A ROADMAP TO REBUILDING WORKER POWER

David Rolf

A CENTURY FOUNDATION PUBLICATION

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About David Rolf

David Rolf is known internationally as an innovative labor leader and thinker on the future of work and labor. He was a leading architect of the historic fights to win a $15 living wage in SeaTac and Seattle, Washington. He serves as an international vice president of the Service Employees International Union (SEIU) and as founding president of SEIU 775, which has grown to represent more than 45,000 long-term care workers in the Pacific Northwest. During the 1990s David led the campaign that resulted in 74,000 Los Angeles home care workers winning union representation, the largest union organizing campaign in the U.S. since 1941. He has been called "the most successful union organizer of the last 15 years" by *The American Prospect,* which said that "No American unionist has organized as many workers, or won them raises as substantial, as Rolf." He was honored by the White House in 2014 as a "champion of change" for his work raising the minimum wage. David writes and speaks frequently about alternative futures for U.S. worker movements, and is the author of the book *Fight for Fifteen: The Right Wage for a Working America* (New Press, 2016). He has been published in the *American Prospect*, the *Nation*, the *Aspen Journal of Ideas*, *Democracy*, *Social Policy*, the *Boston Review*, *Generations*, and *Spotlight on Poverty*. In addition to his leadership in SEIU, David has co-founded and helped lead numerous worker-forward nonprofit organizations, including Working Washington, the Fair Work Center, the Workers Lab, Carina, a union-affiliated health plan, a workforce training school and a pension fund.

The opinions expressed in this paper are those of the author, and not necessarily those of any organization with which the author is affiliated.

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Introduction

Over the past forty years, the United States has faced growing inequality, poverty, and economic insecurity. The consolidation of wealth and increasing corporate influence over government has created a dysfunctional democracy and economy in which workers have little economic or political power, and in which few if any civic, governmental, or private institutions remain capable of holding the power of concentrated wealth in check.[1]

Not long ago, unions played a significant role in challenging the concentration of wealth, fighting to give regular people a shot at the American Dream. Through the labor movement, working Americans built the middle class by pressing for better wages, benefits, and working conditions through collective bargaining and the political process. Unions have never been perfect, but they have been a source of significant power for workers. From the early 1900s to the 1970s, unions were a critical driver of wage growth and stable employment, offsetting the influence of wealthy business magnates, industry associations, and corporations.[2]

The implications of dwindling worker power in our economy are stark, because if workers earn a fair slice of the economic pie, they have more money to spend, and businesses will have more customers—all of which is good for the community and the economy. Middle-out economics—not trickle-down economics—is the way the modern consumer economy actually works.[3] Much of our current crisis of weak demand stems from four decades of stagnant incomes that have sapped American consumers of their former strength.[4] "In our boardroom, the number-one thing we're talking about is not taxes," said Jeremy Stoppelman, chief executive of Yelp recently. "Having a strong middle class out there spending money is what's most important for our business."[5] Worker power, then, is necessary for the proper functioning of market economies.

There have been a few notable organizing successes over the past few years, particularly among adjunct college professors and workers at digital media outlets such as Vox Media. These hard-fought victories, as well as the hugely effective teachers' union strikes that have swept the nation this year, have brought new hope to the labor movement. Polls show that public support for unions is at its highest level in many years—around 60 percent. Young people are especially enthusiastic about the need for unions. Among adults under age 30, unions' approval rating is an eye-popping 76 percent.[6]

These encouraging statistics can't conceal a much deeper problem, however: Today, only 6 percent of private-sector workers are represented by a union, compared to 33 percent in the 1950s.[7] These rates continue to drop year by year. Anti-union legislation has been spreading, with twenty-eight states now prohibiting unions from collecting dues from all covered workers—a deliberate right-wing strategy to destroy unions by starving them of funds. Low rates of union membership have been a blow to lower- and middle-class Americans. As the clout of labor unions has declined, the middle-class share of national wealth has fallen as well. Economists estimate that one-third of the rise in inequality among men in the past forty years can be attributed to declines in union membership.[8]

It would not be unreasonable to conclude, as have I and many of my contemporaries in academia and activism, that the twentieth-century U.S. approach to industrial and labor relations is dead.[9] This is not a eulogy, but an invitation to reimagine a labor movement that is even stronger, bolder, and more inclusive. With automation, robotics, and artificial intelligence shaping the future of work—and an increasing number of occupations becoming unmoored from the confines of current labor laws—there are growing calls to rewrite those laws for the twenty-first century. A strong and future-focused labor movement has the opportunity to reshape structural power dynamics for working Americans in a way not seen since the 1935 passage of the National Labor Relations Act (NLRA). We need mechanisms to build and exercise worker power that are sustainable, scalable, and equal to this moment.

For decades, the U.S. union movement has been searching for restoration or resurrection of our archaic, outdated and dying model. But one of the weaknesses of traditional enterprise-based collective bargaining is its singularity: It is easy for corporate power and the political right to attack a movement that depends too much on one institution, which itself relies on predictable structures and methods.

In the natural world, biodiverse ecosystems are more likely to adapt to and withstand environmental change. The same is true for worker power. A healthy workers' movement would operate within different communities, play different roles, influence various aspects of government and the economy, and draw from different revenue streams. In a diverse organizational ecosystem, if one locality, issue, service, or revenue stream dries up, or if one strategy is attacked, other organizations and strategies remain viable.

A nimble, adaptive ecosystem is important for other reasons. Work is not the same today as it once was. The old employment contract, centered on long-term employment with a single full-time employer, provided stability for many wage-earners for decades (most particularly for union members, and for white men regardless of union status). That employment contract was never widely accessible to immigrants, women, or people of color who weren't in a union—and now it is falling apart for most American workers. Companies increasingly structure their workforce around contingent labor, including temporary, contract, part-time, and piecemeal jobs.[10]

Workers also face new threats, from fear of deportation to dismantled safety nets, which increase their vulnerability and change their priorities.[11] We cannot rely on a singular strategy of trying to return to the models of work—or worker representation—of decades past. Organizations and movements must be prepared to evolve in response.

Workers, labor unions, and other worker organizations have a collective interest in imagining what labor movement(s) should replace the old one, as do progressive organizations, philanthropic institutions, individual activists, and even investors and businesses that value democracy and economic growth and stability. We will need to grow, replicate, and scale what already works—and innovate to meet needs that have not yet been filled. This will require risk-taking and significant investments of time, collective attention, and resources.

As a labor leader, I have realized that the most important single task of today's remaining unions is to seed innovation and discover powerful, scalable, sustainable new models of worker organization, just as the pioneers of industrial unionism did in the early decades of the past century. At least in the immediate term, these models should be able to exist independent of, and indifferent to, federal power.

It's time for us to accept that innovation needs to be the new religion—and that a measurable portion of movement resources and our talent needs to go into creating the next model.

In this handbook, I examine how we might build new kinds of organizations based on nine value propositions—specific strategies to build impact and value:

1. advocacy;
2. benefits provision and administration;
3. regional and sectoral bargaining;
4. codetermination;
5. worker training and supply;
6. job placement and matching;
7. labor standards enforcement;
8. certification and labeling; and
9. worker ownership.

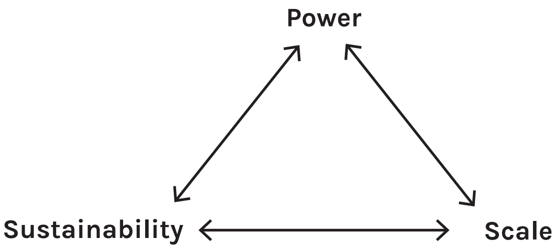
Before discussing the individual value propositions, I will define what I mean by power, scale, and sustainability. Then, for each of the value propositions, I will provide examples of organizations that employ them, and discuss how the value proposition has been or could be used to achieve power and scale. Here it is important to emphasize that workers build power primarily through disruption or collective action—the value propositions are not intended themselves to be substitutes for these expressions of power, but ways that workers can build sustainable organizations through which they can exercise power. I conclude with broad takeaways for organizers and architects of the next labor movement(s).

Characteristics of a Successful Model

Successful worker organizations and networks have three features in common: power, scale, and sustainable revenue. Successful models do not need all three components at the outset. However, they do need strategies to achieve all three over time.

The three components are interconnected and, in strategic organizations, build off one another. When organizations exercise power and win successes, they should be rewarded with increased revenue, and their strategies should be replicated, allowing the model to grow in scale.[12] Similarly, when organizations expand their scale, they can reach more people, which can mean greater influence and power, as well as a larger base of donors for sustainable revenue. Translating gains in power, revenue, or

Figure 1. As organizations build power, revenue, or scale, each component has the potential to lead to others: For example, building worker power can lead to revenue streams; revenue can foster scale; scaling up or sideways can strengthen worker power.



scale into gains in another one of these components requires organizational self-awareness and long-term strategic thinking.

Power

Rev. Martin Luther King, in his 1968 speech to striking sanitation workers, defined power as "the ability to achieve purpose, . . . the ability to affect change."[13] Eric Liu defines power simply as "The capacity to make others do what you want."[14] Influence of this kind, targeted at the systemic constructs undermining working people politically and economically, defines power in my power–scale–sustainability framework.

There are three primary indicators of who holds power, according to UCLA sociology professor G. William Domhoff, author of *Who Rules America?*[15] The indicators can be summarized as (1) Who benefits? (2) Who governs? and (3) Who wins?

1. "Who benefits?" can be thought of as value distributions. Domhoff states that, "In every society there are experiences and material objects that are highly valued. If it is assumed that everyone in the society would like to have as great a share as possible of these experiences and objects, then the distribution of values in that society can be utilized as a power indicator. Those who benefit the most, by inference, are powerful."[16]

2. "Who governs?" implies positional over-representation. Power goes beyond getting attention; attracting the attention of reporters or Twitter followers may raise awareness, but it does not become power until it has the capacity to change the rules, whether written (law, employer policies) or unwritten (norms, values, cultural beliefs). Rashad Robinson, director of the advocacy organization Color of Change, provides an important distinction between visibility and power, asking "How do you build power that forces decision-makers to be nervous?" One way, of course,

is to become the formal decisionmaker. But another is to have the power to force that decisionmaker's hand.

3. "Who wins?" reveals the dominance that is exercised over policy issues, in the final analysis. Winning is the ultimate goal, but who won is often subjective, as well as dependent on the time frame that is examined; a short-term win may set the stage for a longer-term loss. Media accounts and social science and historical analyses—often far into the future—shape the narrative of who won a battle for power, and thus, who is likely to be more respected or feared in next battle.

Workers must exercise power in a way changes the answers to these three questions, addresses historical inequities, and allows all working people to live full, healthy, stable and self-determined lives. Power is the currency of change, and policy is merely frozen power. To create change through policy, we therefore need to think about how to accumulate and exercise power. The effective exercise of power by workers must alter who governs, and ultimately—who wins.

But American workers have not been winning. The decline of unions went hand-in-hand with the rise of an economic theory that attacked the heart of the idea of worker power and justified its takings as "for the good of the whole": trickle-down economics. If you were an honest conservative in the 1970s, and you really believed that trickle-down economics was going to lead to broadly shared and inclusive prosperity, that's one thing; but the past forty years has proved this theory wrong. Now, any honest observer must admit that trickle-down was at best a failed faith-based economics led by chronic naifs, and at worst an intentional plan to corrupt government and civil society for the explicit purpose of enriching the rich and empowering the powerful.[17] In any event, its iron grip on our discourse has presided over the transfer of $2 trillion from the middle class to the top 1 percent. Annually.[18]

Gene Sharp, the Harvard researcher and theorist of power whose work is often associated with tactical nonviolence, believes that power relies on the support of a populace. When people withdraw their support for long enough, power topples. It was on this "withdrawal of consent" through acts of industrywide noncompliance that the labor movement was built, from janitors in New York in the 1930s to auto workers in Detroit in the 1940s, and farm workers in the 1960s.

Even as the power of industrial unions declines, the power of workers to decide enough is enough, to choose not to comply, to disrupt, to boycott remains—in the words of Eric Liu—infinite.[19] No one expected nationwide strikes in 2018, but teachers are standing up and walking out from West Virginia to Arizona. In blue states and red, the power of noncompliance is forcing legislators to reckon with decades of pay and benefit cuts to their most indispensable workers.

Types of power relevant to the development of new models for worker organizations include:

- hard power and soft power: the use of force or coercion, and its ancillary;
- outcome power: the ability of an actor to bring about or help bring about desired results;
- social power: the ability of an actor to change the incentive structures of other actors to bring about outcomes;
- compensatory power: the use of money to influence outcomes; and
- conditioned power: power derived from persuasion, or the ability to shape the narrative.[20]

I will examine which type of power is most conducive to each value proposition, and to what extent each builds power, solidifies power, or prevents the loss of power.

Scale

To achieve the magnitude of power required to challenge anti-worker macroeconomic trends and build a more inclusive economy for the long term, future worker organizations will need to grow and effectively operate at scale. That is, they will need to have the wherewithal and resources to grow to the size necessary to influence power, and they need to do so while maintaining programmatic quality and sustainable operations.

Most worker organizations outside of the labor movement (and many within it) have limited scalability. There are many reasons this may be the case:

- *Addressable market.* Many worker organizations, from worker centers to "alt-labor," tend to be characterized by one or more of the following: highly local, have strong sectoral orientation, or a programmatic focus on a specific demographic population. These factors don't limit an organization's functionality, and in many cases, may be integral to the organization's value proposition, but a constrained addressable market can be a factor that inherently limits the ability to scale.

- *Legal limitations.* Organizations that offer benefits that are highly regulated at the state level may have difficulty scaling across state lines. Unions grapple with limitations of labor law every day. Other organizations may find their tax status limiting their growth. The impact of legal limitations depends on the value proposition, with some being more conducive to scale than others.

- *Limited resources.* Resource-constrained organizations are often unable to invest in significant growth. Other organizations find their growth restrained by heavy costs per member acquisition. Those that can scale growth may not have the resources to invest in commensurate operational and programmatic capacity, or have organizational structures with heavy overhead.

- *Restrictions on the use of funds.* Many newer worker organizations (for example, worker centers) are funded through grants, which often come with heavy restrictions on the non-programmatic use of funds. Many older ones (unions) are subject to a complex set of legal, financial, historical, political, and cultural requirements, prohibitions, incentives, and disincentives that, in combination, require most resources to be spent on legacy activities. Either set of restrictions can limit investment in growth and additional capacity.

Scaling is not for every organization, just as it is not the right choice for every business.[21] But any organization fighting for systemic change—meaning, for our purposes, fighting against trickle-down economics—must, by definition, be scalable. The organizations and campaigns highlighted in the section on value propositions in this handbook adopt a range of approaches to scaling growth, some more effectively than others. Common growth strategies include:

- public policy: passing laws that require, incentivize, or permit participation for an entire population or sector;

- product/functional organizing: this strategy attracts new members through relevant products, and then funnels them toward advocacy or action;

- digital marketing: the same digital marketing strategies that startups use, such as paid acquisition, SEO / SEM, and virality also apply to organizations;[22]

- digital organizing and replicability: digital organizing leverages technology that empowers organizers to target, track, and mobilize relationships;[23] replicability, sometimes considered a stand-alone strategy, is a core component of digital organizing effort;[24]

- networks/affiliations/partnerships: this method is common among worker organizations and nonprofits, who often create formal networks to amplify one another's messages or share resources; and

- shape the field: defining standard metrics and creating common data sets for a particular industry or field can reach and influence all participants within that field.[25]

In evaluating the scalability of each value proposition, I will examine the effectiveness of growth strategies commonly used in that area, and the potential scalability as constrained by the factors above (an addressable market, legal limitations, limited resources, and restrictions on the use of funds).

Sustainable Revenue

Sustainable revenue can be defined as funds that are predictable, ongoing, and not quickly exhausted, and that allow an organization to execute its core mission and grow its organizing base.

Building upon the funding sources labor policy advocate Shayna Strom discusses in her report, "Organizing's Business Model Problem,"[26] sustainable organizations have revenue with the following characteristics:

- sufficient: the amount of funding should be enough to meet the strategic, growth, and programmatic needs;

- predictable/consistent: the flow of money should be regular enough to allow the organization to plan for the long-term; and

- sustainable: the flow of money should not be quickly exhausted;

- without "strings": a sufficiently large portion of the money should be for general operating support, giving organizations much more flexibility about how best to use it; and

- politically resilient: key sources of revenue should not completely dependent, in the long run, on which political party or allies are in power.

For organizing groups, Strom details a wish list of other characteristics of a sustainable revenue model, including that it fosters accountability/democracy to its membership or audience, encourages member investment, rewards accomplishment, allows for independence, and in the words of Strom, "helps the organizing," and "avoids harm to the organizing."

While unions have a stable funding source through membership dues deducted through collective bargaining agreements, most other types of worker organizations do not have predictable or self-generated revenue.[27] Instead, they derive revenue from several sources, including foundations, high net-worth individuals, government funding, unions, individual contributions, grassroots fundraising, and earned income.

Funding Sources

- *Foundations.* Currently the largest source of funding for nonunion worker organizations, community organizing groups on average receive 62.7 percent of their budgets from private foundations.[28] For most organizations, foundations are not a reliable long-term source of revenue. The pool of available money fluctuates in accordance with economic conditions and donor trends, and many organizations compete for resources. Resources for 501(c)(4) organizations and activities are even more scarce. Of equal concern are the strategic, programmatic, and operational limitations, as well as the administrative burden, often attached to private grant funding.[29] Funders' notorious risk-aversion often leads to reducing an organization's impact to quantifiable outcomes: policies passed, dollars redistributed, or the number of people who take action.[30] This can restrict the ability to innovate, adapt, and pivot.

- *Government funding.* On average, 21 percent of immigrant worker centers' budgets come from government grants for labor enforcement and organizing.[31] For these organizations, government funding tends to comprise a significant source of revenue. This practice can be a reliable source of revenue when the organization is paid to provide a public service, such as outreach and education about a new employment law, and the contract is not overly dependent on friendly political conditions.

- *Organized labor.* Labor has seeded some of the most innovative initiatives in recent years, such as OUR Walmart, once funded by the United Food and Commercial Workers Union (UFCW); Fight for $15, supported by the Service Employees International Union (SEIU); and the Independent Drivers' Guild, associated with the International Association of Machinists (IAM). I believe labor's investment in future models is an imperative, but it needs to come with the expectation that the new entity will develop a sustainable, fully independent business model over a medium-length time frame. Investments also need to be structured so that they can withstand changes in governance, financial stability, or political turbulence at the parent union.

- *Voluntary dues.* Many worker organizations would prefer to fund themselves through voluntary membership dues, which give the organization the autonomy to pursue the issues and strategies that best reflect their members' needs and interests. But in practice, it is rare for start-up organizations operating among relatively tiny groups of workers in a single sector and geography to collect sufficient funding from individual workers at scale. A 2006 study found that worker centers receive only 2 percent of their budgets from dues.[32]

- *Donations/non-member fundraising.* Door-to-door canvassing or associate membership programs have funded very few organizations on an ongoing basis, and this model tends to only work when a large constituency is extremely motivated toward a particular goal. Digital fundraising can be a sustainable source of revenue, particularly when donations are recurring, the organization raising money has broad reach, and it is not place-based. Dues and donation revenue models can function as a part of a larger nexus of funding sources, but unless fundraising efforts coincide with scale, they are not in and of themselves a sustainable revenue model.

- *Earned income.* Offering products or services for revenue can be a sustainable source of revenue. The Freelancers Union funds its advocacy efforts for independent workers with revenues from providing health care and other benefits to its members, while the AARP earns revenue from insurance products it offers to its millions of members. This model is most effective when the product or service is a core part of the organization's program, not an ancillary proposition. Other struggles that community organizers can face in developing earned income revenue streams include, according to Strom, "a dearth of relevant earned revenue ideas; a dearth of funding to help start-up specific projects; a lack of staff with enough time to devote to potential sources of earned revenue; and a lack of staff with appropriate business skills." These problems, she notes, "are like those found in other mission-oriented fields that increasingly require earned revenue—for example, nonprofit journalism."[33]

As I examine each of the value propositions, I will note if the funding sources most typically associated with that proposition meet the criteria for sustainable organizational revenue, including whether it is likely to be sufficient, predictable, ongoing, and politically independent.

Value Propositions

In the sections below, I dive more deeply into each of the nine value propositions I've identified as having the most promise to inspire future models of worker power. A value proposition is a specific strategy that delivers quantifiable benefits to a recipient through a uniquely differentiated product, service, or intervention (such as a policy change) that solves a problem or improves a situation. I will provide examples and case studies to illustrate how these strategies might work in practice.

The nine value propositions are:

1. advocacy;
2. benefits provision and administration;
3. regional and sectoral bargaining;
4. codetermination;
5. worker training and supply;
6. job placement and matching;
7. labor standards enforcement;
8. certification and labeling; and
9. worker ownership.

I will evaluate each value proposition within in the power–scale–sustainability framework, using the following questions:

- *Power.* How does or could this strategy build power, solidify power, or prevent the loss of power for worker organizations?

- *Scale.* How does or could this strategy improve the scalability of worker organizations, or prevent a decrease in scale?

- *Sustainability.* How does or could this strategy contribute to revenue sustainability for worker organizations?

Where possible, I try to draw on U.S.-based union strategies, current or in the past; contemporary union strategies from parts of the globe where unions remain strong; and U.S.-based non-union strategy, including from alt-labor and other groups that are intended to contest power.

Advocacy

Social scientists have long agreed that strong labor unions are closely associated with lower levels of inequality and a broad middle class. In the United States, a thriving labor movement in the mid-twentieth century, along with civil rights, women's rights, and anti-poverty movements, lead to the creation of broad-based social measures ranging from the Civil Rights Act to the creation of Medicaid and Medicare. Even as power at the bargaining table has declined and membership in the private sector has hit record lows, unions have still been at the forefront of pivotal fights for health care and wage increases in more than twenty states and twenty-six cities.[34] The first four years of the Fight For $15 resulted in wage increases for more than 19 million workers, totaling $62 billion over the period. As NELP points out, that amount is twelve times larger than the total raise received by workers in all fifty states under the most recent federal minimum wage increase in 2007.[35]

Historically and today, unions are one of the few groups engaged in advocacy that have consistently represented needs of the middle-class[36] and that can influence which policies get debated, their structure, whether they get passed or not, and how laws are implemented once they are passed.[37] Unions have been uniquely effective in increasing participation in electoral politics among members and non-members alike. Research shows that a one-percentage-point increase in union density in a state increases voter turnout rates by 0.2 to 0.25 percentage points. When unions don't run get out the vote campaigns, working-class citizens are 10.4 percent less likely to vote than other citizens. Voters of color are just as likely to vote as white voters in districts with union campaigns, but are 9.3 percent less likely to vote in districts without campaigns.[38]

Even as the power of organized labor declines, workers need to advocate for their own interests and exercise power at a scale commensurate to the systemic, structural, and institutional forces arrayed against them. To date, there are few examples of worker advocacy organizations that have achieved and sustained the level of national influence needed to fill the void. In part, this is because many are place-based, and find themselves straddling the gap between labor and community organizing, but also because worker advocacy organizations often lack a sustainable business model that results reliable, independent, recurring revenue.

However, there are proven examples of advocacy organizations that have built and exercise power, including groups focusing on community organizing, digital organizing, and functional organizing.

This section is not intended to diminish the many organizations that are on the frontlines of community organizing on a daily basis, challenging local power, and winning impactful victories for their constituencies. While their work is vital, it is usually unsustainable, and rarely challenges systemic power. Yet we can look to their experience, as well as that of other organizations that have been successful in driving advocacy efforts on a national level, and derive lessons for future organizations who seek to build around this value proposition.

Organizations that advocate on behalf of their communities, constituencies, and other shared interests come in a variety of forms, ranging from brick and mortar community organizations to national online-only organizations focused on digital mobilization.

Most advocacy organizations use one of the following organizing models: community, digital, and product/functional. Using the cases below, I will examine each through the lens of power, scale, and sustainability.

ACORN: Community Organizing on a National Level

The Association of Community Organizations for Reform Now (ACORN) was founded in 1973 with the goal of developing "sufficient organizational power to achieve its individual members' interests, its local objectives, and in connection with other groups, its state interests."[39] Initially, ACORN's organizing model was door-to-door neighborhood canvassing, local mailings, and house meetings.[40] While the group later incorporated union organizing, service provision, and other organizing models, neighborhood organizing remained central to the ACORN's organizing efforts.

By 2006, ACORN's membership grew to more than 200,000 in thirty-nine states and one hundred cities, with an annual budget in the tens of millions. The organization owned two radio stations, a housing corporation, a law office, and had founded the Working Families Party. An executive director of ACORN once said, "When we want to project something nationwide our size ensures that a basic level of stuff will happen—and it will happen in a lot of places."[41] Yet, "stuff happening in a lot of places" does not necessarily mean that there is effective coordination, nor a cohesive national narrative. Breadth alone is not enough to topple entrenched power.

In an early study of ACORN, co-founder Gary Delgado observed:

> The work of the growing networks of community organizations, while effective in winning local victories, was actually less than the sum of its parts. . . . Most community organizing networks were comprised of loosely federated and fiercely independent local organizations that seemed

to have neither the vision nor the political will to do much more than replicate effective issue campaigns.[42]

Reflecting on ACORN in 2009, Delgado concludes that, despite the organization's size and scope, it never developed the internal systems to support its desired scale. Similarly, while it was able to amplify ideas and replicate strategies in a number of cities, many of which resulted in change at a local level, these were largely single-issue campaigns that never quite resulted in large-scale, national policy reform.[43]

Indivisible: Digital Organizing, Targeted Mobilization

While ACORN adopted digital tools for mobilizing membership toward the end of its organizational life, its work remained largely offline and driven at the local level. Over the past decade, however, near-universal access to the Internet through computers or mobile devices, and the rise of networked communication began to provide new and easy ways for people to connect with one another, and support the causes about which they care. Now, people receive information from personalized news feeds, targeted advertising, and their own curated lists of trusted friends they follow on social media, to the point that the need for a local presence is no longer a determinative factor—today, all politics is personal.

The result is that the internet has opened the door for a new generation of advocacy organizations, ones that Dave Karpf characterized as "large 'generalist' organizations that span multiple issue spaces and, relying on the internet for communications, function with greatly-reduced infrastructure overhead costs, and also by small niche organizations that cater to specialized publics or topics."[44] More than a decade into this new era, organizations such as MoveOn (United States), GetUp! (Australia), Leadnow! (Canada), and Avaaz (global) have demonstrated staying power and the ability to mobilize millions.

The mobilization techniques these organizations have pioneered and refined—such as form emails to lawmakers, online petitions, and hashtag campaigns—have become standard practice for online-native and traditional advocacy organizations alike. Online mobilization has proven effective in helping to apply acute pressure on corporations and politicians, resulting in wins ranging from the ouster of Bill O'Reilly from Fox News to the removal of the Confederate flag from the statehouse in South Carolina. Online mobilization can also amplify awareness, shape the public narrative, build lists, and raise money, but as political and communications strategist Shayna Englin found, at least on the federal level, online mobilization alone has proven limited in its power to directly influence policy.[45]

The Indivisible Project is one in a new generation of post-2016 organizations that uses digital organizing in conjunction with targeted online and offline mobilization to build capacity. The organization was launched after "The Indivisible Guide," a document written by a few former Capitol Hill staffers in the wake of the 2016 election went viral. "The Indivisible Guide" inspired thousands of individuals to start local Indivisible groups, resulting in the formation of thousands of self-formed "chapters" throughout the country.[46]

The virality of "The Indivisible Guide" forced the founders of the Indivisible Project to simultaneously build and scale their operations, raise money, and continue to empower, mobilize, and amplify the efforts of activists on a local level. Rather than focusing on centralized list-building, however, Indivisible invests most heavily in organizing and capacity-building for local groups. Although Indivisible is a national organization that was launched on the Internet, the activism of its members is highly localized, and often offline. The digital organizing approach they adopted is similar to the principles of "engagement organizing," outlined first by campaign strategists Matt Stahl and Jon Price:

> The core principle of engagement organizing is that power is built by recruiting and mobilizing relationships between and among supporters, reaching a point where your supporters themselves are leading the charge.

> Engagement organizations work on building power in targeted communities and political geographies so that they can hold specific decision-makers accountable. Engagement organizing places in-person contact at the heart of the relationship building process, and gets there with technology systems that help organizers target, track and mobilize relationships. Engagement organizing is a process for learning. It emphasizes continuous gathering and evaluation of data, learning from failure as well as success, and rapidly adapting to changing circumstances and new information.[47]

While not explicitly adopting this model, Indivisible uses a similar approach to great effect, playing a pivotal role in preventing the Republican repeal of the Affordable Care Act (ACA). Just eighteen months in, it is too soon to determine whether Indivisible will be able to maintain their power, scale and sustainability in the long term, but so far, their approach to advocacy is promising.

The NRA: Identity-Fueled Functional Organizing

The National Rifle Association (NRA) often garners attention for its massive spending on campaign finance and lobbying. The muscle behind these efforts, however, is the identity-fueled fervor of its five–million-strong membership, many of whom the NRA weaponizes to great effect as an army of grassroots activists and single-issue voters.

As part of its functional organizing approach, the NRA touts an array of products—ranging from access to local hunting clubs, to shooting and safety classes, to loads of gun–lifestyle-related discounts, to accidental death and dismemberment insurance[48]—all of which it uses to drive new memberships. Yet, the spikes in growth following mass shootings hint at a different truth. The products themselves are no different than "Love at First Shot" or any lifestyle shows on NRATV: they are meant not only to provide a product, but also to reinforce the perception of gun ownership as a defining factor in one's identity. The combination of identity and functionality is a powerful combination to attract, retain, monetize, and mobilize, a broad membership base.

For those likely to be ideologically aligned but not yet members, the NRA offers free membership through the Life of Duty program. This program allows individuals and corporations to sponsor one-year memberships for military and law enforcement. In addition to broadening the association's membership base, Life of Duty also generates more revenue per new member: while a standard one-year NRA membership is $35, the Life of Duty annual membership is $50.[49] Similarly, some gun makers offer a one-year NRA membership with the purchase of a new firearm, while others provide membership to all employees as a benefit.[50] Collectively, these initiatives ensure that membership in the NRA continues to grow, funneling new members toward ideological alignment and activism.

NRA engages members online through publications, NRATV, member newsletters, and targeted online portals such as the NRA Women's Network. A subscription to one of the six magazines published by the NRA is included with price of membership. Offline, local gun clubs and gun shops create a sense of fellowship among members.[51] The combined effect is to reframe gun rights in the context of one's identity. Hahrie Han, professor of political science at the University of California, Berkeley, describes this as helping members "rearticulate their own lives in the context of a broader vision of the future . . . they are no longer just hunters, they are protectors of a way of life."[52] A 2017 Pew research study found that near half (45 percent) of NRA members say owning a gun is very important to their overall identity, while only 20 percent of non-NRA gun owners say the same.[53]

Many local gun shops and shooting clubs also house Second Amendment Activist Centers. These centers post fact sheets on legislation and issues, volunteer sign-up forms, voter registration materials, and information on grassroots activities and events. The Activist Centers," along with local leaders called "Frontline Activist Leaders," help guide members toward increased levels of activism and political participation.[54]

The NRA's ability to mobilize members into activists is evidenced by the number of NRA members who are politically active, compared to non-NRA gun owners: 46 percent of gun owners in the NRA say they have contacted a public official to express their opinion on gun policy, compared to just 15 percent of non-NRA gun owners.[55] Another indicator is the NRA Political Victory Fund PAC (NRA-PVF), which can only accept contributions from individual donors. In 2014, the NRA-PVF raised $21 million from 30,000 donors, 90 percent of who gave less than $200 in a single year.[56] In 2016, the NRA again raised about $21 million, with 93 percent of donations coming from individuals who gave less than $200 in a single year.[57]

Connecting the Dots on Advocacy

POWER ▌▌▌

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Community organizing, digital organizing, and functional organizing are all proven approaches to building and exercising power. The degree to which an advocacy organization can exercise power on a national level depends on the organizing approach and whether advocacy is used in conjunction another value proposition.

SCALE ▌▌▯

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

The scalability of this value proposition depends on the model adopted by the advocacy organization. ACORN style community organizing occurred in hundreds of cities, but the model proved difficult to scale on a national level without losing cohesion in strategy and narrative. Functional organizing may help facilitate or be an impediment to scale, depending on how it is executed. The NRA, for example, adds members nationally en masse through its Life of Duty program, whereas an advocacy organization providing health insurance or other services regulated at a state level may have difficulty scaling at a national level.

Online first or digital advocacy organizations around among the most scalable because they have low overhead and utilize tools and tactics that have little marginal cost at scale.

SUSTAINABILITY ▮▯▯

How does or could this value proposition contribute to revenue sustainability for worker organizations?

As an independent value proposition, worker advocacy organizations often lack a sustainable business model that results in reliable, independent, recurring revenue. Most advocacy organizations raise money from grants and small-dollar donations, although functional organizing can result in sustainable independent revenue. Online first advocacy organizations have lower overhead than community-based groups, which allows them to scale without commensurate increase in cost. The most sustainable option for workers organizations is to combine advocacy with another, more revenue-secure value proposition.

Benefits Provision and Administration

Drawing upon a reservoir of experience sponsoring, administering, and negotiating over benefits, labor innovators should explore how worker organizations could replace or augment employers or governments as a provider of benefits and direct services. In my previous pieces for the *American Prospect* and the Aspen Institute's Future of Work initiative, I have explored several models of benefits delivery, and how they might serve as a foundation for a workers' organization.[58] In this section, I will look at the power, scale, and sustainability of several of these models including an adaptation of Taft Hartley funds, the Ghent model, group insurance, and sector-specific statutory benefits.

Many, if not most, private sector unions in the United States that have managed to maintain regional or sectoral density administer benefits through so-called Taft-Hartley benefit funds, many of which are the products of strong multi-employer association contracts or pattern bargaining, resulting in what is a de facto system of portable and prorated benefits universal to covered union members within each industry and geography. These have a regional and sectoral pattern; however, I include them in this section specifically because of their emphasis on benefits provision and administration as the core value proposition. (The power, scale, and sustainability of regional and sectoral bargaining will be covered as a stand-alone value proposition in the next section.)

- 1199SEIU United Healthcare Workers East, for example, administers several labor-management benefits funds collectively known as the 1199SEIU Funds, which provide benefits to 400,000 home care, health care, and child care workers, retirees, and their families. Benefits are negotiated with The League of Voluntary Hospitals and Homes, the Greater New York Hospital Association, and other employers creating a master contract that becomes the standard and template for several other contracts outside of those associations.[59]

- In Washington State, SEIU Local 775 represents tens of thousands of "individual provider" home care providers in negotiations with the state. The ratified contract becomes the "pattern agreement," setting the basic terms for all signatory private home care agency contracts. Key provisions of these contracts establish health, pension, and training benefits provided through the SEIU 775 Benefits Group.

- In Las Vegas, Culinary Workers Union Local 226 and Bartenders Union Local 165 represent nearly all the casino resorts on the Las Vegas Strip and downtown Las Vegas. The unions sponsor the Culinary Health Fund as well as an extensive hospitality training program. (See the Worker Training section below for more detail on union training programs.)

- Throughout the United States, building trades unions negotiate and sponsor health and welfare, pension, and apprenticeship programs which cover workers throughout each defined craft and geography even for a highly seasonal workforce that has no single stable employer.

While organized labor has long been on the decline, pockets of regional and sectoral union density are still able to exercise industry and political power to set standards for their respective regions or industries. What the four examples above, as well as many others, have in common is their involvement in benefits provision and administration as a value-add for both workers and employers.

Expanding Benefit Pools

Drawing upon a reservoir of experience sponsoring, administering, and negotiating over benefits, labor innovators should explore how worker organizations could replace or augment employers or governments as a provider of benefits and direct services to members. In the near term, state-level initiatives building upon labor's extensive experience administering benefits are a good option. But looking down the road, Taft-Hartley Multiemployer Plans are a structure that better lends itself to an expanding pool of participants, should federal law one day allow.

Taft-Hartley plans are shared by two or more employers who are often in the same geographic area or industry. The benefits provided to workers are based on a negotiated hourly contribution made to the Multiemployer Plan on behalf of an employee by his or her employer. This structure provides a useful mechanism to share the costs of benefits when a worker has multiple employers or regularly switches employers, such as actors or construction workers.

Most plans are jointly administered and governed by a board of trustees, with labor and management equally represented.[60] Beyond the employee-employer paradigm, this arrangement could evolve to an industry/worker or tripartite arrangement.

There is no maximum limit on the number of companies and employees that can be enrolled in these plans. While some Multiemployer Plans only cover an individual trade, others can include entire industries. Small employers can also pool resources in ways that are traditionally only available to those with larger employee bases. These economies of scale encourage participation and reduce costs, making the model both sustainable and scalable.

One of the best-known examples of a Multiemployer Plan is the Screen Actors Guild-Producers (SAG) pension and health plan. SAG solved the problem of providing traditional benefits for a nontraditional workforce by establishing a multiemployer plan in 1961, through collective bargaining with the studios. More than 40,000 actors and their dependents now benefit from SAG's plans. The pension plan is funded solely by the contributions made by television and movie producers, while the health plan is funded by contributions from both producers and participants. Contributions are deposited into a trust fund that provides benefits for all participants who meet plan's eligibility requirements.[61]

As mentioned above, the primary limitation of Multiemployer Plans is that they cannot be used to cover independent workers without a change to federal law. Further, independent contractors cannot generally collectively organize under current labor law, which is a requirement of a Taft-Hartley plan. Barring the likelihood of any such changes to federal law in the near term, we should instead focus on using the expertise and right-of-way of Taft-Hartley funds to create new organizations that serve as worker-accountable benefits providers to nonunion workers.

Ghent Goes Local

I've written before about the Ghent system of collective unemployment insurance in several northern European countries.[62] Under the Ghent model, unions in Belgium, Denmark, Finland, Iceland, and Sweden—rather than those governments—administer unemployment insurance for workers. As with other examples of functional benefits, individual benefits (not collective gains)motivate workers to participate. Members are likely to join and remain members of unions as part of cost-benefit analysis of private gains associated with the price of unemployment insurance, weighed against the risk of unemployment.

The cost to members is quite low. In Sweden, for example, members pay modest fees in exchange for generous unemployment insurance that replaces 90 percent of lost income. The system is financed through taxes and employer contributions, which flow into a centralized labor market fund before being distributed to individual employment funds.[63]

Tying unemployment insurance to union membership has driven the Nordic countries to the highest unionization rates in the world. Indeed, the only countries in the world with union density above 50 percent are those that participate in the Ghent system, or similar.[64] Even with recent declines due to the introduction of private market insurance alternatives, high union density continues to allow Nordic countries to prevent the erosion of employee benefits and social welfare systems that the United States has experienced.

In Norway, for instance, labor unions fought for and won significant protections for workers' pension plans in the face of recent government-led reforms. Labor unions have ensured that Norway's generous sick leave program hasn't been touched, and unions and employer organizations commonly work together with the government to develop measures that will improve wage and working conditions.[65]

The Ghent model does not need to be national. Manhattan Institute senior fellow Oren Cass notes, "management of most social insurance—including unemployment, disability, and health—has devolved already to the state level. [A new type of worker organization] can plausibly supplement or supplant state-level programs, with the relationship perhaps differing based on a state's economic profile."[66] While systemic change will ultimately come from policy at the federal level, we have the opportunity to take the first significant steps right now at the state or local level. By experimenting on a state or local level, we can expedite the shift from theoretical to practical and demonstrate how the new model can empower workers while also improving access to benefits.

For example, in Washington State this year, portable benefits legislation (HB 2812) was introduced in the Washington State Legislature requiring businesses that use independent contract workers (those who file 1099 IRS forms) to make contributions to a third-party benefits fund managed by a worker organization. The Washington State Department of Labor and Industries would determine the amount to be collected for the provision of workers' compensation, and in addition to this amount, businesses would also contribute an amount derived from the fees collected from each consumer transaction or hour worked. Up to 10 percent of contribution funds can be used by the worker organization for benefits administration, resulting in a model that is both scalable and sustainable.

With the growing prevalence of short-term, temporary, and "employerless employment," worker organizations have a huge potential role to play as the provider and administrator of worker benefits that are universal, portable, and prorated, just as called for in the bill introduced in Washington State.

Group Insurance

There are multiple approaches to the use of group insurance in membership organizations: (1) benefits primarily as an incentive to join, (2) benefits as a tool for member retention, and (3) benefits as a source of ancillary organizational revenue. The three approaches are not mutually exclusive.

As a value proposition, benefits provision and administration create practical incentives for members to join organizations that are relatively scalable and provides a sustainable, independent source of income.[67] Organizing around benefits allows organizations to connect with workers as whole people: people who need health care, who have children, and who hope to retire. This creates a deeper, more personal relationship, as well as opportunities for more routine engagement.[68] Benefits also require more regular contact between the organization and member, which keeps the value proposition at the forefront of the member's perception of the organization while simultaneously providing more touchpoints for evidence-based iteration.[69]

A new worker advocacy organization could offer benefits exclusively to its members, creating an incentive for them to join and maintain active membership. While current law poses regulatory hurdles to providing health insurance, organizations can offer several other types of benefits that are highly relevant to members' lives, such as disability, life, and supplemental insurance; training; paid leave banks; and income smoothing, just for example.

The AARP, who mobilized its membership and advocacy efforts to help defeat repeal of the ACA in 2017, exemplifies this value proposition.

AARP

AARP has just under 40 million members and earns more than a $1 billion in dues revenue annually. AARP's family of organizations include the 501(c)(4) membership organization, a nonprofit health trust, a for-profit insurance company, a nonprofit foundation, and a for-profit company that manages royalties and deals with insurers, banks, and travel companies.[70]

As with many other large membership organizations, AARP takes a functional approach to growth. Seniors join AARP and renew their membership because of all the travel, insurance benefits, and financial services available to them.

Unlike the NRA, AARP does not primarily emphasize the development of a massive grassroots base for mobilization. Instead, the organization focuses on growing and monetizing its membership, and using net revenue to finance research, policy development, and political and advocacy activities. With a significant source of independent income and a membership base of tens of millions, AARP can escalate lobbying and advocacy efforts on an as-needed basis.

Benefits provision and administration incentivizes membership, creates opportunities for ongoing, personal interaction between the organization and members, and provides an independent source of revenue. However, as the AARP example indicates, the model does not inherently result in a strong base of activists. Worker organizations using this value proposition should weigh whether they, like AARP, want to use programmatic revenue as a source of political and lobby power, or focus on building an activist base for future mobilization efforts.

Sector-Specific Statutory Benefits Mandate: The Black Car Fund

The Black Car Fund is an example of sector-specific benefits. It was established by statute in 1999, and currently provides workers' compensation coverage to more than more than 70,000 non-app-based black car (livery) drivers. The fund also offers a $50,000 driver death benefit and provides training and driver defense classes through the Black Car Safety and Wellness Center.

In order to provide for-hire, pre-arranged transportation services, a business must have a car base license. These licensed businesses, called bases, must become members of the fund if they meet the membership criteria outlined in the statute. Because the statute applies on a on a statewide basis for all bases in the sector, the Black Car Fund is inherently scalable and less adversarial than if membership was voluntary or on a per-case basis.

The Black Car Fund is sustained through a 2.5 percent consumer surcharge on all rides, which is billed and collected by member bases from clients and then remitted to the fund. The universal application of the surcharge ensures that participation in the fund is not a burden on drivers nor bases, and it ensures that there is no competitive disadvantage among participants. It also creates a benefit pool broad enough to fund the benefit.

New worker organizations can look at the Black Car Fund as an example of a benefits model that is scalable and self-sustaining. How the Black Car Fund utilizes its membership for political power or for growth into the app-based livery world remains to be seen.

Connecting the Dots on Benefits Provision and Administration

POWER

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Benefits provision does not independently build power, but the value proposition may help solidify power and prevent future loss of power. Offering crucial benefits such as health insurance and unemployment insurance creates an opportunity for the organization to engage on a more personal, multidimensional level that, as AARP demonstrates, can help solidify a base and facilitate activism as needed. Such benefits may also create a higher barrier to exit, prevent future loss of membership and power. While countries using the Ghent model have seen some decline in union density, the loss has not been as acute as OECD countries using a different model.[71]

SCALE

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

As a core value proposition, benefits provision is, by necessity, highly scalable. Most benefits products require a large participant pools in order to mitigate risk, and are designed with sustainable growth in mind. Several of the models covered in this section, including an expansion of Multiemployer Plans, the Ghent model, and sector-specific benefits created through a statutory mandate would all contribute to scalable growth. And as previously mentioned, the "stickiness" of critical benefits may also prevent a decrease in scale.

SUSTAINABILITY

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Benefits provision can be a predictable, recurring, and not easily exhausted source of revenue. As the AARP model illustrates, revenue generated from benefits provision is not only self-sustaining, but can provide a source of flexible funding for future advocacy efforts. Benefits created through statute with a mandatory funding structure also generate sustainable revenue, as in the case of the Black Car Fund or the proposed portable benefits legislation in Washington State.

Regional and Sectoral Bargaining

The dominant model of collective bargaining in the United States takes place on an enterprise level, between a union and a single company or facility. The model is one of maximum adversarialism, and results in strong incentives for business to fight labor on every front. Because bargaining in this model takes place on an enterprise-level basis, employers often perceive unionization as creating a major competitive disadvantage compared to their nonunion competitors. Our laws exacerbate this tendency, with "right to work" laws in many states, secret ballot elections required in most instances for union formation, and weak penalties for employers who engage in "union busting" or who fail to negotiate in good faith.

Enterprise-level bargaining is also less effective in the face of increasingly fissured workplaces. Many businesses are choosing to outsource, subcontract, use consultants, or hire third-party management, rather than employee workers directly.[72] At the same time, labor monopsony (a firm's monopoly in hiring workers) makes it increasingly risky for workers to organize at the enterprise level, and often leaves them without alternatives.[73]

Bargaining at the regional and sectoral level, as is done in several European and Latin American countries, eliminates many of these perverse incentives. In the 2017 Employment Outlook Report, the OECD observes that "Collective bargaining coverage is high and stable only in countries where multi-employer agreements (i.e., at sector or national level) are negotiated."[74] The density and stability of unions with relatively centralized bargaining indicates the scalability and sustainability of this model.

Centralized Bargaining in Europe: Stable Density

Both Belgium and Finland engage in regional tripartite bargaining on a national level. In Belgium, lengthy negotiations lead up to the declaration of a national multi-sector agreement every two years.[75] In the year following the national agreement, unions and employer associations reach sectoral agreements, which must follow the minimum guidelines established at the national level.[76] In Finland, union centers and employers' organizations negotiate policy agreements at the national level on salaries and benefits, working hours, unemployment benefits, social security provisions, pensions, and taxation.[77]

In Austria and Germany, sector-level negotiations set pay and working conditions for most employees, and agreements reached through collective bargaining are enforced by law.[78] In Austria, employers' associations, union affiliates, and the state participate in national bargaining on a routine basis, though participation is not mandated by law.[79] The clear majority of employers participate, and as a result, 95–99 percent of private sector employees are covered by collective bargaining agreements.

In Germany, sectoral bargaining occurs at the regional level. Unions and employer associations representing the relevant sector and region negotiate. The first regional agreement for a given sector is considered a pilot agreement, the contents of which are partially transferred to other regions. Bargaining covers most aspects of the employment relationship, including pay, payment systems, working time, holidays, and overtime pay.[80]

Regional and Sectoral Bargaining in the United States

Union membership is highest and most stable where employer participation in multi-employer agreements is high, or when agreements are extended to firms that are not members of the signatory employer association, or master contract.[81] This bears out in the United States, where many of the union locals with higher density have strong association contracts. (Not coincidentally, many of the strong U.S. locals with industry-wide benefit funds detailed in the Benefits section above also engage in de facto centralized bargaining through association contracts or pattern agreements.)

Outside of formal collective bargaining laws, worker campaigns aim to change policy and amplify worker voice through at least two mechanisms of interaction with the government:

1. *Tripartite boards.* In some states, tripartite boards, consisting of worker, employer, and state or city representatives, are regulatory venues that allow for worker representation and worker testimony to create new sectoral or regional standards.

2. *State and local statute.* Workers have also frequently used city and state policy to set minimum standards through statute.[82]

In either case, it is government that ultimately must act. State and local leaders create the legal and policy framework, and enforce the resulting laws or agreements. But government rarely does anything new without a concerted campaign to move politicians in a particular direction, and so it falls to worker organizations of all kinds to create the pressure needed for policy change.

The Fight for $15 and Wage Boards

The Fight for $15 won regional victories in Seattle and New York using both of the mechanisms noted above.

The Fight for $15 began in 2012, when hundreds of workers walked off the job at more than a dozen fast food chains in New York City.[83] The first municipal-wide fight for $15 was won in SeaTac, Washington (essentially, a company town for the international airport serving Washington State) at the ballot, and in Seattle through the use of a politically constructed bargaining process in 2014. After helping to elect a pro-$15-an-hour mayor, SEIU and the major union and community organizations in the city bargained for four months across the table from key business institutions in the mayor's office itself. The result was an agreement on how to structure a $15 wage law for Seattle that eventually applied to all workers.

By demanding $15 and a union for all workers, participants were seeking to bargain at the regional and sectoral level. Recognizing this, University of Michigan professor of law Kate Andrias observes the Fight for $15 as a continuation of previous campaigns:

> They are extending and augmenting the work of earlier campaigns, like SEIU's Justice for Janitors campaign, which sought to organize entire industries in particular localities, while learning from less successful campaigns that focused on single firms, like the multi-year effort to organize Walmart.[84]

In New York City, fast food workers demanded and won a tripartite wage board appointed by Governor Andrew Cuomo under early-twentieth-century laws to set a living wage for the sector. A groundswell of workers testified during the board's public hearings around the state about the impact of low wages on their own and their families' livelihoods and health. The New York Wage Board took bold action to establish a $15 minimum wage for all fast food workers in 2015. A $15 minimum wage is now the law for 20 million Americans, and another 35 million are living in states with some form of a higher minimum wage due to this movement.

Also in 2015, through a separate wage board process, New York raised the minimum wage for some tipped workers in the hospitality industry by 50 percent. California currently has wage orders for seventeen different industries that set minimum wages and address working conditions, such as overtime policies.[85]

The Fight for $15 demonstrated political power and scalability, but so far has been funded primarily by SEIU—without a paid membership or other sustainable revenue model.[86] The question when considering this model for future worker organizations is, how do you combine a regional or sectoral bargaining model with a sustainable business model? One of the most promising models, as the Ghent system illustrates, is to pair regional and sectoral bargaining with union administration of benefits to generate revenue, while also incentivizing voluntary membership.

Cities: Ground Zero for Regional and Sectoral Bargaining

As the early traction of the Fight for $15 in New York, Seattle, and San Francisco indicate, cities are prime ground for regional and sectoral bargaining. The success in raising wages was not just limited to blue states, as wage ordinances passed in cities such as Kansas City, Missouri; Birmingham Alabama; and Louisville, Kentucky.[87] The effectiveness of these efforts in cities is particularly important, given the near impossibility of passing progressive federal law in the near term. Andrias highlights several cities that convened wage boards, task forces, or other forms of infrastructure in the wake of the Fight for $15, and notes the scope and structure of those entities:

- New York used a wage board process comprised of equal numbers of representatives from labor, management, and the public. The board was limited in scope to just wages.

- Sacramento's wage task force was also tripartite, including representatives from business, labor, and community organizations.

- A business and labor board was used in Seattle and Tacoma to set both minimum wages and employment standards.

- The task force created by the Mayor of Chicago was convened to consider paid sick time and other benefits.[88]

Learning from the relative success of these models to date, Andrias points to characteristics that make for the strongest possible regional and sectoral frameworks:

- tripartite participation, with proportional representation from employee groups, industry groups, and the public;

- expanded scope beyond wages and bare minimums—these might include benefits, working conditions, leave policies, and scheduling;

- giving commissions authority to act periodically, rather than just when petitioned by government or the public; and

- a transparent and inclusive process, with at least one public hearing.[89]

Many of these recommendations are echoed by David Madland, senior fellow at the Center for American Progress, in his report, "Wage Boards for American Workers."[90] Madland also notes that this strategy works best in conjunction with—and in some cases, may derive their power from—the use of complementary labor policies such as works councils or workers on corporate boards. (Both models are covered in the codetermination value proposition below.)

However, as both Madland and Andrias' suggest, the broader the mandate and of the task force, board, or commission, and the more transparent and representative the participation, the more power workers will be able to exert through regional and sectoral bargaining alone.

Connecting the Dots on Regional and Sectoral Bargaining

POWER ▌▌▌

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Regional and sectoral bargaining is one of the most effective value propositions for building and solidifying worker power. The power of this model has been proven by the success of the Fight for $15 on a state and municipal level, and the billions of dollars the effort has shifted back into the hands of workers on a city-by-city basis. Power is also solidified through regional and sectoral bargaining, as the scope of these agreements eliminates many of the anti-worker, adversarial incentives created by the enterprise-based model.

SCALE ▌▌▌

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

Regional and sectoral bargaining is, by its nature, highly scalable. Historically, the scale of European-style centralized bargaining has been limited only by the size of the workforce itself. By setting industry standards and largely eliminating low-road competition, participation is nearly universal even when not mandated by law.

Notably, the inherent scalability of regional and sectoral bargaining can be a force multiplier when combined with other, less-scalable value propositions.

SUSTAINABILITY

How does or could this value proposition contribute to revenue sustainability for worker organizations?

The regional and sectoral bargaining model results in higher absolute levels of voluntary membership than enterprise-based bargaining does, making the model self-sustaining at minimum. As a highly scalable model, it can amplify the revenue generated from complementary value propositions. For example, the Coalition of Immokalee Workers uses their industry-wide agreements with fast food chains to grow the revenue generated through their penny-per-pound program.[91]

Codetermination

Common in Europe, codetermination gives workers a formal role in the management of a company. In the various forms of codetermination, workers may have the right to vote for representatives on the board of directors, or to participate in joint employee/employer "works councils" that have input into company decisions. Power is jointly exercised by workers and employers, with employee representatives having the right to information, consultation, and codetermination of certain employment conditions. Workers in codetermination systems are generally only able to secure better wages and benefits, however, if they also exercise power at a level *above* the individual workplace or firm through regional or sectoral bargaining agreements. Codetermination could therefore be a powerful addition to other models in connecting higher-level labor demands to the many issues relevant to workers in their particular workplaces.

Unlike most of their European compatriots, American workers have almost no access to a codetermination-style voice at work due to our labor laws and history. There may be opportunities, however, to adapt codetermination to our existing system, or pass laws to explicitly enable it.

Works Councils and Regional Bargaining: The German Model

Some economists regard Germany's unique worker representation model as one of the secrets of its success as the economic powerhouse of Europe.[92] Germany's Co-determination Act of 1976 allowed workers in companies with more than 500 employees to elect a third of the company's supervisory board of directors, and those with more than 2,000 employees to elect up to half.[93] In addition, the German Works Council Constitution Act of 1972 enabled the creation of works councils for any private company with more than five employees.

The German codetermination system does not provide for collective bargaining rights at the company level; instead, national-level unions and employer groups bargain over wages and other core concerns.[94] In early 2018, for instance, 900,000-member metalworker's union IG Metall bargained an agreement with Südwestmetall, an association representing more than 700 companies, including Bosch and Mercedes-Benz. IG Metall won a push for better hours and pay through a series of twenty-four-hour strikes.

However, these broad national negotiations leave no space for workers to address workplace-specific concerns, creating a need for parallel company-level structures to fill the gap. Works councils, consisting of employee and employer representatives, are then responsible for adjusting the national agreements to local circumstances and serving as a vehicle for worker input. Employees may call for the formation of a works council in any eligible workplace. In smaller companies, worker representatives may be elected to act as intermediaries between employees and the company. Notably, workers unrepresented by a union are also entitled to participate. Councils are funded by required assessments on the employer. Forty-four percent of all employees in western Germany were represented by works councils in 2011, and 36 percent in eastern Germany.

Managers in German firms are required to inform works councils about all critical workplace issues, and to allow the councils to negotiate with management to resolve them. Councils also have "positive codetermination rights" over an impressive subset of issues, including scheduling work hours, temporary work reductions, increases in overtime, when and where wages are paid, vacation policies, introduction of new technical control systems affecting employment, bonuses and targets, employee surveillance, workplace safety rules, employee perks, and the overall salary structure.[95] The employer cannot unilaterally introduce changes in these areas, but rather must either agree with the works council, or convince a tribunal with a neutral chair to accept their recommendation.

German works councils do lack the right to strike, but otherwise, the German codetermination system is the most robust in Europe. Other nations' works councils often only enjoy the right to be consulted by the employer, the right to be heard, and sometimes, the right to veto particular employer decisions.

No matter their scope, works councils, as labor law professor Matthew Dimick notes, "fill a 'representation gap' left by the more universalizing, and therefore less particularizing, industry-level representation of workers' interests by unions."[96] When bargaining occurs above the level of the enterprise, conflict over wages and working conditions are externalized outside the workplace. Works councils then provide an outlet for workers to address their workplace-specific issues with management, allowing managers and workers to collaborate to maximize productivity. This is not a theoretical boon: according to Kent Greenfield in the *Democracy* journal, "the senior managing director of the U.S. investment firm Blackstone Group has said he believed board-level employee representation was one of the factors that allowed Germany to avoid the worst of the financial crisis."[97]

The Limits of Works Councils in the United States

Under American law, a company can have a works council only if its workers are represented by a union. If the workers are not members of a union, but could legally form one, then that company is prohibited from establishing anything *similar* to a union (a union-like entity that is organized, funded, or influenced by the employer are illegal under section 8(a)(2) of the National Labor Relations Act). These entities are referred to as "employee representation plans" or "shop committees," or "company unions." Company unions were once common in the United States, but by the 1930s had become a tool for companies to dominate workers rather than empower them. Industrial union leadership believed that worksite-level collective bargaining would be better for workers than the potentially employer-compromised shop unions that had been prevalent up to that point, and they were successful in including language into the NLRA to prohibit them. The unintended consequence of the law, unfortunately, was to prohibit *any* kind of robust, bilateral coordination and cooperation between workers and their employers, and this aspect of the law is due for a refresh.

Absent a change to federal law, however, the concept of codetermination would need to be adapted, or could only apply to workers already covered by a collective bargaining agreement. The case of German carmaker Volkswagen in the United States is instructive, however—the corporation encouraged workers at its Chattanooga Tennessee plant to set up a works council, and, to enable its formation, remained neutral during an election for workers to join the UAW. Right-wing politicians and interest groups such as the National Right to Work Legal Defense Foundation, however, opposed the effort, and argued that a works council would violate the ban on company unions. MIT management professor Thomas Kochan replied that "there are no legal obstacles to this advance in American productivity and industrial relations."[98] The union was narrowly defeated in the election, and no works council was formed.

An earlier skirmish over a codetermination-style policy is equally telling. In 1994, the U.S. Department of Labor and the U.S. Department of Commerce assembled a commission (the Dunlop Commission) to undertake a major review of federal labor law and issue recommendations for reform. The first recommendation was to allow broader participation for nonunion employee groups in the workplace. The commission's report found that:

> The evidence presented to the Commission is overwhelming that employee participation and labor-management partnerships are good for workers, firms, and the national economy. All parties want to encourage expansion and growth of these developments. To do so requires removing the legal uncertainties affecting some forms of employee participation while safeguarding and strengthening employees' rights to choose whether or not they wish to be represented at the workplace by a union or professional organization.[99]

The commission recommended that the provision of the NLRA that prohibited these groups be amended to allow them to discuss the "terms and conditions of work or compensation as long as such discussion is incidental to the broad purposes of these programs." The commission, trying to put forward reforms that could be passed by Congress, did not go so far as to recommend striking the prohibitive language entirely, and stressed that it should continue to be "illegal to set up or operate company-dominated forms of employee representation."

Even this extremely modest proposal, however, was not able to overcome the objections of a coalition of business and labor groups and was never put into effect. Neither business nor labor saw a compelling reason to change the terms of their engagement. Traditional unions didn't support nonunion employee organizations. And as for business, as labor lawyer Thomas Geoghegan said at the time in *The Nation*, "Does anyone think that business wants to set up councils, even ones they pick, to sit around and discuss wages? The beauty of the present moment, for business, is that no one has permission to discuss wages. So why would business want to bring it up? As a friend said, 'In their wildest dreams, business couldn't have labor law as good as they have it now.'"[100]

Kaiser Permanente's Labor Management Partnership: From the Bargaining Table to Workplace Teams

Integrated managed care consortium Kaiser Permanente has taken an innovative approach to labor–management cooperation. In 1997, Kaiser Permanente and the Coalition of Kaiser Permanente Unions created their Labor Management Partnership (LMP), the largest and longest-lasting partnership of its kind in the United States. More than thirty local unions and 123,000 union members who are covered by the LMP's agreements, plus 37,000 managers and physicians.[101]

Kaiser Permanente's partnership is conducted on a day-to-day level through self-directed work teams made up of frontline managers, employees, and physicians. All teams are measured on performance, leadership, and engagement; Kaiser Permanente reports that its participating work teams have achieved significant improvements in patient outcomes, lost work days, and workplace injuries.[102] The LMP also sponsors programs to address workplace safety and wellness, job and career development, dispute resolution, and membership growth for Kaiser Permanente and the unions.

According to the LMP, the partnership originally emerged from "mounting strife between Kaiser Permanente and its unions that threatened to derail the organization. Instead of continuing a traditional approach and launching a campaign against KP that ultimately could damage the organization-and the workers it employed-the Coalition of Kaiser Permanente Unions approached KP leaders with an idea for how to do things differently."[103] By early 2006, Kaiser Permanente reported that nearly 40 percent of employees had participated in partnership activities, that grievance rates declined from fifteen per thousand employees to five per thousand, and that the majority of union members indicated they preferred the partnership to more traditional arms-length representation.

Industrial relations professor Thomas Kochan of MIT, in his study of the Kaiser Permanente LMP, reported that "the Partnership helped turn around Kaiser Permanente's financial performance, built and sustained a record of labor peace, and demonstrated the value of using interest-based processes to negotiate national labor agreements and to resolve problems on a day-to-day basis. Among its most significant achievements included negotiation of a system-wide employment and income security agreement for managing through organizational restructurings."

Kochan also adds that, at the same time, "the parties made limited progress toward their shared objective of going beyond innovations in labor relations to make partnership a key feature of the operating model for delivering health care," and, "significant inter-union rivalries emerged that threatened continuity of the partnership"—a situation that continues to this day.[104]

The Kaiser Permanente LMP is clearly successful, but its formation also appears to be a bit of a historical anomaly—one less likely to occur in a labor relations context that lacks powerful unions. As Kochan concludes, "Partnerships are unlikely to proliferate without strong buttressing elements from the external environment. The perspicacity and perseverance of enlightened management and union leaders working towards partnerships in specific organizations," he notes, "will likely not suffice to make partnerships a widespread and sustainable phenomenon in U.S. industrial relations."[105]

Possibilities for a Codetermination-Inspired System in the United States

From the workers' perspective, the idea of codetermination is that employees in each firm should have real influence over how it is operated. And workers need a voice in the workplace now more than ever.

To achieve greater codetermination, a works council model could be adopted by legislation; though, to avoid conflicts with existing

U.S. labor law, it may have to be passed at the federal level. Another option would be for corporations that are already adhering to a higher standard of social responsibility, such as public benefit corporations (known as B Corps), to provide a concrete structure for codetermination in their guidelines. Some form of worker representation on corporate boards could also be considered as a means to bolster worker voice. Germany, for instance, requires that half of the board of large companies be elected by employees rather than shareholders, and many other European countries require worker representation on corporate boards.[106]

If a regional or sectoral bargaining initiative was powerful enough, workplace codetermination could be included in its set of demands. Law professor Kate Andrias at the University of Michigan writes in the *Yale Law Journal* that, "The Fight for $15 and other new campaigns suggest the possibility of a hybrid in which sectoral social bargaining would accompany either the existing system of exclusive representation at individual shops, or a new, developing system of non-exclusive representation, under which members-only worker organizations, or perhaps even works councils, would exist at individual worksites to supplement social bargaining."[107] However, to be effective, bargaining would need to be binding throughout a geographic region or economic sector.

Though it’s likely not possible for codetermination to function the same in the United States, with its low union density and lack of national-level bargaining, as it does in many European nations or at Kaiser Permanente, there is reason to take a deeper look at the model. Even if the primary fights over wages and benefits are happening elsewhere, workers still want and need a voice in the place where they spend their days.

Connecting the Dots on Codetermination

POWER

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Works councils would boost the ability of employees to make their voices heard in the workplace. Depending on the strength of the system as implemented by legislation or an individual firm, workers could exercise direct power over workplace policies, or at least provide formal input. While still secondary to collective bargaining in terms of potential impact, works councils have the advantage of operating at the level closest to workers. Employee representation on corporate boards would significantly increase workers' influence over corporate policy; even if representatives are not numerous enough to swing a particular vote, it would be a major change for most boards to hear directly about issues that impact the company's workers.

However, workers in codetermination systems must also exercise power at a level above the individual workplace or firm, such as within regional/sectoral bargaining systems, to achieve an economy-wide impact. Codetermination could, therefore, be a powerful addition to other models in connecting higher-level labor demands to the many issues relevant to workers in their particular workplaces.

SCALE

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

If implemented on a federal level, codetermination as a model is perfectly scalable to every firm in the United States and would profoundly alter the way that workers and employers relate. If implemented firm by firm in union contracts or under pressure from workers' organizations, the impact is obviously more limited, but could still theoretically scale to a high level if the model becomes popular.

SUSTAINABILITY ▮▮▯

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Codetermination systems are generally funded by employers and are thus a stable source of revenue for as long as the agreement lasts.

Worker Training and Supply

As our economy transitions from industry to services and technology, worker training is becoming ever more crucial. A college education is not the only path to career preparation, and increasingly not a "once and done" proposition, even for those who acquire a formal degree. The future of work is likely one of lifelong learning, unlearning, and relearning, including multiple phases of formal education or training throughout an individual's working years. This presents an opportunity for well-positioned worker organizations to leverage their existing expertise and relationships to expand their role in training and workforce development.

By 2030, according to a recent McKinsey Global Institute report, up to a third of the U.S. workforce may need to switch occupations as "digitization, automation, and advances in artificial intelligence disrupt the world of work. The kinds of skills companies require will also shift, with profound implications for training and career paths."[108] There is a lot at stake for workers: in 2018, the World Economic Forum found that, even if workers do find new jobs using their current skills, about a third of those workers will, on average, earn $8,600 less per year.[109]

For workers in low-wage occupations, training is a significantly faster and less expensive path to better-paying jobs than additional formal education. College has become unaffordable to many Americans, with others saddled with crippling amounts of debt.

For companies, interest in targeted worker training is on the rise in the current tight labor market, as job functions are created and eliminated at an increasingly rapid pace.[110] At the same time and paradoxically, corporate investment in worker training is at all-time lows: U.S. companies are investing about half the amount in training today as a share of GDP compared to a decade ago.[111]

American workers are awake to these realities. About half agree or strongly agree that they would need additional education or training to secure an equivalent job if they lost their current one because of new technology. However, less than half are confident or extremely confident they could obtain this education or training.[112] All of these forces align to create an opportunity for organizations that can help deliver more effective, affordable training to American workers. According to the Center for American Progress, research shows that "involving worker organizations can help workers receive more training and that this training leads to jobs with higher pay. Workers are also more likely to complete training programs when worker organizations are involved."[113]

Unions already partner with employers to provide training to workers in a wide variety of industries—including aerospace, construction, health care, and hospitality—and play a key role in the success of these labor-management partnerships. There are powerful examples of traditional labor unions delivering effective training for workers, such as the Culinary Union's training academy in Las Vegas, the building trades unions' apprenticeship programs around the country, and SEIU 775's home care training program in Washington State.

We can also look globally for inspiration, including broadly implemented apprenticeship programs in Europe and Australia, as well as to private and nonprofit sector models in the United States, including the development of artificial intelligence–based training platforms.

Run by unions and jointly funded by employers and workers, sometimes with supplemental support from government programs, labor training and apprenticeship partnerships are usually restricted to areas and industries where unions have sufficient membership and power to bargain for training benefits. Training funded by employers and delivered through labor organizations creates a virtuous cycle in which companies employ better trained workers, who then earn more, and add more to a company's bottom line.

The Culinary Academy: A Powerful Labor-Management Partnership on the Vegas Strip

The Culinary Workers Union in Las Vegas has created a way to marry labor power with worker training—and has succeeded in changing hundreds of thousands of workers' lives, even in a "right to work" state without strong statutory labor protections. The union's training program gives all members a clear path up the career ladder into better-paying jobs, while reinforcing productive relationships with employers.

The union formed the Culinary Academy of Las Vegas in 1993 to provide free hospitality training to members, as part of their union benefits. The academy trains 2,500 students each year for twelve different jobs, including hotel room attendants, cocktail and food servers, bellmen, porters, and sommeliers. It has trained more than 40,000 workers as of 2015.[114] Labor journalist Steven Greenhouse has said that the academy is "hailed by many experts as the industry's finest job-training school."[115]

The academy is a labor-management partnership between unions (including the Culinary Union and the Bartenders Union) and thirty-two hotels and casinos on the Las Vegas Strip. The unions currently represent more than 60,000 workers on the Strip.[116] The academy has a rock-solid funding model: employers contribute to a training trust fund to support the academy's class offerings for incumbent workers. The training is funded solely by the employers; as part of their contract with the unions, the employers agreed to pay 3.5 cents per worker per hour to fund worker training, with the curriculum developed jointly by management and labor.[117]

Training is also provided for new workers. When workers apply for employment at one the Vegas Strip companies that participate in the labor-management partnership, the applicant also visits the Culinary Union hall for a skills assessment. If the worker has no experience or wants to boost their skills, they're referred to the academy.

Workers are offered free courses in every non-managerial aspect of hotel work, funded by federal, state, and nonprofit sources The academy offers intensive vocational English for non-native speakers, and teaches "not only the relevant technical 'hard' skills but also the 'soft' skills necessary for success in the hospitality industry."[118] Unemployed workers can also take courses at the academy that are subsidized with federal or state grants, leveraged through partnerships with community agencies. Paid internships are available for recent graduates of the academy's programs in food service, cooking, and stewarding.

Behind the success of the academy lies the strength of the Culinary Workers Union. "No other union wields the influence in Nevada of the Culinary Workers," the *New York Times* said in 2016.[119] After a series of major strikes in the late 1980s, companies on the Vegas Strip realized that they would be better of working with labor on a cooperative basis. The late chairman of the MGM Mirage, J. Terrence Lanni, stated that "The last thing you want is for people who are coming to enjoy themselves to see pickets and unhappy workers blocking driveways. I swore then that we would never have such problems again."[120] The unionization agreements that followed ushered in an era of labor peace and mutual prosperity, and included provisions for training that resulted in the founding of the academy.

The effectiveness of the academy's training programs also reinforces members' connection to the union, creating a win-win-

win relationship between the workers, unions, and employers. "In Las Vegas, more so than any place in the country, the hospitality industry and the union have realized it is not mere rhetoric to say, 'We're all in this together,'" said John W. Wilhelm, former president of the Hotel Employees and Restaurant Employees International Union. The academy's successes for its workers are especially potent in light of Nevada's status as a right to work state.

Training through Building Trades Apprenticeships: The Biggest Partnership of Them All

Some of the best-known labor–management training partnerships in the United States are in manufacturing and the building trades, which also host the largest system of paid apprenticeships—the vast majority of all apprenticeships registered with U.S. Department of Labor are in the construction industry.[121] This isn't an antiquated system from labor's past: workers are finding the "earn while you learn" system of apprenticeships ever more valuable in a world of fast-changing job requirements, providing a portable, nationally recognized credential without the burden of student debt. The number of apprentices nationwide has grown by 42 percent from 2013 to 2017, now standing at 534,000 workers enrolled apprenticeship programs.[122]

North America's Building Trades Unions (NABTU) is a labor federation of fourteen unions in the building trades, founded by the AFL in 1907. NABTU's joint apprenticeship and training committees offer programs that combine industry standard classroom instruction with structured on-the-job learning. Its apprenticeship training programs are the largest in the country, representing 74 percent of all construction apprentices.[123] NABTU's apprenticeship infrastructure encompasses over 1,900 training centers across the United States and Canada, and is funded through collectively bargained employer contributions of more than $1.3 billion per year. NABTU's administrative functions are funded by dues from its affiliated unions.

NABTU has also begun creating a pipeline into apprenticeships through readiness programs. Many apprenticeship readiness programs aim to prepare historically underserved populations—primarily minorities, women, and military veterans—for high-quality building trades jobs. Current partners include the National Urban League, YouthBuild, and Job Corps organizations in many of America's urban areas.

NABTU and similar labor-management partnerships in the manufacturing and building trades have shown that employer-funded, union-led training can be employed effectively on a massive scale over many decades. These partnerships empower workers not only with skills, but with membership in trades that are still largely unionized.

The SEIU 775 Training Partnership: Training a Low-Wage Workforce through Labor–Management Partnerships

Another powerful example of a labor-management training partnership focuses on a workforce that has rarely been the beneficiary of high-quality formal training: home care workers. Founded in 2007, the SEIU 775 Training Partnership is the nation's largest training provider for workers in home care. Its 501(c)3 nonprofit school develops and provides training programs and services for long-term care workers, and is the primary training provider for home care aides in Washington State. Its umbrella organization, the SEIU 775 Benefits Group, also offers health care, retirement, and other benefits to Washington home care workers.

The Training Partnership now instructs more than 45,000 workers annually, enrolling the second-largest number of students of any educational institution in the state (behind only the University of Washington). Training offerings include required basic training and certification prep for new home care aides, continuing education, advanced training through the nation's first Registered Apprenticeship program for home care aides, and nurse delegation training.

The Training Partnership is governed by a labor–management partnership, with its board of trustees consisting of half employer-designated representatives and half union-designated representatives. Home care workers, employers, and consumers are all considered primary customers of the partnership.

The success of the Benefits Group shows that it's possible to create large-scale training opportunities and career pathways for low-wage workers, through the cooperation of labor groups and government—especially if citizens strongly back the partnership.[124]

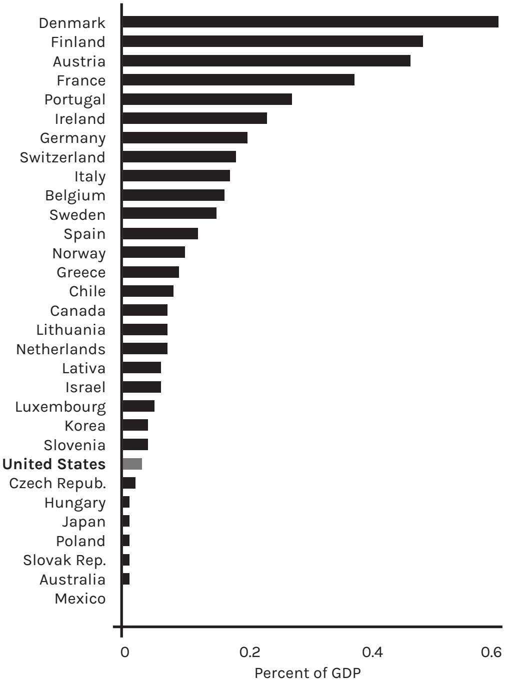
Apprenticeship Programs from Abroad

While the U.S. has a small apprenticeship system of about 375,000 apprentices, heavily concentrated in the building and construction trades, many European nations use apprenticeships as a dominant model for workforce development.[125] Switzerland, Germany, and Austria have long-established apprenticeship systems, in which majority of young people enter the workforce through an apprenticeship, which are available across a wide range of sectors and occupations. Unlike in the United States, where most apprentices are adults, apprentices in Europe are typically in their teens and early twenties. The governments are heavily involved in regulating apprenticeships, developing skills standards, and subsidizing the programs.[126]

Germany is particularly well known for a system of standardized, superior training qualifications, which allow primarily young people to train and get recognized for specific jobs. Around 60 percent of the country's young people worked as apprentices in 2014, combining classroom and on-the-job training, according to *The Atlantic*. Compare this to the U.S., where only 5 percent of young people train as apprentices.[127]

The United Kingdom has a model of apprenticeship closer to the American experience, largely run by the private sector, with the governments providing some subsidies, but less involved in

Figure 2. Public spending on workforce training



Note: Data from 2015.
Source: OECD. Peter D'Amato, The Hechinger Report & Jiachuan Wu, NBC News.

regulating quality (versus the German system, which relies on government support and engagement by employers, chambers of commerce, trade unions, and vocational tracking starting in high school). The U.K. model utilizes apprenticeship service providers, a network of over 1,500 labor intermediaries, most of which are private sector companies that according to a paper by University Ventures, "establish, manage, and deliver apprenticeship programs on behalf of employers, standing between the employer, the apprentice and the government and 'hiding the wiring' for all."[128]

Worker organizations may be able to step into the gap to help provide large-scale, apprenticeship-style training in the United States, especially in digital skills: most American apprenticeships are sponsored by the construction and building trades, despite the huge growth in jobs requiring technical and health care–related skills.

Private and Nonprofit Training Organizations: Using Technology to Scale the Reach of Training Programs

Social entrepreneurs have realized that there is an opening for helping workers access opportunity to learn and do their jobs well, or seek the jobs they want, while being compensated by corporations and other employers for bringing in top-shelf talent. There is also an awakening inside companies that diverse talent, with a variety of backgrounds and life experiences, is better for business.

App-based training platforms are an example of future possibilities for private and nonprofit organizations to train workers—and possibly unite them. The same technological innovations that are helping to upend the world of work may help to provide a roadmap for future training. Carmen Rojas, CEO of The Workers Lab, notes that during the lab's most recent application round for its Innovation Fund (which gives up to $150,000 in funding to support new approaches for building worker power), the standout application was for an artificial intelligence-based training platform. The platform had the capability to provide user-responsive training in a highly cost-effective manner.

For years, the training industry has touted the advantages of a more personalized learning experience. While still in the development stage, artificial intelligence learning programs will allow students to experience an adaptive education tailored to their specific needs and preferences. Computers do behind-the-scenes data analysis and provide real-time feedback during a training experience, modifying a course based on the student's progress and response. Tests and quizzes adapt to the student's input and recommend a tailored curriculum path, providing a more efficient and personalized experience.

Artificial intelligence–based training programs, while not inherently connected to building worker power, could be a profitable service offering for worker-oriented businesses and nonprofits in the training and workforce development space.
Worker organizations can build on powerful examples such as the building trades apprenticeship program, The Culinary Academy, the Training Partnership, and global apprenticeships by exploring sectors that are not currently well served by formal training pathways or programs, and identifying employer groups or large single employers that need better trained workers. The revenue potential for these programs is strong, but it is also crucial to integrate ways for workers to have a voice in how the programs are administered.

Connecting the Dots on Worker Training and Supply

POWER

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Training programs are a natural fit for labor-oriented organizations to connect with workers, and help them to prepare for and progress through a career path. Many current programs are run through union labor–management partnerships, which strengthens the relationship between the organization and workers, as well as management and even government.

SCALE ▮▮▮

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

When training programs are implemented in thousands of areas nationwide through a strong national labor organization, such as the North American Building Trades Union apprenticeships, scale is not a significant challenge. But for most organizations or potential organizations, training

is more scale-limited: think of a highly local, onsite proposition, or an online effort requiring major effort to gain traction with a large audience.

SUSTAINABILITY ▮▮▯

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Labor–management partnerships often have access to a steady, adequate funding stream through employer contributions. Unions can create and expand such partnerships to serve new groups of workers. More entrepreneurially-oriented organizations that offer training services, whether non-profit or for profit, will have to develop more traditional, business-oriented revenue models. But if they are successful, the potential for growth is nearly unlimited.

Job Placement and Matching

As with worker training and supply, worker organizations may be able to learn from and leverage another legacy service they traditionally provided—hiring halls—to build new forms of labor power in the twenty-first century.

There are nearly 6 million job openings in the United States, which amounts to about 4 percent of total jobs.[129] Even with unemployment near historic lows, there are still more workers seeking work, or looking for better work, than there are open positions.[130] Employers, however, persistently report issues finding workers, especially for jobs with specialized skills. That is true for certain high-level health care and technology jobs, reports Andrew Chamberlain, the chief economist for job site Glassdoor. "But for the most part . . . it doesn’t look to be like there is a skills gap," Chamberlain says. "That’s not the main reason why there are many job openings." The main problem, he says, is company hiring policies that routinely ask for higher-skilled or more highly educated workers than they’re willing to pay for.[131]

Another issue is employer’s narrow focus on credentials rather than on job skills, as well as the steady march of "credential creep"—requiring higher and higher levels of education than were previously needed for a given job. Year Up’s founder and CEO, Gerald Chertavian, explains the need for a different kind of philosophy:

> Employers' focus on credentials as opposed to competencies in their recruitment processes costs them time, talent and treasure. Competency-based hiring has the potential to fill jobs faster and cheaper with higher quality and more diverse talent, while simultaneously reducing the influence of bias and privilege in the hiring process. These types of changes have proven to be both good citizenship and good business.[132]

Competency-based selection also favors diversity: by focusing on behavior, competency-based selection can ensure that people of all ages and backgrounds receive consideration, regardless of the length of their formal experience or other factors.

An Opportunity for Innovation: Workers Struggle to Find Jobs through Traditional Platforms

Workers seeking new employment today do not have an easy task ahead of them. Finding a new job means sifting through hundreds of job postings, and spending significant time and resources looking for work: it takes an average of 43 days to search for a new position.[133] Furthermore, while an average of 59 people apply for each open position, only 12 percent are interviewed. Even for those who find work and find it quickly, wages are stagnant—or have even dropped over time, as they have for the bottom 50 percent of all earners—making the job search for many individuals less of an exercise in improving one's fortunes, than simply treading water.[134]

"Wages have not gone up despite all the talk about a tight labor market," says Peter Cappelli of the University of Pennsylvania's Wharton School. "And I think most important for the economy, we still don't see lots of employers being willing to take people in right out of school and train them for jobs."[135]

From the perspectives of both workers and employers, there is clearly room for improvement in the way worker search for jobs, and employers search for workers. Job search, placement, and matching are areas that are wide open for new ideas and organizations that can maximize workers' job satisfaction and salary, paired with an opportunity for worker-oriented organizations to earn revenue from employer-paid recruiting fees. One area for innovators to examine is the tried-and-true model of hiring halls, both union and nonunion, and the possibilities for extending this model to the digital realm. Another is the nonunion avenue of tech-based job matching platforms, especially those focusing on worker-directed "platform cooperatives."[136] On the global level, refer to the example of European apprenticeship programs above; these programs provide full-service job placement as well as training.

Hiring Halls: Connecting Workers to Jobs

Union hiring halls are the quintessential example of a job matching service that benefits both workers and employers, while also strengthening workers' ability to improve their wages and working conditions. A hiring hall is any meeting place for employers seeking workers and employees seeking work. The hiring hall can be a physical space, such as a union hall, office, or dock, or a "virtual" hall, run through an online platform.

Union hiring halls are either exclusive or nonexclusive. In an exclusive arrangement, an employer grants the union operating the hiring hall the exclusive right to refer employees, and the employer cannot hire from any other source. Exclusive hiring halls are almost always established by collective bargaining agreements. In nonexclusive arrangements, the union's hiring hall is only one of many possible sources of employees.

Under federal labor law, a union-run hiring hall cannot deny employees access on the basis of union membership—but the union can charge nonmembers a reasonable fee for the costs of operating the hall. Workers who want to join the union would pay union dues in addition to the referral fee.[137]

The hiring hall model does not have to be limited to unionized workers, or sectors. Casa Latina in Seattle is a nonprofit that runs the Day Workers' Center, connecting Latino workers with temporary jobs—ones that Casa Latina reports often lead to permanent employment.[138] Workers also receive training in on-the-job health and safety, and directly participate in the center's day-to-day operation. Casa Latina says that it has helped put thousands of people to work over nearly two decades, and last year dispatched workers to about 8,000 jobs.[139] Casa Latina also offers a range of services to its clients and the community, including English language classes, safety and skills trainings, wage recovery in cases of wage theft, and community organizing in the Latino community around immigration issues, day labor and domestic worker organizing, and more.[140]

Workers gather at Casa Latina at 7:00 a.m. each morning, where they are matched with available jobs. In a turnabout on traditional hiring halls, Casa Latina workers set their own wages. "It's a wage they have decided to set for themselves," says Casa Latina's communications director, Chris Megargee; "a good wage—$19 an hour up to $23 an hour. And they keep all those wages."

Both union and nonunion halls face competition from temporary and contracting agencies; the biggest temp agency in the United States, Manpower, Inc., is among the nation's largest "employers." These agencies, however, are primarily designed to serve their corporate clients' needs, while hiring halls look at both the worker and the employer as the "customer."

By acting as a referral and distribution channel for jobs in a given geography or industry, unions or worker organizations can help to set standards and protect workers from exploitation. There are not yet any large virtual hiring halls of this kind operated by worker organizations, but the potential to modernize the old hiring hall model is obvious.

Technology-Oriented Job Matching and Placement

Digital talent platforms such as Monster, Indeed, Glassdoor, Craigslist, or Care.com—a private-sector version of union hiring halls—have the potential to improve job matches and shorten the time it takes to find a job or fill an open position. Unions or labor organizations could take advantage of the wide-open market spaces in job matching and placement in a way that allowed workers greater collective leverage, as well as access to better jobs.

If the market didn't need these services, we wouldn't be seeing so many apps funded by venture capital showing up on our smartphones. Worker organizations should study this proliferation of apps for lessons on the business of workforce distribution, whether in long-term gigs or short-term gigs.

Companies like Glassdoor.com—a for-profit platform where employees can anonymously review their employers—have entered this space in earnest, but have limited features, compared to the potential ushered in by new technologies such as artificial intelligence, and usually cater primarily to professional positions earning middle- to middle-upper salaries. Glassdoor experimented with an "On the Job Training Finder" feature aimed at lower- to middle-income earners that included 70,000 positions paying from about $20,000 to $60,000 per year and including employer-paid on the job training.[141] (Launched in 2015, this feature no longer is active on Glassdoor's site, though it generated enough notice to be featured by a White House initiative on upskilling.)[142]

Glassdoor was sold for $1.2 billion to Japanese HR company Recruit in 2018, demonstrating the strength of its business proposition to provide a platform that potentially could increase working conditions and pay transparency. Glassdoor and other companies of its ilk, however, are only peripherally oriented toward empowering workers, compared to what labor-centric organizations could do.

Other job matching companies have provided more worker-oriented efforts in their online platforms. LaborX, for example, matches entry-level job seekers from demographics that have historically been excluded from tech positions with open jobs at technology companies using a skills-based algorithm. Shift.org is a similar example, matching military members who are ready to transition out of the service with tech companies looking for high-performing workers. Shift aligns with a U.S. Department of Defense program called SkillBridge, which allows certain transitioning service members to acquire on-the-job training for the last six months of their time in uniform. Shift surveys departing service members regarding their job preferences, skills, and traits, and then matches them with their partner companies' available roles.[143]

Big Data Wins the Day?

Aneesh Chopra, formerly the nation's first chief technology officer under President Obama, envisions a new kind of labor data co-op that could combine government-gathered labor data with real-time data from private sites such as Glassdoor. "In a world in which you now have ubiquitous low-cost access to the raw data," Chopra says, "theoretically, we could and should start to see a far more precise way of understanding labor market demand, labor market supply, and the training programs that could help connect where you are to where you want to be, depending on your ambitions."[144]

Chopra compares the possibilities for personalization and micro-targeted results on a job matching platform to Amazon's product recommendations; with enough data about your skills and preferences, a job matching application could provide effective recommendations for the jobs you're likely to be successful in applying for, or which courses or certifications you should take to get a particular position.

Digital technology researcher Alex Rosenblat warns, however, that with regard to ideas like Chopra's, "The concerns are similar to other concerns about personalization tools, which is: Will you only be channeled into preconceived notions about your potential based on your data?"

For workers, gig economy and otherwise, these organizations and online platforms providing job placement and matching services are important tools for navigating a workplace where employers are increasingly distant and unaccountable. But they go only so far in providing a sustained support structure for workers—particularly the growing number of workers in the freelance economy. And none of these organizations are building permanent worker institutions that replicate the power and reach of traditional unions. In a loose labor market, employers still hold the advantage when workers stand up for themselves. Ultimately, the challenge in using job placement and matching as a model for worker organizations is that, in the words of Carmen Rojas, "it’s not just about getting people a job, it’s making sure those jobs are good jobs, and that workers can optimally organize on those jobs."

Connecting the Dots on Job Placement and Matching

POWER ▮▮▯

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

As a market intermediary, job placement and matching is a potentially strong strategy to build power, though it has not yet been proven in the contemporary context of workers organizations. This value proposition can also help solidify power by strengthening the relationship between the organization, workers, and the industry.

More transparency is also a source of power for all workers. The more access to the range of wages and working conditions in an area and profession, the more ability a worker has to negotiate higher wages and better working conditions (such as worker-friendly shift scheduling). Companies such as Glassdoor have shown some of the power of transparency for workers navigating increasingly complex job marketplaces.[145]

SCALE ▌▌▌

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

Hiring halls or other localized job matching services achieve greatest scale when implemented by a large national labor organization. Other implementations, such as Casa Latina, make a great mark at the local level, but are challenged to grow beyond that. Digital job matching services such as Uber and TaskRabbit have proven the model can reach a huge scale, though not without major investment in marketing.

SUSTAINABILITY ▌▌▌

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Sustainability is simplest for union-led hiring halls, which are paid for by the affiliated unions. Other job placement organizations may find opportunities to earn revenue from employer-paid recruiting fees, but significant ongoing effort may be required to continuously recruit new workers and new employers into the program. Companies such as Glassdoor, recently purchased for over a billion dollars, show that there's plenty of opportunity in the field. Overall, job placement and matching has strong potential for financial sustainability.

Labor Standards Enforcement

Unions have long played a leading role in establishing and enforcing labor standards in the United States. Unions were not only a driving force behind the passage of landmark labor laws and protections—including NLRA, the Social Security Act of 1935, the Occupational Safety and Health Act of 1970, the Family Medical Leave Act of 1993, and the Fair Minimum Wage Act of 2007—but have also fought to protect workers against sector-specific hazards like exposure to silica or workplace violence. Equally important, unions have historically helped enforce labor laws and standards by:

- educating workers about their rights and necessary procedures,
- protecting workers from reprisal when exercising their rights or reporting abuses,
- helping workers navigate procedures,
- aggregating multiple claims, and
- representing workers during disputes.[147]

The results of union enforcement activities historically and today have been formidable: nonunion workers are twice as likely to experience wage theft, for example, and nonunion construction sites are twice as likely to have safety violations as union construction sites.[148] Unionized employees are more likely to file for unemployment insurance than non-union employees, 10 percent more likely to be familiar with the Family and Medical Leave Act, and 60 percent more likely to file for workers compensation.[149]

With declines in union membership and the fissuring of traditional employment arrangements, workers are increasingly vulnerable to workplace violations. Every year, more than 4,800 workers are killed on the job, 50,000 to 60,000 experience occupational diseases, 7 million have work-related injuries and illnesses, and $8 billion in wages are stolen.[150] In some regions, the U.S. Department of Labor recorded Fair Labor Standards Act (FLSA) compliance levels below 50 percent in industries such as nursing homes, poultry processing, daycare, and restaurants.[151]

Addressing these trends, former administrator of the U.S. Department of Labor's Wage and Hour Division, David Weil, recommended the federal government take a strategic approach to enforcement, rather than primarily complaint-based investigations.[152] This approach entails focusing enforcement efforts at the top of industry structures, enhancing deterrence at the regional or sectoral rather than enterprise level, responding to complaints strategically, creating monitoring and settlement agreements that reflect the complex nature of employment, and using penalties, sanctions, the FLSA "hot goods" provision, and similar tools to ensure future compliance among violators and deter others.[153]

Central to the efficacy of this approach is the involvement of workers and worker organizations. A number of worker centers and community organizations play a critical level in monitoring and enforcement at a worksite level, but there is a need for new organizations built around this value proposition that have the power and independence to address noncompliance on an industrial scale, either through co-enforcement with the state, or privately through worker lead social responsibility campaigns and multi-stakeholder initiatives. Worker organizations can also consider developing or deploying technology platforms, such as

Turkopticon, a reporting tool that is part of Amazon's Mechanical Turk online work distribution system allowing workers to share information that helps them select good employers and avoid bad ones.

Co-enforcement

Co-enforcement is one of the "strategic approaches" to labor standards enforcement, as described by David Weil in "Improving Workplace Conditions Through Labor Strategic Enforcement," that has begun to replace the traditional complaint-initiated system of enforcement.[154] Janice Fine defines co-enforcement as, "When unions, worker centers and other community-based non-profit organizations and high-road firms, in relationship with government inspectors, help educate workers on their rights and patrol their labor markets to identify businesses engaged in unethical and illegal practices."[155] Unlike enforcement through private certification, worker-to-worker communication, or public accountability campaigns, co-enforcement is intended to complement, rather than replace, government enforcement capacity.

Fine finds that "workers, worker organizations, and regulators have capabilities that cannot be perfectly substituted for one another, or could perhaps be partially substitutable at great cost." The type of worker organization, whether union, worker center, or a different public interest group, is less important than the degree to which that entity is empowered.[156]

On a state and local level, workers organizations have effectively used co-enforcement to improve labor standards in specific industries or sectors. In Los Angeles, the California Labor Commission's Janitorial Enforcement Team and the Maintenance Cooperation Trust Fund, a janitorial watchdog organization established in 1999 by SEIU and its signatory contractors, recovered tens of millions of dollars in back pay for janitors. It also formalized thousands of jobs, and forced nonunion contractors to compete on factors other than wages.[157]

In Texas, the Workers Defense Project, which I discuss in the next section in further detail, recovered more than $1 million in back pay for more than one thousand construction workers and monitored three sites, which lead to wage increases, overtime pay, training and safety standards that would otherwise not have been granted or enforced.[158]

The Fair Work Center in Seattle is a third example of co-enforcement. The center receives grants from the city to engage low-wage workers in providing training on employment rights such as health and safety standards, wage and hour laws, and other labor standards. In 2017, the center reached 13,500 workers and provided training to 2,500. The Fair Work Center's legal clinic offers free legal services to victims of wage theft and other workplace violations, and their work resulted in recovering $350,000 in back pay for Seattle area workers in 2017.[159]

Two key characteristics of the above examples are that they are place-based, and highly relational. While Fine asserts these and four other characteristics as essential for workers organizations participating in co-enforcement arrangements, they also indicate the lack of scalability in this enforcement model. Differences in state and local enforcement regulation results in friction for organizations seeking to scale a co-enforcement program. If sweeping change to federal law is passed in the future, then the possibility of scaling co-enforcement on a national level or industrial level may be more likely.

Immokalee Workers: Enforcement through Worker-led Social Responsibility and Public Accountability

Farmworkers in Florida, organized through the Coalition of Immokalee Workers (CIW), developed a scalable model of enforcement that does not rely on state participation. With a workforce highly vulnerable to exploitation and excluded from many labor laws, CIW needed to create mechanisms for enforcing labor standards that did not depend on the legal enforcement. As with the Workers Defense Project's Better Builder program, the CIW's campaign utilized certification and enforcement as two sides of a coin. This section emphasizes enforcement using CIW as the primary case; the next section on certification will highlight the Better Builder program.

CIW developed the Fair Food Campaign, which focused down the supply chain to target fast food companies that purchased tomatoes grown through the exploitation of migrant labor. Participating buyers sign legally binding agreements that commit them to a zero-tolerance policy for abuses by suppliers, and also to paying a penny-per-pound premium that goes directly into growers' payrolls as a line-item bonus on workers' paychecks. Leveraging the market power of fast food companies and other large purchasers has allowed the Fair Food program to scale across suppliers and has eliminated incentives for growers to undercut one another on wages.[160]

Also important to the CIW's organizing efforts and standards enforcement at scale is their ability to create a national narrative through their boycotts, campaign tactics, and stakeholder alliances, and use this narrative tactically to amplify examples of noncompliance and hold companies accountable.

Even with legally binding agreements, the CIW describes themselves as "enforcement-obsessed."[161] They utilize a number of mechanisms for enforcement, including:

- worker-to-worker education on the rights under the code, so that workers can be frontline monitors of their own worksites;
- a twenty-four-hour-a-day complaint line for the investigation and resolution of complaints;
- in-depth audits on participating farms and certification; and
- market consequences for growers who fail to meet the Fair Food program standards.[162]

While not in a co-enforcement partnership with the state, CIW's enforcement mechanisms align with Janice Fine's findings that worker organizations play a critical role in monitoring and enforcement when they are place-based, relational, tutelary, participatory, activist, and strategic.[163]

CIW is an example of monitoring organization that has begun to develop power at scale within an industry, albeit a small and geographically concentrated one. While they have relied on grants and private donations for funding, the "penny per pound" premium demonstrates the potential for self-generated funding through the program as well.

Turkopticon

Another example—and one run solely workers themselves—is Turkopticon, a tool that works inside the Mechanical Turk service run by Amazon. Instead of hiring employees or negotiating freelance contracts, anyone can post a job that can be done on a computer, such as transcribing an audio recording or writing ad copy, to the Mechanical Turk website and instantly pick from a host of independent workers.

About 500,000 people, who refer to themselves as "Turkers," work on the platform, with about 2,000 to 5,000 workers available at any given moment. The platform, according to researcher Florian Alexander Schmidt, "became the most prominent example of paid crowdwork, organized in the form of cognitive piecework, also known as 'microtasking' or 'clickwork.'"[164]

The Turkers, however, don't have anyone advocating for their rights in this new world of work. A 2017 study found that Turkers earned a median hourly wage of about $2 an hour, and all too often, Turkers don't even get paid the meager amounts they're owed. According to Schmidt,

> Amazon explicitly gives employers the right to reject work without having to give the workers any reason. If a

> HIT done by a worker gets rejected, she or he will not get paid and will get a lower approval rate. However, in such a case the employer still gains the right to use the results of the rejected work; critics call this wage theft.[165]

Enter Turkopticon. Founded in 2008 by Turkers and researchers Lilly Irani and Six Silberman, Turkopticon allows workers to review job requesters' ratings before accepting a job. The worker-controlled tool operates on top of the existing Mechanical Turk platform, so that the workers can scan for and avoid exploitative employers as they search for jobs.

While not labor standards enforcement per se, Turkopticon provides a layer of information and protection between the worker and the job requester. There are over 45,700 registered users on Turkopticon, with a combined total of over 216,900 reviews of more than 35,500 job requesters. The success of the platform could serve as an inspiration for other technology-based tools that increase transparency for individuals working outside of the bounds of traditional employment.

Connecting the Dots on Labor Standards Enforcement

POWER

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

Labor standards enforcement does not, independently, build power, though the value proposition can solidify power by establishing and/or enforcing penalties for violations. Enforcement can also prevent the loss of power by worker organizations by increasing transparency and sharpening consequences for employer behavior that undermines collective activity by workers.

SCALE ▮▯▯

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

The place-based and highly relational nature of labor law enforcement makes this value proposition challenging to scale, either through growth or replication. The Fair Work Center, the Maintenance Cooperation Trust Fund, and the Workers Defense project all operate within a specific region.

Enforcement based on private industry standards, rather than local laws or ordinances, is more scalable. The Coalition of Immokalee Workers has successfully scaled their model of enforcement by creating standards that are enforced on an industrial level.

SUSTAINABILITY ▮▮▯

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Enforcement can be a sustainable value proposition, depending on the funding mechanism built into the model. Interest earned on recovered back pay can help fund enforcement organizations. Fees on certification, the value proposition covered in the next section, might also be a sustainable source of revenue. A third business sustainable model is government or private grants to educate workers and enforce local laws.

Certification and Labeling

The Leadership in Energy and Environmental Design (LEED) standard signifies excellence in environmental design for new construction, Cage Free indicates humane treatment of animals, and the Fair Trade label indicates ethical supply-chain practices for coffee, tea, and chocolate. Similarly, a worker organization could develop a certification and labeling system for businesses, products, and services that not only builds a public narrative around high-road practices, but also sets common standards, incentives, and enforcement mechanisms for the ethical treatment of workers in the United States. When developed with sustainable and independent revenue, a scalable structure, and mechanisms to incentivize or enforce adherence to a minimum set of standards, certification and labeling are an effective force for driving change.

Labor has a long history of using labels to drive improvements in the workplace. In the mid-nineteenth century, the Carpenters Eight-Hour League created the very first union bug for use on products made in factories employing men who worked an eight-hour day, rather than a ten-hour day.[166] Labels helped the United Farm Workers successfully boycott a number of growers during the Delano Grape Strike, a five-year strike in the late 1960s.[167] Nearly fifty years later, farmworkers partnered with Costco and other coalition partners to launch the Equitable Food Initiative, a nonprofit training, standards, and certification program that utilizes the an multi-stakeholder nonprofit that offers a program of standards, training, and certification.[168]

Just as the Equitable Food Initiative complements and further empowers the United Farm Workers, a new large-scale certification and labeling organization focused on improving standards for workers could be an expanded source of power for workers.

Certification is closely tied to labor standards enforcement, as the CIW demonstrate through their Fair Food Program. We can look to current certification and labeling entities for insights on building similar worker organizations that are scalable, sustainable, and impactful.

The Workers Defense Project and Better Builder Certification

The Workers Defense Project, a Texas-based workers' center, created the Better Builder certification program in 2012 with the goal of improving wages and setting and enforcing safety standards at construction sites in Austin, Houston, and Dallas. Among the requirements, participants must offer workers' compensation insurance, give safety training according to federal guidelines, and pay their workers a living wage.[169] Many of the 14,000 men and women who have worked on Better Builder projects reported increases in pay, and many also claimed to have received things like OSHA-10 safety training and workers compensation for the first time.

Working with a coalition of stakeholders, the Workers Defense Project won an ordinance with the Austin City Council in 2016. The ordinance obligates construction firms to commit to Better Builder certification standards as a requisite for participation in an expedited bidding process for large projects.[170] Similarly, the mass transit system board members voted to require Better Builder standards on all future transit-oriented development projects. Government incentive programs such as these were pivotal to the growth and perceived credibility of LEED, indicating that this is an effective strategy in creating impact at scale.

The Better Builder certification also provides additional program-based revenue for the Workers Defense Project, which often serves as an approved monitor on projects above a certain size. As a requirement for certification, project owners agree to pay a total certification fee to a Better Builder certified monitor. The rate is based on square footage per annum until the project reaches a certain point of completion.[171]

B Lab

B Lab is a certification body that recognizes corporations aligned for public benefit, which it identifies as Benefit Corporations (B Corps). The organization seeks to create a fundamental shift in business culture by creating a viable category of businesses that are purpose-driven and value the interests of multiple stakeholders, rather than shareholders alone.

While B Lab is not a worker organization, their certification framework, which certifies companies as opposed to specific projects or products, is a model that workers organizations could adopt. The limited involvement of low-wage workers or their representatives in developing or weighting the B Corp Impact Assessment may even suggest a space for a worker-centric certification program.

Certified B Corps must meet standards of verified social and environmental performance and public transparency, and are required to legally expand their corporate responsibilities to include consideration of diverse stakeholder interests.[172] Currently, more than 2,100 companies are certified B Corps, another 70,000 utilize the B Impact Assessment tool, and more than 100 partner entities use B Analytics to measure impact in aggregate.[173] These three interdependent elements—the Certification, the Impact Assessment, and the Analytics platform—form a scalable, sustainable structure behind the B Corp label.

B Lab also facilitates scalability and long-term viability by advancing public policy and regulatory changes intended to remove legal barriers that prevent companies and investors from pursuing objectives other than profit maximization alone, especially as they advance through capital markets or plan for sale or succession. Most notably, recent legislative and regulatory developments that impact B Corps include:

- In 2013, Delaware passed benefit corporation legislation creating a pathway to effective impact governance in the public capital markets.[175]

- In 2015, Labor Secretary Tom Perez issued new ERISA guidance[176] allowing pension funds to invest in companies with expanded mission and fiduciary duties, such as Certified B Corps and other benefit corporations.[177]

The passage of benefit corporation legislation in Delaware, the 2015 ERISA guidance, and the use of B Analytics are examples of public policy and "shaping the field" strategies working in consort to scale an organization.[178] The public policy creates the legal structure, while the availability of standardized data—and its usage by market shaping institutions—creates the incentive for more companies to volunteer their data through the B Impact Assessment.

The revenue model for B Lab is fee-based. All Certified B Corps pay an annual fee based on their revenues, and partners are charged a fee for use of the B Analytics platform. The B Impact Assessment is free for companies to measure their own impact, and engage workers and other stakeholders in meaningful conversations around shared goals and objectives.

Certification is a value proposition of particular resonance in this cultural moment. As consumers, people are increasingly concerned about the quality of the products they buy and the values of the businesses that produce them. Jay Coen Gilbert, a co-founder of B Lab, observed a similar trend in prospective employees, telling *The Atlantic* that there is "a profound shift (happening) toward meaningful work. We see this reflected not only in (millennials) who want to both make money and make a difference, but also in longstanding multigenerational family-owned businesses that are saying, 'We need to go back to the core values of what made American business great, which is caring for the people with whom you worked and the communities where you work.'"[179]

Workers are one of the five primary categories measured in the B Impact Report, a public facing scorecard based on the B Impact Assessment.[180] Workers are also at the heart of the Inclusive Economy Challenge, a program that focuses the collective impact of Certified B Corps on specific outcomes. The challenge begins with the language: "A living wage for all workers. A boardroom with the same mix of people as the factory floor. Business that works for everyone. . . ."[181] But B labs itself hasn't yet realized its own promise of worker-centered decision-making where workers have no voice in setting or weighting standards. There does not appear to be a single worker, nor union or other organization representing workers, on B Lab's Standards Advisory Council, nor on any of its working groups.[182]

Connecting the Dots on Certification and Labeling

POWER

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

The power of this value proposition depends on the incentive structure created and/or leveraged by the certifying organization, and strength of the standards enforcement methodology. B Lab and the Workers Defense Project proactively created incentives within their industry and market respectively to encourage companies to participate.

They utilized what is known as conditioned power, a form of soft power to influence corporate behavior. Certification alone does not build power without strong incentives for participation nor consequences for failing to.

SCALE

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

Certification is scalable when implemented with a sector, industry, or—in the case of B Lab—targeting a specific investment class. Scalability also requires "market shaping" participants to create incentives for participation at scale, such as B Lab's use of its Global Impact Investing Rating System, and the Coalition of Immokalee Workers' Fair Food Program targeting major buyers like McDonald's and Kroger.[183]

Without changes in federal policy, it is unlikely that certification programs targeting a sector within a specific region, such as Better Builder, will scale beyond that particular state or locality. Better Builder has indicated an interest in expanding to other states throughout the south, however which will be an informative test of the scalability of their model.

SUSTAINABILITY

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Certification can be a powerful value proposition if sustainable revenue sources are built into the model. Organizations can charge businesses a certification fee, as well as fees for renewal. When certification becomes an industry standard, that industry may collectively fund a certifying organization. A third sustainable source of revenue is fee-for-service grants of contract from cities, states, or on local project sites.

Worker Ownership

The ability to influence capital, or individual businesses, through worker ownership is a potentially scalable and sustainable value proposition for new worker organizations.

Through alternative ownership structures, such as worker-owned cooperatives and employee stock ownership plans (ESOPs), workers receive an equity stake in the firms where they work. Depending on the structure and participation rights, ownership gives them influence over determinative factors such as the selection of a management team, reinvestment in the firm, and compensation.[184] Neither cooperatives nor ESOPs are a perfect fit with the power–scale–sustainability framework, but both hold promise and belong squarely in any exploration of employee ownership as the foundation for future worker organizations.

Worker Cooperatives

Worker cooperatives are for-profit businesses that typically share at least two defining characteristics: first, the workers invest in and own the business, as well as share in the business' profits; second, governance of the enterprise is democratic.[185]

The opportunity that worker cooperatives provide to set standards and build wealth, as well as the democracy inherent to the model, closely align with the principles of union organizing. As Nina Dastur of the Center For Community Change describes, "While cooperatives are not new, their premise and structure speak to the principles of solidarity and democracy that are at the foundation of community organizing."[186]

According to Dastur, worker cooperatives are commonly considered difficult to scale, because of capital constraints and because growth is often tempered by two main concerns:

1. Worker cooperatives tend to be conservative about expanding because, as worker-owners, they have less inclination and flexibility to deal with economic downturns by cutting back on labor.
2. The decision-making process becomes more complicated as additional owners are brought on board.

While recognizing that scalability is a common concern, Melissa Hoover of the Democracy at Work Institute points out that these challenges are not inherent to the model itself.[187] The two main concerns above can be addressed in the design of management and governance, though it is worth noting the design choices are largely a reflection of the worker-owners themselves. Hoover explains that,

> From the 1970s to about the mid-1990s, the vast majority of worker cooperatives were formed by people seeking an alternative, wanting to build a different way and in some cases using the cooperative model to exit the mainstream economy. By and large these were people with options. What changed about 20 years ago was that we started seeing people using worker cooperatives not to exit, but to enter the economy, and to try to do it on their terms. By and large these are people with not many options.[188]

With an increasing number of working men and women forced out of traditional employment, worker cooperatives may be seen as a sustainable alternative to contract or 1099 gig economy work. An influx of new participants may also reshape norms around worker cooperatives toward governance and management structures that

are more scalable on a firm-specific level.
To achieve power and improve the lives of workers, firm-level growth is not the only option. There are promising examples of worker-owned cooperatives scaling on a regional and sectoral level. In her analysis "Worker Cooperatives: Pathways to Scale," Hilary Abell, cofounder of Project Equity, identifies two methods for scaling worker cooperatives within a single industry:

1. *Industry transformation strategy.* This hybrid approach combines the creation of a model cooperative with policy advocacy, consulting, and organizing for "high road" employment practices to transform job quality in a specific industry.
2. *Single industry replication.* This franchise-like strategy leverages industry and co-op development expertise to create multiple networked co-ops in a single industry.[189]

The most well-known example of an industry transformation strategy the former is Cooperative Home Care Associates (CHCA) in the Bronx, with more than two thousand worker-owners. The Arizmendi Bakeries and WAGES in the San Francisco Bay Area are both examples of single industry replication strategies. What remains unclear is whether a sectoral approach to scale is effective outside of a concentrated geography, and whether a concentration of worker-owned cooperatives within a single industry can transform the standards of workers within that industry. CHCA faced challenges expanding to nearby states, but the standards they set became determinative for homecare workers throughout the city.

As we've seen in other value propositions, local policy and investment can also lead to scale. New York City has allocated millions to develop worker cooperatives: $1.2 million for 2014–15 and $2.1 million for 2015–16. A new law also requires the city's Small Business Services office to track the level of municipal contracts awarded to cooperatives.[190] In Cleveland, Ohio, The Evergreen Cooperative Initiative created a replicable model of worker ownership based on "Anchor Institutions" that has inspired similar initiatives in places like Washington, D.C.; New York City; Milwaukee, Wisconsin; and even the United Kingdom.[191]

ESOPs

The United States has the highest level of employee ownership in the world, encompassing nearly 15 percent of its total workforce.[192] The major of this employee ownership is in the form of ESOPs, an employee benefit created in 1974, under the Employee Retirement Income Security Act (ERISA), which offers workers an ownership stake in their company. Other variations of ESOPs include KSOPs (a 401K–ESOP hybrid), S ESOPs (ESOPs for S Corporations), stock options, or forms of profit- and gain-sharing.

Do ESOPs benefit workers? Proponents of ESOPs say yes, pointing to indications of an inverse relationship between employee ownership and wage inequality among worker-owners.[193] Law Professor Jedidiah Kroncke counters this narrative, observing:

> The core issue here is that productive companies with existing participatory cultures are more likely to adopt ESOPs as one of many wage substitutes and complements. Thus, marginal productivity effects, flatter wage structures, or other positive outcomes attributed to ESOPs are not reflective of the impact of ESOPs themselves but pre-existing conditions conducive to their formation.[194]

Kroncke also counters the notion that ownership through ESOPs is a form of power for workers, noting that they do not challenge any existing power structures or economic interest, while also separating capital ownership from participatory rights. Or, more formally, the "worker ownership conundrum":

> 1. the tension between gradualism and systemic reform, and
> 2. the unsure relationship between antisubordination effects and ownership interests in the workplace.

One of the sharpest distinctions between ESOPs and worker-owned cooperatives is that ESOPs generally do not provide participatory rights. Under current law, voting rights for ESOP trust shares are optional, and trustees are appointed by existing managers, not the worker-owners. It is unclear that increased participatory rights are legal under the current model, as requiring a majority vote for trustee appointments or trustee decisions conflicts with the fiduciary model required by ERISA.[195]

Unless ERISA is amended or ESOPs are rewritten under different legislation, ESPOPs are unlikely to be a source of power for future worker organizations.

Worker Ownership of Capital

Workers indirectly own a substantial portion of the world's equities through private pension funds, as beneficial owners of deferred wages. As of 2016, private pension funds in OECD countries managed more than $38 trillion in assets, of which $2 trillion are in the United States.[196] This is a tremendous amount of wealth that could, conceivably, be deployed for the long-term benefit of workers, their families, and their communities—on and off the balance sheet.

Organizations, both within and outside of the United States, focus on helping trustees of public pension oversee the development of socially responsible investment strategies, and engage in joint dialogue and action with union leaders and other stakeholders. Internationally, the Committee on Workers Capital (CWC) connects labor activists and trustees from twenty-five countries around the world to share information and joint action in the field of workers capitals. In the United States, the Trustee Leadership Forum for Retirement Security (TLF) at Harvard University hosts an applied research collaboration with labor-affiliated trustees of public and Taft-Hartley pension funds.

The CWC and TLF play an important role in helping trustees responsibly use funds for the long-term benefit of workers without violating the law or putting capital at risk. The CWC facilitates collaboration between trustees and labor leaders, and among trustees themselves. The network expands access to the investment chain, opening new points of leverage.[197]

In addition to using worker capital for accountability, it can also be leveraged for investments. Following the Department of Labor's Interpretive Bulletin on Economically Targeted Investments (ETIs) in 2015,[198] both TLF and CWC helped Trustees based in the United States consider investment strategies that benefit the community apart from the return on investment to the plan. While ETI's have been around since the 1960s, they've only recently begun to reemerge after a cooling-off period in the early aughts, followed by the 2008 recession.

As ETIs such as the Multi-Employer Development Trust (MPET) and Mass Ventures illustrate, the model is a potentially powerful way for new worker organizations to apply owned capital toward achieving impactful outcomes.[199] While ETIs require significant planning and long-term commitment, there is some flexibility in the focus and investment strategy. The investment vehicles can focus on specific sectors or on regions, and can encompass several investment strategies, including underserved markets, real estate, community development, environment, and affordable housing.[200]

Unlike worker cooperatives and ESOPs, ETIs are a relatively untested application of this value proposition in the context of building and funding new workers organizations, but it shows promise as one that is scalable, sustainable, and powerful.[201]

Connecting the Dots on Worker Ownership

POWER ▮▮▯

How does or could this value proposition build power, solidify power, or prevent the loss of power for worker organizations on a national level?

The power of this value proposition is model specific, but to date workers organizations have yet to effectively use worker ownership to build power on a national level. The democratic nature and participation rights of worker cooperatives give worker-owners power at a firm level. ESOPs, on the other hand, offers workers ownership, but without the power of participation rights. With more than a trillion dollars of capital in worker-owned benefits plans, this value proposition has the potential to be a potent asset for workers.

SCALE ▮▮▯

How does or could this value proposition improve the scalability of worker organizations, or prevent a decrease in scale?

The scalability of worker ownership also depends on the specific model. Worker cooperatives have a reputation of being unscalable, though policy incentives and community development may drive growth in the number of worker-owned cooperatives. Alternatively, ESOPs are highly scalable, and include publicly traded companies in their ranks.

SUSTAINABILITY ▮▮▮

How does or could this value proposition contribute to revenue sustainability for worker organizations?

Worker ownership contributes to revenue sustainability through earned revenue and investment revenue.

Discussion and Recommendations

Each of the nine value propositions I've evaluated have been applied effectively in multiple organizations. Some propositions, such as regional bargaining or codetermination, have not been as widely adopted in the United States, in part because unions and other worker organizations have been more focused on federal labor law reform than on innovating new bargaining regimes at the city and state level. Other propositions, such as worker training and advocacy, are so widespread that they will already be familiar to many organizations.

In this final section, I'll examine some of the considerations around how these propositions could be implemented. I would note that starting any new organization, or adding a major new "product line," will require significant entrepreneurial energy (or "intrapreneurship") from its founders. But few new models that build worker power will ultimately be successful without also engaging government, employers, or both. It may be that none of the value propositions hold the potential for building scale and revenue without first exercising some power or influence in relation to a government, company, or sector of companies. It would be difficult for a worker organization to implement labor standards enforcement, for instance, without at least one or the other, and probably both. Codetermination requires participation from at least one major employer. Benefits administration can be initiated by a single organization, but is unlikely to scale without government mandates or major employer partners.

With that in mind, I'll turn to what role organizations, state and local governments, and the federal government might play in building next-gen models of worker organizations.

What Can Worker Organizations Do?

Most of this paper contains recommendations for what worker organizations can do, and I hope that worker organizations and others will evaluate and experiment with as many as possible. However, I also recommend that organizations pay particular attention to the possibility of combining multiple value propositions and building multiple, diverse revenue sources.

Multiple Value Propositions

Although the sections above have often described each value proposition as though they operated in isolation, organizations that achieve power, scale, and sustainability often adopt multiple approaches to engaging workers, providing value to members (or other constituencies) and creating sustainable revenue. The most robust organizations use multiple value propositions, adding new mechanisms for engaging workers, employers, state actors, and the external world as they grow.

The Workers Defense Project, for instance, added value propositions as it developed as an organization. Formed in response to the lack of safe working conditions, good wages, rights, and services available to low-wage construction workers in Texas, the Workers Defense Project wound up pursuing strategies that built upon one another. Like many workers centers, they helped workers file wage theft claims, which also inspired advocacy around wage theft, economic justice, and immigration reform. Members' collective experience observing labor violations in the construction industry inspired the creation of Better Builder, a certification program. To implement the certification, the organization developed strategies for worker-driven enforcement.

Even unions themselves are most likely to be resilient when they operate based on multiple value propositions. Many of the U.S. and global unions that are most successful at growing and retaining bargaining power and membership during an era of overall decline combine several of the following:

- centralized bargaining, either abroad through sectoral bargaining laws or in the remaining pockets of U.S. labor strength through voluntary industry-wide or pattern bargaining;

- benefits administration, abroad through Ghent-type models or in the United States through union-branded Taft-Hartley benefit plans, together with non-bargained members-only benefits;

- codetermination, or at least mature collaboration, with employers;

- job training through apprenticeship and similar programs;

- job placement through hiring halls; and

- advocacy (both policy and legal) for union members and/or broader groups of workers, ranging from lobbying on industry-specific matters to broader fights for all workers.

Diverse Revenue Sources

If the sustained assault on the revenue base of labor unions has taught us anything, it is also that worker organizations should not permanently rely on any single source of revenue, and in particular, no source that is subject to political whims, changes in public sentiment, or donor risk aversion. Unions became large and powerful in part because they have a stable and predictable funding source (automatic dues withdrawals), and are under assault for that reason by the right. Going forward, there is no single formula by which organizations should achieve their revenue goals, and that's as it should be—a diversity of strategies creates a more resilient and powerful movement.

For many organizations, however, it can take time to move up the sustainable revenue ladder. Organizations may need to begin with large individual donations, philanthropic grants, or support from traditional unions before transitioning to a more complex and resilient strategy. The Workers Defense Project is, again, a good example of this type of transition, adding value propositions tied to specific revenue sources as they developed as an organization. First, they helped workers file wage theft claims, which also inspired advocacy around wage theft, economic justice, and immigration reform; they then launched the Better Builder certification program with strategies for worker-driven enforcement, funded by developers.

Innovative workers organizations must keep focused on achieving greater scale, while not overextending financially on leveraged money from venture capital or often unreliable, "strings attached" funding from philanthropic organizations. A group of tech founders is calling this needed mindset "zebras not unicorns," implying that to build toward greater size and power, organizations don't need to grow exponentially within a few years to avoid irrelevancy (all while burning through a bunch of loaned money or grants).[202] Rather, they should focus on consistent growth—using diverse strategies, in diverse markets, and with a focus on providing something of real value to society. Funders from philanthropy and venture capital can both shift the way they look at success for new organizations. As the "Zebra Movement" founders wrote in *Medium*, "The capital system is failing society in part because it is failing zebra companies: profitable businesses that solve real, meaningful problems and in the process repair existing social systems."[203]

Finally, even while traditional labor is struggling, I believe that unions still need to lead as we transition into new models. There is no more readily available block of venture capital than today's union treasuries to finance these experiments. For today's labor leaders, we're not going to be remembered for how many workers we organized under the old model, because it's been shrinking for sixty years. We're not going to be remembered for the quality of the contracts we bargained, because in a largely nonunion economy, you can't bargain very many truly high-quality contracts (or at best they are restricted to a few union-strong industries and geographies).

Like the pioneers of the industrial labor movement at the turn of the twentieth century and its popularizers during the New Deal, we too can be remembered for seeding innovation and discovering powerful, scalable, and sustainable new models of worker organizing. If today's labor leaders act with the urgency, vision, and courage that this moment requires, we can set the entire country on a bold new course of economic inclusivity, stability, and opportunity for generations to come. But only if we take the risky and uncomfortable path of using the power and resources at our disposal to invent the models that will replace the failed system of enterprise bargaining that we currently operate.

What Can Governments Do?

While I've focused primarily on labor and alt-labor organizations in this paper, the role of government is also key to resolving our current crises.

States and Localities

Governments can help replicate and scale effective models at the state and local level. They can lift standards across entire regions, industries, or sectors by using a range of policies, and can also partner with unions and other worker organizations, or facilitate partnerships between government, business, and labor.

Unlike at the federal level, there is plenty of room (and public appetite) for more policy improvements in cities and states. Although these strategies can work in many places, including more conservative states, the most "bang for the buck" is likely to be found in prototyping these propositions in pro-union cities and states where they have the greatest chances of success (and the fewest well-resourced enemies).

Cities, counties, and states can consider creating any of the following:

- *Wage boards to set wages and standards for a geography or sector.* Wage boards bring together workers, businesses, and the government to set minimum standards for industries and occupations. New York, for instance, used its wage board laws in 2015 to raise the minimum wage for employees in the fast food industry to $15 per hour. For individuals not covered by the National Labor Relations Act, such as agricultural and domestic workers, wage boards could directly enable sectoral bargaining.[204] While some states, including New York, California, and New Jersey, currently allow officials to convene wage boards or similar entities, other states would need to pass legislation.

- *Benefits administered by a worker organization.* As discussed in the Benefits Provision and Administration section of value propositions, worker organizations can improve state and local benefit administration in many ways, including overseeing state-run retirement programs, helping workers navigate training programs and the unemployment insurance system, and working with companies to design more effective workers' compensation systems. Governments can incentivize or mandate the provision of benefits through worker organizations, as does the portable benefits legislation being considered in Washington State.

- *Training standards and programs.* Governments can also provide high-quality training opportunities for workers by promoting training partnerships with worker organizations, as well as labor-industry initiatives. State and local governments can institute new training requirements for government services, support labor-management training partnerships, create apprenticeship programs, and more. They can facilitate the creation of—or even mandate participation in—training programs provided through worker organizations. States should also begin to invest or increase their investment in programs to encourage employers to operate apprenticeship programs, including with Workforce Innovation and Opportunity Act funds, additional federal grants, and state training dollars.

- *Labor standards co-enforcement regimes.* San Francisco and Seattle have implemented community enforcement programs, providing grants to community organizations—such as the Fair Work Center in Seattle and the Chinese Progressive Association in San Francisco—that partner with government to enforce workplace standards. Organizations can use these grants to educate workers about their rights, resolve disputes with employers, and refer victims to the appropriate enforcement agency, guiding workers through the legal process.

- *Certification and labeling.* Governments can improve standards for workers by using their power to license and permit businesses and construction projects; for example, introducing expedited building permits for construction projects that treat their workers fairly. Governments can also increase licensing requirements for industries with a history of poor worker treatment in order to protect workers, as California has done with bond requirements in the car wash industry (the CLEAN Carwash Campaign).

- *Incentives for worker ownership and support for worker-centric management of public pension plans.* Local government can facilitate employee ownership by providing direct assistance at no cost to small businesses that want to convert to worker ownership. They can also follow in the footsteps of New York City and Boston, and set up dedicated funds to invest in new worker-owned cooperatives.

Workers and worker organizations need to demand that governors, mayors, and state and local legislative branches help lead the way, especially as traditional unions decline. We've seen bold action by leaders, triggered by vigorous campaigns among workers, at the city and state level in places like New York, California, and Washington State. Gaining cooperation from state and local governments often requires campaigns to pressure lawmakers, elect more supportive lawmakers, craft novel legislation, and/or run initiative campaigns in states with a public initiative process. The Fight for $15 is an excellent example of the use of public pressure campaigns to build enthusiasm for a new policy, elect supportive lawmakers, and—ultimately—change local laws.

It's also a notable advantage that ongoing state and local government action and oversight minimizes antitrust concerns in negotiating minimum wages, benefits, and working conditions across a geography or sector. These policies are permitted, so long as the government is the ongoing standard-setter and enforcer of its policies, and it steers clear of federally preempted regulation of firm-level collective bargaining and exclusive union representation.

Federal Strategies

On the federal policy level, we should be cautious of putting too many proverbial eggs in the congressional basket: we've been waiting for nearly fifty years for Congress to correct the imbalance in power between labor and management in the organizing process and at the negotiating table in the service of resurrecting the old Wagner model; it hasn't worked yet.

It is far more likely that federal action will come only after three necessary preconditions have been fulfilled: (1) a broad rejection of trickle-down economics among the voting public at large in favor of a worker-centric view of the economy, (2) an organized (and probably disruptive) level of mass mobilization around a set of broad economic demands benefitting everyday Americans, and (3) the prototyping of new (or significantly evolved and adapted) models at the city, state, and industry levels from which federal policymakers can draw inspiration.

In today's media and technology landscape, the life-cycle of issue campaigns is growing shorter. But in almost every case where the federal government has adopted new and more inclusive domestic policy interventions benefitting politically, economically, or legally disempowered or disenfranchised Americans, it has done so after movement wins and policy innovation at the city or state level.

But, it is also not unimaginable that there may be an opening to again pursue new federal strategies after the next presidential election. Futurists speak of "signals from the future," and there are certainly ample and interesting signals that the U.S. working class and at least a segment of progressive elites may be open to moving beyond merely improving the broken Wagner framework.

- The Occupy Wall Street movement in 2011 changed the public discourse around income inequality and cast itself in broad, majoritarian terms—the "99 percent."

- The Fight for $15 captured the imagination of workers and progressives around the United States and has resulted to date in millions of American workers achieving pay increases far outside the range of traditional minimum wage gains bestowed by Congress.

- A majority of U.S. voters in the 2016 election cycle cast their votes for a populist on either the left or the right whose core message included some version of "economic elites have rigged the political and economic system for their own benefit and against everyday Americans."

- The current wave of teacher strikes sweeping red states has elevated pay and benefit demands into the national dialogue and—notably—has succeeded in winning sector-wide gains in each state, not merely bargained gains at the enterprise (that is, school district) level.

- Proposed (and in a few cases already-enacted) local legislation in several progressive jurisdictions (see section above) has sought to go beyond the Wagner framework in creating new or revived mechanisms for workers to exercise power.

- Progressive-leaning elite institutions, think tanks, and individual scholars-of-standing have begun to openly call for new approaches to labor law that go beyond enterprise-based bargaining, notably including the Center for American Progress' two recent reports on state and local labor innovations and on sectoral bargaining.

- Several Democratic U.S. senators, recognizing that unions as they exist no longer serve the majority of U.S. workers, have called for innovations ranging from various forms of codetermination to piloting portable benefits models. A few unions have even begun discussions of what a federal sectoral bargaining law might look like.

So although we should not by any means count on the probability that we will have a chance to rewrite U.S. labor law in the next decade, we should certainly plan for the possibility.

And this time, we should have a plan that seeks to substantially replace the Wagner framework with a more powerful one that simultaneously impacts the economic lives of hundreds of millions of Americans and re-aligns incentives for worker organizations and the business sector away from shop-by-shop adversarial bargaining and union avoidance toward the (re) creation of a broad and inclusive middle class.

A reimagined federal labor law framework beyond the NLRA could replace workplace and enterprise bargaining with national sectoral bargaining; establish meaningful codetermination; position worker organizations as benefits providers through a system of universal, portable and pro-rated benefits; repeal laws that limit the most effective worker organization tactics; and empower states to innovate above the federal law, but not undermine it.

Conclusion

Today, average American workers are faced with the same question that workers excluded from the NLRA to begin with (for example, farm workers, domestic workers, independent contractors) have already been asking, and that faced the broader U.S. working class in the late nineteenth and early twentieth centuries: How do we build enough collective power to pull our families out of poverty, and create economic security for ourselves and our children? These are big tasks.

As worker advocates, organizers, and labor leaders, we are now forced to grapple with the slow end of a long-standing set of structures organized around and animated by the Wagner legal regime of enterprise- or workplace-based collective bargaining, and an uncertain path forward. In these times of transition, we need to be ready to invest in different strategies, and willing to undergo an identity shift, to learn from, support, and center new models of worker power and organizing.

To create an economy and a democracy that is strong and inclusive, we need strategies from all corners: from U.S. unions' experience creating political and workplace-based power, from global unions experience with sectoral bargaining, codetermination and benefits, from new worker organizations' experience attempting organize the most marginalized workers, from other social and political movements and nonprofit organizations, and even from technology entrepreneurs developing new ways to connect people and improve inefficient systems at scale.

Traditional labor organizations, alt-labor organizations, aligned philanthropy, and pro-worker actors in the government, private, and non-governmental sectors must begin actively experimenting with support for new models. We must roll up their sleeves, be willing to get it wrong, and experiment with models that are different. These changes may upset some of our traditional allies, and they may shift the balance of power within the movement for worker justice. Worker organizations old and new must act with uncharacteristic discipline and strategic sense, especially as these efforts will require the investment, ultimately, of hundreds of millions of dollars in a search for new models that aren't guaranteed to succeed.

My hope is that the nine value propositions I have outlined will provide an evidence-based road-map for worker organizations and advocates across sectors. We must act with courage to take risks to scale these and other, as yet unimagined models. This is the best hope for achieving a powerful, sustainable labor movement of the future.

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