. Save My Care, <http://www.savemycare.org/> [<http://perma.cc/G4WK-G2XK>]; see also Doug G. Ware, *Police Arrest Dozens of 'Obamacare' Supporters at Capitol Hill Protest*, UPI (Feb. 1, 2017), [http://www.upi.com/Top\\_News/US/2017/01/31/Police-arrest-dozens-of-Obamacare-supporters-at-Capitol-Hill-protest/2901485896783/](http://www.upi.com/Top_News/US/2017/01/31/Police-arrest-dozens-of-Obamacare-supporters-at-Capitol-Hill-protest/2901485896783/) [<http://perma.cc/4PAV-Z7HK>].
79. See Luz Lazo, *Airport Workers at Major U.S. Hubs to Join Fight for \$15 Protests Tuesday*, WASH. POST (Nov. 28, 2016), <http://www.washingtonpost.com/news/dr-gridlock/wp/2016/11/28/airport-workers-at-major-u-s-hubs-to-join-fight-for-15-protests-tuesday/> [<http://perma.cc/45R2-QAKF>]; @FF15ChildCare, TWITTER (Nov. 28, 2016, 3:43 PM), <http://twitter.com/FF15ChildCare/status/803383727434960896> [<http://perma.cc/UJ83-25PJ>]; @FF15HomeCare, TWITTER (Jan. 11, 2017, 5:01 AM), <http://twitter.com/FF15HomeCare/status/819167242206281728> [<http://perma.cc/5RCU-3VKA>]; @FF15LA, TWITTER (Nov. 22, 2016, 10:05 AM), <http://twitter.com/Fightfor15LA/status/801124416553975810> [<http://perma.cc/F33T-VY2S>].
80. Amy B. Dean, *Is the fight for \$15 the next civil rights movement?*, Al Jazeera America (June 22, 2015), <http://america.aljazeera.com/opinions/2015/6/is-the-fight-for-15-the-next-civil-rights-movement.html>.
81. See *Fight for \$15 Voter Pledge*, FIGHT FOR \$15, <http://fightfor15.org/s-petition/fight-for-15-voter-pledge/> [<http://perma.cc/826Q-FNEC>].
82. See Jocelyn Fisher & Jeff Hayes, *The Importance of Social Security in the Incomes of Older Americans*, INST. FOR WOMEN'S POL'Y RES. 3 (Aug. 2013), <http://www.iwpr.org/publications/pubs/the-importance-of-social-security-in-the-incomes-of-older-americans-differences-by-gender-age-race-ethnicity-and-marital-status> [<http://perma.cc/8Y6F-4ZA9>] ("While Social Security redistributes income to lower earners, it does not counteract a lifetime of lower earnings due to less education, fewer years working, or discrimination."); Alexis C. Madrigal, *The Racist Housing Policy That Made Your Neighborhood*, ATLANTIC (May 22, 2014), <http://www.theatlantic.com/business/archive/2014/05/the-racist-housing-policy-that-made-your-neighborhood/371439/> [<http://perma.cc/U55A-97FB>] (discussing how

most concrete examples of this emphasis is Fight for \$15's collaboration with the Reverend Dr. William Barber II, the leader of the Moral Mondays campaign in North Carolina.<sup>84</sup> At the 2016 Democratic National Convention, Reverend Barber gave a marquee speech on the role of Fight for \$15 in strengthening democracy.<sup>85</sup> Just a few days later, nearly 10,000 low-wage workers from fast food, home care, child care, airport, higher education, and other industries converged in Richmond, Virginia for Fight for \$15's first-ever national convention where Reverend Barber delivered the keynote address.<sup>86</sup> In addition to

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the Federal Housing Administration refused to issue loans to African-Americans and others living near Black neighborhoods from 1934 to 1968).

83. Notwithstanding the support of unions and countless rank-and-file members for the Civil Rights Movement, labor's record on race and gender remained mixed. See Erik Loomis, *The Unions Betraying the Left*, NEW REPUBLIC (Feb. 6, 2017), <http://newrepublic.com/article/140423/unions-betraying-left> [<http://perma.cc/4Y65-76EF>] (providing a short overview of racism in the labor movement); see also Herbert Hill, *Racism Within Organized Labor: A Report of Five Years of the AFL-CIO, 1955-1960*, 30 J. OF NEGRO EDUC. 109-18 (1961) (reporting from the labor secretary of the NAACP on the "piecemeal and inadequate" actions of the AFL-CIO to eliminate discrimination as agreed upon the 1955 merger of the AFL and CIO); Bruce Vail, *Acknowledging "Ugly History of Racism" in Labor Movement, AFL-CIO Creates New Commission on Race*, THESE TIMES (Mar 10, 2015, 4:58 PM), [http://inthesetimes.com/working/entry/17728/acknowledging\\_ugly\\_history\\_of\\_racism\\_in\\_labor\\_movement\\_afl\\_cio\\_creates\\_new](http://inthesetimes.com/working/entry/17728/acknowledging_ugly_history_of_racism_in_labor_movement_afl_cio_creates_new) [<http://perma.cc/FBH5-WYAB>] (discussing that history and labor unions' recent steps to address that history).
84. *Fight for \$15 Joins with #MoralRevival, Storms State Capitals in 31 States*, FIGHT FOR \$15, <http://fightfor15.org/fight-15-joins-moralrevival-storms-state-capitals-31-states/> [<http://perma.cc/L5EL-LCEN>].
85. Ari Berman, *Americans Whod Never Heard of Reverend William Barber II Won't Be Able To Forget Him After Last Night*, NATION (July 29, 2016), <http://www.the.nation.com/article/americans-whod-never-heard-of-reverend-william-barber-ii-wont-be-able-to-forget-him-after-last-night/> [<http://perma.cc/26PM-4EE3>] (quoting Reverend Barber as saying that "[w]hen we fight for \$15 and a union, and universal health care, and public education, and immigrant rights, and LGBTQ rights, we are reviving the heart of our democracy"); Janell Ross, *The Rev. William Barber Dropped the Mic*, WASH. POST (July 28, 2016) <http://www.washingtonpost.com/news/the-fix/wp/2016/07/28/the-rev-william-barber-dropped-the-mic> [<http://perma.cc/DN4G-VLQY>].
86. Jenna Portnoy, *Fight for Higher Wages Lands in Richmond*, WASH. POST (Aug. 6, 2016), [http://www.washingtonpost.com/local/virginia-politics/fight-for-higher-wages-lands-in-richmond/2016/08/06/b67f1cfc-5b36-11e6-9767-f6c947fd0cb8\\_story.html](http://www.washingtonpost.com/local/virginia-politics/fight-for-higher-wages-lands-in-richmond/2016/08/06/b67f1cfc-5b36-11e6-9767-f6c947fd0cb8_story.html) [<http://perma.cc/YQX3-BUJG>]; Fight for 15, *Rev. Dr. Barber's #FightFor15 Convention Speech*, YOUTUBE, at 12:37 (Aug. 17, 2016), <http://www.youtube.com/watch?v=jSyEFeFZPfU> [<http://perma.cc/34CW-5NRF>] ("It is wrong for 64 million Americans in this country to make less than a living wage. It is wrong for politicians in the South to pit white workers against workers of colors and against immigrants. All workers that make less than \$15 an hour.").

“\$15 and a union” and racial justice, Fight for \$15’s national agenda also calls for affordable child care, quality long-term care, and immigration reform.<sup>87</sup>

Common-good unionism pushes the boundaries of what it means to be in a union and spurs worker movements to have significant impact on housing, education funding, health care, the environment, and other areas. Teachers’ unions throughout the country, for example, are using their power at the bargaining table to challenge foreclosures on the homes of school-age children, racial disparities in school discipline, cuts to arts education, and the lack of healthy food in schools.<sup>88</sup> In Pittsburgh, health care workers at the Allegheny City Jail teamed up with community activists to force the city to rescind a contract from a private company that had been operating the jail with unsafe staffing levels, leading to prisoner deaths and accusations of substandard care.<sup>89</sup> As a result of a campaign, the county government took over medical care, improving conditions for both staff and inmates.<sup>90</sup> In Los Angeles, a coalition of community and environmental groups and unions led by LAANE, Sierra Club, and the Teamsters, formed the Coalition for Clean and Safe Ports to get polluting trucks off the roads in order to reduce pollution in poor and immigrant communities.<sup>91</sup> The program has helped poorer drivers—many of them minorities and residents of the most impacted neighborhoods who after expenses make an

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87. See *Fight for \$15 Voter Pledge*, *supra* note 81.

88. See, e.g., *The School’s Chicago’s Students Deserve: Research-Based Proposals To Strengthen Elementary and Secondary Education in Chicago Public Schools*, CHI. TEACHERS UNION (Feb. 2012), [http://www.ctunet.com/blog/text/SCSD\\_Report-02-16-2012-1.pdf](http://www.ctunet.com/blog/text/SCSD_Report-02-16-2012-1.pdf) [<http://perma.cc/8AUG-67WW>]; Cohen, *supra* note 9 (discussing the formation of “equity committees” to address racial disparities in school discipline); *Union Proposal: Responsible Banking and Contracting* (Oct. 1, 2015), <http://www.spft.org/wp-content/uploads/2015/09/28-Union-Proposal-on-Responsible-Banking-and-Contracting.pdf> [<http://perma.cc/HCW9-HV2G>] (“Beginning with fiscal year 2016-17, the Saint Paul Public Schools will not use or pay for any banking services provided by any bank or other financial institution unless that bank has adopted a policy that it will not foreclose on any home or rental property where school-age children reside during a school year unless they have offered foreclosure mediation with a neutral third party to the borrower first.”).

89. Leah Samuel, *Jail Infirmary Workers Raise Alarm on Unsafe Staffing*, LABOR NOTES (Feb. 2, 2015), <http://labornotes.org/2015/02/jail-infirmary-workers-raise-alarm-unsafe-staffing> [<http://perma.cc/V67B-5H5T>].

90. Aaron Aupperlee, *Allegheny County Jail’s Medical Care Switch Paying Off So Far*, TRIBLIVE (Feb. 29, 2016), <http://triblive.com/news/allegheny/9996139-74/jail-county-medical> [<http://perma.cc/956Q-F7SG>].

91. *Clean & Safe Ports Coalition Partners*, LAANE, <http://www.laane.org/clean-safe-ports-coalition-partners/> [<http://perma.cc/7TEH-NRN8>].

average of \$29,000 to \$36,000 a year<sup>92</sup>—afford newer trucks,<sup>93</sup> with the goal of reducing emissions by 80%.<sup>94</sup>

In an exercise in common-good unionism, local unions are also providing members with much needed services. UNITE HERE Local 226, for example, provides its members in Las Vegas with a zero interest down payment loan through its Housing Partnership program.<sup>95</sup> State labor councils are also increasingly promoting “labor candidate schools,” where union members can receive training and support to run for local offices and advocate for policies that improve working families’ lives.<sup>96</sup>

To be sure, low wage worker and allied movements face many obstacles in the immediate future.<sup>97</sup> An anti-labor Republican administration and market forces will continue to challenge labor organizations.<sup>98</sup> The Supreme Court will likely hear the successor to *Friedrichs*.<sup>99</sup> Workers also face significant threats to

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92. Philip Mattera, *High Road or Low Road?: Job Quality in the New Green Economy*, GOOD JOBS FIRST 31 (Feb. 03, 2009), <http://www.goodjobsfirst.org/sites/default/files/docs/pdf/gjfgreenjobsrpt.pdf> [<http://perma.cc/NR3-9GUX>].
93. Kari Lydersen, *Federal Action Needed to Protect Port Truckers from Clean Air Catch 22*, IN THESE TIMES (Apr. 2, 2010, 1:09PM), [http://inthesetimes.com/working/entry/5775/federal\\_action\\_needed\\_to\\_protect\\_port\\_truckers\\_from\\_clean\\_air\\_catch\\_22/](http://inthesetimes.com/working/entry/5775/federal_action_needed_to_protect_port_truckers_from_clean_air_catch_22/) [<http://perma.cc/99DQ-VCP3>].
94. See Sejal Patel, *From Clean to Clunker: The Economics of Emissions Control*, LAANE (Apr. 15, 2010), <http://www.laane.org/downloads/FromCleantoClunkerReport.pdf> [<http://perma.cc/JT5C-54XK>]; see also Ron Barnett, *Clean-Air Program Offers Cash to Get Old Trucks Off the Road*, USA TODAY (Nov. 15, 2011), <http://usatoday30.usatoday.com/money/autos/story/2011-11-15/clunker-trucks/51221348/1> [<http://perma.cc/K6QV-YRJK>].
95. See *Housing Partnership*, CULINARY WORKERS UNION LOCAL 226, <http://www.culinaryunion226.org/members/benefits/housing-partnership> [<http://perma.cc/F7ZK-5MNS>].
96. Oregon Labor Candidate School, <http://www.oregonlaborcandidateschool.org/> [<http://perma.cc/6NPY>].
97. While some Fight for \$15 workers have won a union, union representation for fast food workers remains a challenge as some commentators have noted, even as industry representatives fight minimum wage gains and attempts to hold CEOs accountable. Steven Greenhouse, *How to Get Low Wage Workers Into the Middle-Class*, ATLANTIC (Aug. 19, 2015), <http://www.theatlantic.com/business/archive/2015/08/fifteen-dollars-minimum-wage/401540/> [<http://perma.cc/67TT-CCFW>].
98. See Ted Hesson, *Trump Launches War on Unions*, POLITICO (Dec. 8, 2016), <http://www.politico.com/story/2016/12/trump-unions-war-232382> [<https://perma.cc/JR45-5M8H>]; Claire Cain Miller, *How to Beat the Robots*, N.Y. TIMES (Mar. 7, 2017), <http://www.nytimes.com/2017/03/07/upshot/how-to-beat-the-robots.html> [<http://perma.cc/V5SW-BZAN>].
99. Adam Ashton, *How Will Trump’s Supreme Court Nominee Rule on California Union Cases*, SACRAMENTO BEE (Feb. 22, 2017), <http://www.sacbee.com/news/politics-government/the-state-worker/article133486684.html> [<http://perma.cc/FEA2-XC2M>].

crucial services: twenty million people may lose their health insurance,<sup>100</sup> immigration raids are sowing fear in many communities,<sup>101</sup> housing costs continue to rise in major cities,<sup>102</sup> and Social Security and Medicare privatization may become viable legislative proposals.<sup>103</sup> None of these challenges, however, should mean that workers demand less. On the contrary, the experiments and successes discussed above show that low-wage workers are right to demand much more—and that the more they demand, the more they win.

Low-wage workers' success in raising the minimum wage has at times overshadowed the fact these campaigns have been spearheaded and developed by the workers most disproportionately affected by low-wage jobs. Workers currently earning less than \$15—many of whom struggle with the very basics of survival such as having enough food, safe housing, and access to quality healthcare and education,<sup>104</sup> in addition to the pernicious effects of structural racism, the gender wage gap, and economic segregation<sup>105</sup>—yearn for the control over their work and lives that unions afford. Seventy-two percent of low-wage workers in the United States support unions.<sup>106</sup> Of course, the fact that these workers are clustered in a handful of remarkably difficult jobs in low-wage industries, from home-care work to airplane cleaning, is important.<sup>107</sup>

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100. Jennifer Rubin, *ACA Repeal: House Republicans' Breathtaking Recklessness*, WASH. POST (Mar. 7, 2017), [http://www.washingtonpost.com/blogs/right-turn/wp/2017/03/07/aca-repeal-house-republicans-breathtaking-recklessness/?utm\\_term=.2980b25af584](http://www.washingtonpost.com/blogs/right-turn/wp/2017/03/07/aca-repeal-house-republicans-breathtaking-recklessness/?utm_term=.2980b25af584) [<http://perma.cc/E67S-GPNZ>].
101. Julia Carrie Wong, *'Psychological Warfare': Immigrants in America Held Hostage by Fear of Raids*, GUARDIAN (Feb. 18, 2017), <http://www.theguardian.com/us-news/2017/feb/18/us-immigration-raids-fear-trump-mexico> [<http://perma.cc/PF6Y-AHVT>].
102. Lucia Mutikani, *U.S. Inflation Stirring as Healthcare, Housing Costs Surge*, REUTERS (Sep. 16, 2016), <http://www.reuters.com/article/us-usa-economy-idUSKCN11M193> [<http://perma.cc/FBL5-WV4L>].
103. Lauren Fox, *Trump's Social Security Adviser Called for Privatization of Medicare*, TPM (Nov. 21, 2016), <http://talkingpointsmemo.com/livewire/trump-s-social-security-adviser-called-for-privatization-of-medicare> [<http://perma.cc/E3UZ-PREY>].
104. See Laura Huizar & Tsedeye Gebrelasse, *What a \$15 Minimum Wage Means for Women and Workers of Color*, NAT'L EMP. L. PROJECT 9 (2016) <http://www.nelp.org/content/uploads/Policy-Brief-15-Minimum-Wage-Women-Workers-of-Color.pdf> [<http://perma.cc/632R-JGJP>] (presenting profiles of sub-\$15 workers who are homeless and must sleep in shelters or cars, or who maintain their won housing but “don't have anything left for any luxuries, such as filling up the fridge with food”).
105. *Id.*
106. *First-Ever Poll of Workers Who Make Less than \$15 Shows 72% Support for Unions*, NAT'L EMP. L. PROJECT (Oct. 6, 2015), <http://www.nelp.org/news-releases/first-ever-poll-of-workers-who-make-less-than-15-shows-72-support-for-unions/> [<http://perma.cc/VCX4-QDFQ>].
107. The three largest private sector employers in the United States (Walmart, Yum! Brands, and McDonald's) are low-wage employers engaged in retail. Harold Meyerson, *The Forty-Year*

Unions reduce the gender<sup>108</sup> and racial<sup>109</sup> wage gap significantly in workplaces subject to collective bargaining, and increase union members' understanding of and engagement in democratic processes.<sup>110</sup> Low wage workers' economic and political demands, born out of shared experiences of racism, sexism, poverty, and exclusion from the political process, thus provide the impetus for legal and strategic innovation.

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*Slump*, AM. PROSPECT (Nov. 12, 2013), <http://prospect.org/article/40-year-slump> [<http://perma.cc/4LWK-3C3E>].

108. See *Union Membership Is Critical for Equal Pay*, NAT'L WOMEN'S L. CTR. (Feb. 25, 2016), <http://nwlc.org/resources/union-membership-critical-women%E2%80%99s-wage-equality> [<http://perma.cc/WQB3-5PFJ>].

109. See Jake Rosenfeld & Meredith Kleykamp, *Organized Labor and Racial Wage Inequality in the United States*, 117 AM. J. SOC. 1460 (2012).

110. Jasmine Kerrissey & Evan Schofer, *Union Membership and Political Participation in the United States*, 91 SOC. FORCES 895 (2013), <http://academic.oup.com/sf/article-abstract/91/3/895/2235806/Union-Membership-and-Political-Participation-in> [<http://perma.cc/YE7R-V2JP>]; David Madland & Nick Bunker, *Organized Labor Helps Ordinary Citizens Participate More and Have a Greater Say*, CTR. AM. PROGRESS ACTION FUND (Jan. 25, 2015), <http://www.americanprogressaction.org/issues/economy/reports/2012/01/25/10913/unions-make-democracy-work-for-the-middle-class/> [<http://perma.cc/X4VJ-PB72>].