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UNION DECLINE AND LABOR REVIVAL IN THE 21ST CENTURY UNITED STATES

RUTH MILKMAN

The size and influence of organized labor in the United States has been declining steadily for more than half a century. The relentless downward trend in union density (defined as the proportion of wage and salary workers who are union members) began in the late 1950s and accelerated with the systematic dismantling of New Deal era reforms after the neoliberal turn of the 1970s. Two aspects of that dismantling were especially impactful. First, deregulation weakened or eliminated unions in key sectors of the economy, most notably transportation and communication.¹ Secondly, employers undertook a concerted effort to eviscerate the 1935 National Labor Relations Act (NLRA), the bedrock legislation that guarantees workers the right to unionize and to bargain collectively, along with the government agency that administers and enforces it, the National Labor Relations Board (NLRB).² In the same period, employers increasingly acted to undermine unions directly, while outsourcing and technological change drastically reduced the size of the manufacturing sector, undermining the industrial unions that comprised the vital center of the labor upsurge that occurred during the New Deal years.³

As a result of these and related developments, by the early 21st century, union density had returned to pre-New Deal levels, as Figure 1 shows. In 2018, only 10.5% of all wage and salary workers, and 6.4% of those in the private sector, were union members, down from the mid-20th century peak of about 35%. In contrast, public-sector unionization rates rose in the 1970s, and have not been significantly reduced since then, although the

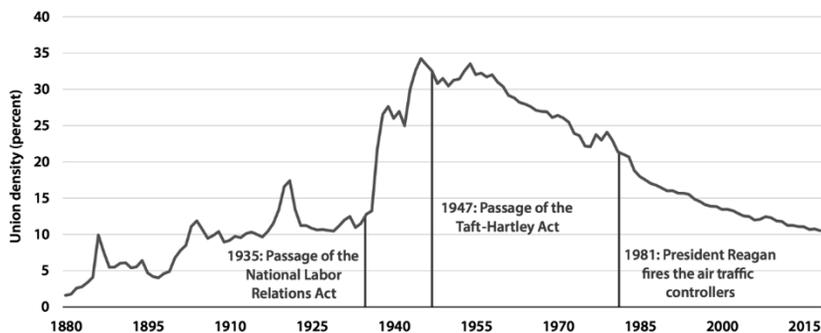
1. STEPHEN GREENHOUSE, *BEATEN DOWN, WORKED UP: THE PAST, PRESENT AND FUTURE OF AMERICAN LABOR* 142-44 (2019); Henry S. Farber, *Nonunion Wage Rates and the Threat of Unionization*, 58 *INDUS. & LAB. REL. REV.* 335, 349-50 (2005).

2. Morris M. Kleiner, *Intensity of Management Resistance: Understanding the Decline of Unionization in the Private Sector*, 22 *J. LAB. RES.* 519 (2001); see Catherine L. Fisk & Deborah C. Malamud, *The NLRB in Administrative Law Exile: Problems with Its Structure and Function and Suggestions for Reform*, 58 *DUKE L.J.* 2013 (2009).

3. Ryan Nunn, Jimmy O'Donnell & Jay Shambaugh, *The Shift in Private Sector Union Participation: Explanation and Effects*, *THE HAMILTON PROJECT* 6-7 (Aug. 22, 2019), https://www.hamiltonproject.org/assets/files/UnionsEA_Web_8.19.pdf.

effects of the U.S. Supreme Court's 2018 *Janus* decision may change that in the coming years.⁴

Figure 1. Union Density in the United States, 1880-2018.⁵



Private-sector unions not only suffered membership decline in the late 20th and early 21st century, but also lost power and leverage.⁶ One indicator of this is the precipitous fall in the frequency of strikes, shown in Figure 2. During the 1970s, the average annual number of U.S. work stoppages involving one thousand or more workers (including both strikes and lockouts) was 288; by the 1990s it had plummeted to thirty-five. Even in 2018, when the number of workers involved in strikes surged, there were only twenty such stoppages (including that year's big teachers' strikes).⁷

The data in Figure 2 actually understate the decline in strikes because they include employer-initiated events. Starting in the 1980s, many employers deliberately provoked strikes among long-unionized workers to extract concessions; lockouts also became increasingly common.⁸ Moreover, employers increasingly hired "permanent replacements" for strikers in this period, a practice that had been relatively rare (although not illegal) in the postwar years.⁹

4. 138 S. Ct. 2448, 2459–60 (2018).

5. Nunn et al, *supra* note 3, at 3.

6. See GREENHOUSE, *supra* note 1, at 137-65.

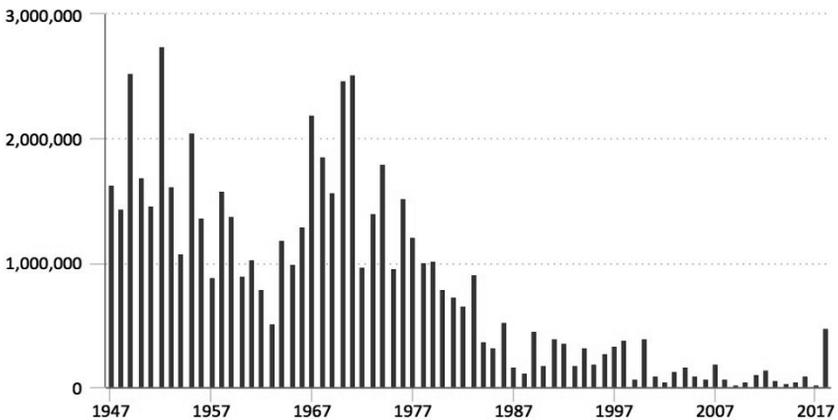
7. U.S. Bureau Lab. Stats., *20 Major Work Stoppages in 2018 Involving 485,000 Workers*, U.S. DEP'T LAB. (Feb. 12, 2019), <https://www.bls.gov/opub/ted/2019/20-major-work-stoppages-in-2018-involving-485000-workers.htm> [<https://perma.cc/ZRN8-MWKA>].

8. Josh Eidelson, *The Employer Strikes Back*, AM. PROSPECT (Apr. 12, 2012), <http://prospect.org/article/employer-strikes-back> [<https://perma.cc/2VXE-68U6>].

9. See generally Michael LeRoy, *The Changing Character of Strikes Involving Permanent Striker Replacements, 1935-1990*, 16 J. LAB. RES. 423 (1995).

A series of high-profile union revitalization efforts in the 1990s and early 2000s briefly slowed, but failed to reverse, the long-term density decline. Yet the U.S. labor movement refuses to die. Experimentation with non-union forms of labor organizing – what some label “alt-labor” – has proliferated since the 1990s, along with legislative efforts to improve wages and working conditions.¹⁰ More recently, a variety of new union organizing campaigns, some of which involve young, college-educated workers, emerged in the aftermath of the Great Recession. In addition, a wave of strikes among hotel workers, auto workers, and teachers in 2018 and 2019 defied the decades-long decline in work stoppages shown in Figure 2. As well, public concern about the nation’s skyrocketing level of income inequality, a phenomenon directly linked to de-unionization, helped drive rising approval of labor unions in this period.¹¹

Figure 2. *Workers Involved in Work Stoppages involving 1,000 or more workers, 1947-2018.*¹²



Not only density levels, but also other features of the political and economic context in the 21st century, are strikingly similar to those in the era preceding the New Deal reforms of the 1930s. In retrospect, the 1935-

10. Josh Eidelson, *Alt-Labor*, AM. PROSPECT (Jan. 29, 2013), <https://prospect.org/notebook/alt-labor/> [<https://perma.cc/2TFA-4WXW>].

11. Jeffrey M. Jones, *As Labor Day Turns 125, Union Approval Near 50 Year High*, GALLUP NEWS (Aug. 28, 2019), <https://news.gallup.com/poll/265916/labor-day-turns-125-union-approval-near-year-high.aspx> [<https://perma.cc/3CXF-5SQA>].

12. U.S. Bureau Lab. Stats., *supra* note 7.

1975 period appears as an exceptional era of extensive government regulation, compressed inequality, and strong unionism.¹³ With the return to normalcy after the mid-1970s, the labor movement also returned to strategic repertoires from the pre-New Deal era. Unions with roots in the late 19th and early 20th century gained an advantage over those that had taken shape alongside the reforms of the 1930s. At the same time, the “alt-labor” movement of worker centers that emerged in the 1990s recapitulated many of the practices of early 20th century settlement houses and labor reform organizations. In addition, the declining ability of organized labor to win improvements through collective bargaining sparked legislative campaigns and referenda to raise the legal minimum wage and win other worker protections at the local and state level, many of which resemble Progressive-era efforts to win protective legislation.¹⁴ Similarly, “wage boards,” a regulatory mechanism first created at the state level in the pre-New Deal years that faded into disuse during the mid-20th century period of peak union strength, have been revived, notably in New York and California. Comprised of employer, labor and public representatives, the boards set minimum wages and labor standards for specific industries, in a form of “sectoral bargaining” that has attracted growing interest in the 2010s.

I. THE DYNAMICS OF UNIONISM IN THE NEOLIBERAL ERA

After two decades of steady growth, union density began to fall in the late 1950s, a trend often attributed to the passage of the 1947 Taft-Hartley Act amendments that weakened the NLRA.¹⁵ The decline was gradual at first, but then accelerated sharply starting in the 1970s. President Ronald Reagan’s draconian response to the 1981 air controllers’ strike added to its momentum, although as Figure 1 shows, the erosion of union density began well before that pivotal event.¹⁶

The post-1981 decline was almost exclusively a private-sector phenomenon. As Figure 3 shows, public-sector unionism expanded in the 1970s and remained stable thereafter. In 2018, 33.9% of public-sector workers were union members, compared to only 6.4% of those in the pri-

13. See JEFFERSON COWIE, *THE GREAT EXCEPTION: THE NEW DEAL AND THE LIMITS OF AMERICAN POLITICS* (2016) (arguing that the periods before 1935 and after 1975 are more typical for the United States).

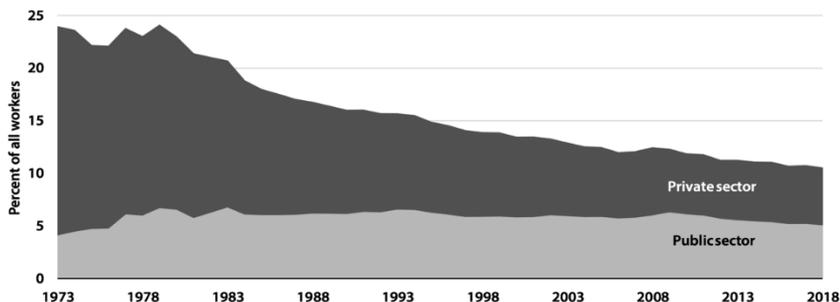
14. JANICE FINE, *WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM* 34-35 (2006) [hereinafter FINE, *WORKER CENTERS*].

15. See Nelson Lichtenstein, *Taft-Hartley: A Slave-Labor Law?*, 47 *CATH. U. L. REV.* 763, 763-90 (1998).

16. LANE WINDHAM, *KNOCKING ON LABOR’S DOOR: UNION ORGANIZING IN THE 1970S AND THE ROOTS OF A NEW ECONOMIC DIVIDE*, at ch. 3 (2017).

vate sector. Employer opposition to unions was minimal in the public sector, whereas it became increasingly effective in the private sector in this period.¹⁷

Figure 3. *Public- and Private-Sector Union Density in the United States, 1973-2018.*¹⁸



The disproportionate growth of organized labor in the public sector contributed to a major transformation in the demographic composition of union membership, especially in regard to gender. In 1970, women were only 20.7% of U.S. union members; by 2018, their share had grown to 45.2%.¹⁹ That was the result not only of expanded female labor force participation over that period, but also of the extensive unionization of female-dominated occupations in the public sector. The growth of public-sector unionism also had a racial dimension. In 1983, African Americans were 13.7% of the nation's union members; by 2018 their share had increased slightly, to 15.3%. There had been a steep decline in African American union membership in manufacturing in the intervening years, but that was more than counterbalanced by the growth of public-sector unions, as a result of the substantial overrepresentation of African Americans in government employment.²⁰

In a related shift, the average educational level of union members has increased even more rapidly than that of the population as a whole over the

17. Richard B. Freeman, *Contraction and Expansion: The Divergence of Private Sector and Public Sector Unionism in the United States* 2 J. ECON. PERSPECTIVES 63, 79 (1988).

18. Nunn et al., *supra* note 3, at 4.

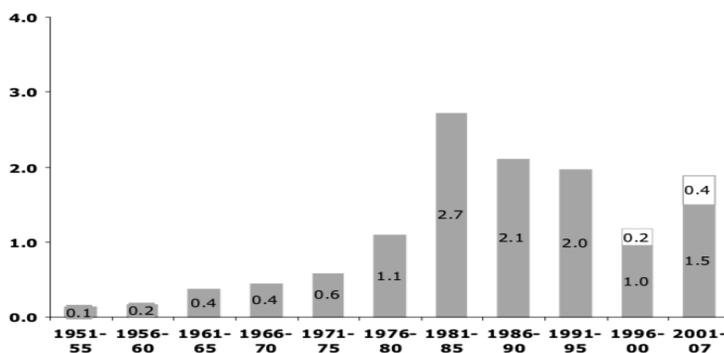
19. U.S. DEP'T LAB., BUREAU LAB. STATS., BULL. NO. 2079, DIRECTORY OF NATIONAL UNIONS AND EMPLOYEE ASSOCIATIONS, 1979 (1980); Barry T. Hirsch & David A. MacPherson, *Union Membership and Earnings Data Book*, BLOOMBERG L. BUREAU NAT'L AFF. 29 (2019).

20. Cherrie Bucknor, *Black Workers, Unions and Inequality*, CTR FOR ECON. & POL'Y RES. (Aug. 2016), <http://cepr.net/images/stories/reports/black-workers-unions-2016-08.pdf?v=2>; Hirsch & MacPherson, *supra* note 19.

past half-century. In the mid-20th century, when blue-collar workers were highly unionized and prior to the surge of public-sector organizing, most union members had a high school education or less.²¹ But in 2018, the unionization rate of college graduates (11.9%) exceeded that of high school graduates (10.1%).²² That reflected not only the expansion of higher education generally, but also the divergence between private- and public-sector union density, since public-sector workers (for example, teachers, the largest single group) are disproportionately college-educated.

In the private sector, growing managerial resistance to unionism starting in the late 1970s was the key driver of density decline. That resistance was manifested in a sharp rise in illegal firings of workers during union campaigns for NLRB representation elections, shown in Figure 4. This trend mirrors the decline in strike frequency (Figure 2), emerging in the late 1970s and increasing sharply in the early 1980s.²³

Figure 4. *Probability Pro-Union Worker is Fired during a Union Election Campaign, 1951-2007.*²⁴



Firing pro-union workers is explicitly prohibited by the NLRA, but it became a routine practice in this period. Fines for violations are modest, as is the likelihood of employers incurring them; such penalties gradually came

21. Henry S. Farber, Daniel Herbst, Ilyana Kuziemko & Suresh Naidu, *Unions and Inequality Over the Twentieth Century: New Evidence from Survey Data* 16 (Princeton Univ. Indus. Relations Section, Working Paper No. 620, 2018), https://dataspace.princeton.edu/jspui/bitstream/88435/dsp01_gx41mm54w/3/620.pdf.

22. Hirsch & MacPherson, *supra* note 19. For 1996-2000 and 2001-07, the unshaded portion of the data bar represents non-NLRB elections.

23. John Schmitt & Ben Zipperer, *Dropping the Ax: Illegal Firings During Union Election Campaigns, 1951-2007*, CTR FOR ECON. & POL'Y RES. 10 (Jan. 2007), <http://cepr.net/documents/publications/dropping-the-ax-update-2009-03.pdf>.

24. *Id.* at 11.

to be seen as a “cost of doing business.” Employers also deployed various legal tactics to resist unions in this period, hiring anti-union consultants, taking steps to delay representation elections, and subjecting workers to anti-union speech on company time.²⁵ Among other effects, this led to a precipitous drop in the share of the workforce made up of newly organized workers. From 1950 to 1954, unions organized 1.3% of the labor force each year through NLRB elections; twenty years later the figure was only 0.4%, and from 1985 to 1988, only 0.1%.²⁶

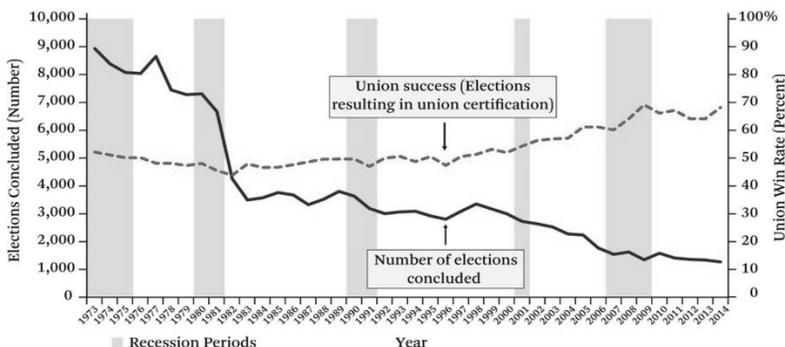
Organizing – or actively recruiting new members into the ranks of organized labor – is the primary way in which unions themselves can increase density. But it is also shaped by a variety of other forces entirely beyond the labor movement’s control. For example, all else being equal, if employment declines in a highly unionized sector of the economy or expands in a non-union (or weakly unionized) sector, density will fall. Conversely, if employment expands in a highly unionized sector or declines in one where unionism is absent or weak, density will rise. Moreover, labor market churning is an inherent feature of market economies, with new jobs constantly being created and old ones being destroyed. Those dynamics, along with labor turnover and (in the U.S. case) steady population growth, means that simply to maintain union density at a given level can require a great deal of new organizing; to increase density requires even more extensive effort. Yet in the face of an increasingly hostile institutional environment, most U.S. unions have concentrated on defending their past gains, rather than new organizing.

Indeed, as employers increasingly undermined their effectiveness, the number of NLRB union elections fell sharply starting in the mid-1970s, as Figure 5 shows. Unions also have developed a more selective approach to organizing under the NLRA, so that while there were fewer elections, unions won a higher proportion of them, a trend that began gradually in the 1980s and 1990s and accelerated in the 21st century. In this period, many unions came to believe that they could organize more successfully outside the increasingly dysfunctional NLRA system than within it, and thus turned their energies to pressuring employers directly for recognition rather than petitioning for an NLRB election.

25. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing* 2-3 (Econ. Policy Inst. Briefing Paper No. 235, 2009), <https://www.epi.org/publication/bp235/>.

26. Robert J. LaLonde & Bernard D. Meltzer, *Hard Times for Unions: Another Look at the Significance of Employer Illegalities*, 58 U. CHI. L. REV. 953, 959 (1991).

Figure 5. *NLRB Representation Elections and Win Rates, 1973-2014.*²⁷



Union decline not only led to growing asymmetry in the power of employers and workers, but also contributed to the growth in inequality since the 1970s, as Bruce Western and Jake Rosenfeld have shown.²⁸ Union members have higher earnings, on average, and also are far more likely to have employer-provided health insurance and pension benefits than their non-union counterparts. As Figure 6 shows, whereas for the first three decades after World War II average employee compensation kept pace with productivity in the United States, starting in the mid-1970s compensation stagnated even as productivity continued to rise.²⁹

In the same period, union power was also reduced by deregulation in industries like airlines, trucking and telecommunications, leading to growing competition from nonunion firms and increasing employer efforts to reduce wages, benefits, and labor standards.³⁰ A simultaneous surge in outsourcing (not only shifting production to other countries, but also subcontracting within the United States) increasingly transferred market risk and accountability from large corporations to smaller enterprises.³¹ This frequently meant that jobs moved from union to nonunion firms, a shift

27. Ruth Milkman & Stephanie Luce, *Labor Unions and the Great Recession*, 3 RUSSELL SAGE FOUND. J. SOC. SCI. 145, 150 (2017), <https://www.rsfsjournal.org/content/rsfjss/3/3/145.full.pdf>.

28. See Bruce Western & Jake Rosenfeld, *Unions, Norms, and the Rise in U.S. Wage Inequality*, 76 AM. SOC. REV. 513, 513-37 (2011).

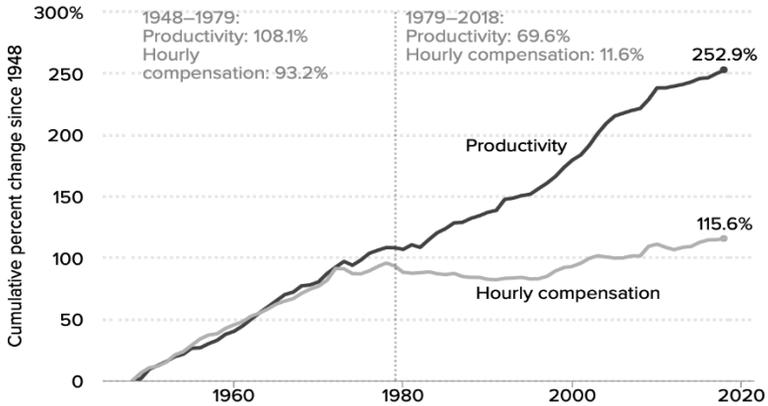
29. *The Productivity-Pay Gap*, ECON. POL'Y INST. (July 2019), <https://secure.epi.org/productivity-pay-gap/> [<https://perma.cc/Z6GS-8Y4N>].

30. See generally Henry S. Farber, *Nonunion Wage Rates and the Threat of Unionization*, 58 INDUS. & LAB. REL. REV. 335 (2005).

31. DAVID WEIL, *THE FISSURED WORKPLACE: WHY WORK BECAME SO BAD FOR SO MANY AND WHAT CAN BE DONE TO IMPROVE IT* 8-9 (2014).

typically accompanied by wage and benefit reductions.³² In addition, a growing number of companies subcontracted tasks directly to workers themselves, many of whom were thereby transformed from employees to “independent contractors” – so that they were no longer protected by the NLRA or by minimum wage and other employment laws.³³

Figure 6. *Productivity Growth and Hourly Compensation, United States, 1948-2018.*³⁴



This was part of what Jacob Hacker famously called the “great risk shift” from firms to individuals.³⁵ At first it disproportionately affected non-college-educated workers, but by the turn of the 21st century employment insecurity and other forms of economic precarity had expanded to include many mid-level workers as well as professionals. Starting in the late 1970s, defined-benefit pensions, once a standard feature of employment in large companies, were increasingly replaced by defined-contribution schemes, many of them voluntary³⁶; employers also transferred more health insurance costs to employees.³⁷

32. *Id.* at 254.

33. *Id.* at 21.

34. *The Productivity-Pay Gap*, *supra* note 29.

35. JACOB HACKER, *THE GREAT RISK SHIFT* (2006).

36. Emp. Benefits Sec. Admin., *Private Pension Plan Bulletin: Historical Tables and Graphs, 1975-2017*, U.S. DEP’T LAB. 10 (Sept. 2019), <https://www.dol.gov/sites/dolgov/files/ebsa/researchers/statistics/retirement-bulletins/private-pension-plan-bulletin-historical-tables-and-graphs.pdf>.

37. Ken-Hou Lin, Samuel Bondurant & Andrew Messamore, *Union, Premium Cost, and the Provision of Employment-based Health Insurance*, 4 *SOCIUS* 3-4 (2018), <https://journals.sagepub.com/doi/pdf/10.1177/2378023118798502>.

Even in private-sector industries where unions maintained a foothold, their power and influence grew weaker in the late 20th century. Industry-wide “pattern bargaining” was deeply eroded, and indeed eliminated entirely in some industries, starting in the 1970s.³⁸ In the mid-20th century, when strong industry-wide unions were able to “take wages out of competition,” firms gained market share by offering their customers higher productivity or quality than their competitors, rather than by squeezing labor.³⁹ But in the late 20th and early 21st century, as both unionism and regulation weakened, more and more firms reverted to the pre-New Deal pattern of competing by cutting wages and benefits.⁴⁰

II. THE WANING POLITICAL INFLUENCE OF U.S. UNIONS

The decline in union density gradually reduced the political influence of American unions. Voters in union households have continued to vote disproportionately for Democrats, although with falling union density, the share of the total vote comprised of union household voters has dropped, from about 26 percent in 1980 to 18 percent in 2016.⁴¹ Nevertheless, as Taylor Dark has shown, organized labor’s political alliance with the Democratic party has remained intact, and unions continue to have substantial political clout in some key arenas.⁴²

At the same time, repeated efforts to reform the NLRA to create a more level playing field between employers and unions have failed, even under Democratic administrations – most recently with the unsuccessful campaign for the Employee Free Choice Act, which was finally abandoned in 2009. At the state level, moreover, “right to work” laws prohibiting union shops, which had first proliferated after the passage of the 1947 Taft-Hartley Act in the South and Southwest, recently began to spread more

38. Thomas A. Kochan & Christine A. Riordan, *Employment Relations and Growing Income Inequality: Causes and Potential Options for its Reversal*, 58 J. INDUS. REL. 420, 425-26 (Apr. 19, 2016).

39. Michael L. Wachter, *Labor Unions: A Corporatist Institution in a Competitive World*, 155 U. PENN. L. REV. 581, 584 (2007).

40. See *id.* at 581, 584-85, 629.

41. Kim Moody, *Who Put Trump in the White House?*, JACOBIN MAG. (Jan. 11, 2017), <https://www.jacobinmag.com/2017/01/trump-election-democrats-gop-clinton-whites-workers-rust-belt/> [<https://perma.cc/6WNQ-ESWK>].

42. See generally TAYLOR DARK, *THE UNIONS AND THE DEMOCRATS: AN ENDURING ALLIANCE* (1999).

widely.⁴³ At this writing such laws are in effect in a majority of the fifty states, including former union strongholds like Michigan and Wisconsin.⁴⁴

In the 21st century, conservatives launched systematic efforts to replicate the disempowerment of private-sector unions in the public sector, where unions, as noted earlier, have been largely unaffected by the forces generating private-sector de-unionization. Public-sector unions retained large treasuries and regularly provided financial support to Democratic candidates. That made them prime targets for conservative organizations like the American Legislative Exchange Council (ALEC), which developed model legislation designed to undermine public-sector collective bargaining at the state level, which it disseminated widely to sympathetic Republican politicians.⁴⁵ When the 2010 mid-term elections swept Republicans into power in several key states, they were well prepared to launch direct attacks on public-sector collective bargaining. In some states where that took place – most notably Wisconsin – the result was a sharp decline in public-sector union density, as Figure 7 shows.

Ironically, Wisconsin had been the first state in the nation to pass legislation creating collective bargaining rights for public-sector workers, in 1959.⁴⁶ Half a century later, it became the site of an unprecedented state-level political attack on those rights. Newly elected Governor Scott Walker proposed a new public-sector collective-bargaining law for the state in early 2011, which he promoted in the name of budget deficit reduction.⁴⁷ This had genuine appeal in the aftermath of the Great Recession which had put a great strain on government resources. The bill closely resembled model legislation promoted by ALEC, in which Walker himself had been active. Although it sparked vigorous resistance and a dramatic political struggle — including a months-long occupation of the state legislative chamber — Walker ultimately prevailed.

Wisconsin's new law narrowed the scope of public-sector collective bargaining and banned the collection of “agency fees” to cover the costs of union representation.⁴⁸ This longstanding practice had been predicated on the legal requirement that public-sector unions represent all workers cov-

43. GREENHOUSE, *supra* note 1, at 205.

44. *Right to Work States*, LEGAL DEF. FOUND., <https://www.nrtw.org/right-to-work-states/> [<https://perma.cc/Y73G-K3WF>] (last visited Jan. 3, 2020).

45. *See generally* ALEXANDER HERTEL-FERNANDEZ, STATE CAPTURE: HOW CONSERVATIVE ACTIVISTS, BIG BUSINESSES AND WEALTHY DONORS RESHAPED THE AMERICAN STATES – AND THE NATION (2019); GORDON LAFER, THE ONE PERCENT SOLUTION (2017).

46. GREENHOUSE, *supra* note 1, at 188.

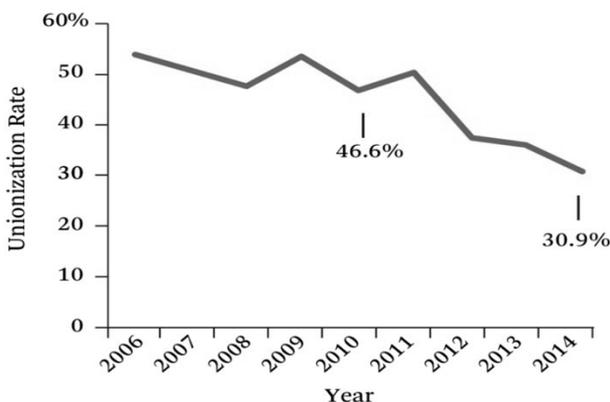
47. *Id.* at 182-94.

48. WIS. STAT. § 35.095(3)(a) (2011).

ered by their collective bargaining agreements, whether or not those workers had joined as dues-paying members. In 2017, Iowa passed an even more draconian law restricting public-sector unions, again with ALEC's support.⁴⁹

The following year, conservative anti-union forces also had a major victory on the national level, when the U.S. Supreme Court's *Janus v. AFSCME* decision reversed a decades-long precedent (the Court's 1977 *Abood v. Detroit Board of Education* decision), and barred all public-sector unions across the nation from collecting agency fees, as 22 states did at the time.⁵⁰ Although the Wisconsin-scale decline in public-sector union membership that some commentators predicted has not yet materialized, there has been some erosion.⁵¹ On the other hand, there are signs of union renewal in this sector, as manifested in the wave of teachers' strikes in 2018 and 2019, discussed below, and in efforts on the part of many public-sector union leaders to communicate more effectively with their members.

Figure 7. Public-Sector Union Density in Wisconsin, 2006-2017.⁵²



49. HERTEL-FERNANDEZ, *supra* note 45, at 108.

50. *Id.* at 108-09, 195.

51. Robert Lafolla, *Mass Exodus of Public Union Fee Payers After High Court Ruling*, DAILY LAB. REP. (Apr. 5, 2019, 3:10 PM), <https://news.bloomberglaw.com/daily-labor-report/mass-exodus-of-public-union-fee-payers-after-high-court-ruling> [<https://perma.cc/XK8U-UWBT>].

52. Milkman & Luce, *supra* note 27, at 152.

III. VARIETIES OF UNIONISM: THE REVITALIZATION OF FORMER AFL AFFILIATES

The decline in union density and power since the 1970s has been uneven, affecting some types of labor organizations far more than others. Not only have private-sector unions declined far more than their public-sector counterparts to date, but also there are substantial variations within the private sector. In general, the unions that declined the most sharply were those formerly affiliated with the independent Congress of Industrial Organizations (CIO), prior to that body's 1955 merger with the much older American Federation of Labor (AFL) to form the AFL-CIO.⁵³ The former CIO unions were largely based in manufacturing, which shrank dramatically in the late 20th century, both because of growing capital flight to regions of the world with low labor costs and because of technological shifts that led to reduced manufacturing employment worldwide. In contrast, most former AFL unions were in place-bound sectors like services, transportation and construction, which also tend to be less affected by technological change. In addition, the former AFL affiliates were typically structured as occupational unions, which as Dorothy Sue Cobble has argued, was a comparative advantage in the post-industrial economy. Such unions were well suited to workers who shifted frequently across firms and work sites (as in the construction trades), a situation that became more widespread with de-industrialization.⁵⁴

Another crucial difference between the former AFL and CIO unions was that the latter had first formed in the crucible of the NLRA and the larger New Deal regulatory order, which meant that their entire strategic repertoire reflected that context. That had served them well in the 1930s and 1940s, and in the immediate postwar period. But starting in the late 1970s it began to limit their capacity to adapt to the changed conditions of the neoliberal era. The former CIO unions were not only disproportionately affected by outsourcing, but also by employers' successful efforts to undermine the NLRA. In contrast, many of the former AFL affiliates had a broader strategic repertoire to draw on, a repertoire that included non-NLRA approaches to organizing, reflecting a historical legacy rooted in pre-New Deal conditions.

53. See Ruth Milkman, *Back to the Future: U.S. Labour in the New Gilded Age*, 51 BRIT. J. INDUS. REL. 645, 653-55 (2013); RUTH MILKMAN, L.A. STORY: IMMIGRANT WORKERS AND THE FUTURE OF THE U.S. LABOR MOVEMENT 23-24 (2006) [hereinafter MILKMAN, L.A. STORY].

54. See generally Dorothy Sue Cobble, *Organizing the Post-Industrial Workforce: Lessons from the History of Waitress Unionism*, 44 INDUS. & LAB. REL. REV. 419 (1991).

The former AFL affiliates were by no means immune to the anti-union campaigns that employers unleashed starting in the 1970s; indeed, union density fell in construction and other former AFL jurisdictions nearly as much as it did in manufacturing during that period.⁵⁵ But the unions with historical roots in the AFL were better equipped than the former CIO affiliates to respond to the changes that unfolded in the neoliberal era. Many of the AFL unions fell back on traditional tactics designed to exert direct pressure on employers to win recognition, a longstanding approach that remained in the toolkit of these unions throughout the New Deal era. In the construction industry, with its unstable and ever-changing workplaces, the NLRA had never functioned particularly well, and thus the building trade unions had continued to use pre-New Deal organizing approaches throughout the 20th century. Unions like the Service Employees International Union (SEIU) and the Hotel and Restaurant Employees (now UNITE HERE), also did so at times, giving them more room to maneuver than the former CIO affiliates when conditions changed starting in the late 1970s.

The former AFL affiliates were also the unions that devoted the most extensive resources to organizing the unorganized in the late 1990s, when former SEIU President John Sweeney was elected to head the AFL-CIO. Indeed, of the seven unions that left the AFL-CIO to form the “Change to Win” (CTW) federation in 2005, in response to a call to restructure the labor movement, all but one were former AFL affiliates: the Teamsters, the Laborers, the Carpenters, the United Food and Commercial Workers (UFCW), as well as SEIU and UNITE HERE. The only exception was the tiny United Farm Workers, whose roots were in neither the AFL nor the CIO, since it formed in the 1960s.⁵⁶ Some of these unions later left CTW and rejoined the AFL-CIO, but the CTW did reflect the comparative advantage these former AFL unions enjoyed in recent decades. Still, even these unions found it increasingly difficult to justify the vast outlay of resources required for successful new organizing.⁵⁷

IV. “ALT-LABOR”: WORKER CENTERS, THE FIGHT FOR \$15, STATE AND LOCAL LEGISLATION, AND WAGE BOARDS

As traditional forms of unionism became increasingly difficult to sustain, a problem aggravated by the ongoing spread of subcontracting and

55. MICHAEL GOLDFIELD, *THE DECLINE OF ORGANIZED LABOR IN THE UNITED STATES* 121-25, 192 (1989).

56. MILKMAN, L.A. STORY, *supra* note 53, at 190-91.

57. Richard Yeselson, *Fortress Unionism*, 29 *DEMOCRACY: A JOURNAL OF IDEAS* (2013), <https://democracyjournal.org/magazine/29/fortress-unionism/> [<https://perma.cc/RS2F-L6TK>].

other forms of employment restructuring, alternative forms of labor organization began to emerge, especially among low-wage and foreign-born workers. Starting in the 1990, “worker centers” (the most common type of “alt-labor” organization) began to proliferate – some incubated by unions and others launched by independent activists who were skeptical about the relevance of conventional unionism for workers at the bottom of the labor market. Many of the centers focused on organizing and advocacy for workers excluded from NLRA protection, like day laborers or taxi drivers who are classified as independent contractors. Others organized workers who had never successfully unionized on a significant scale, like domestic workers. Still other centers were sited in sectors where unions had once existed but had nearly disappeared, like restaurant work or garment manufacturing, and a few organized along ethnic or racial lines. In 1992, there were only four worker centers in the United States, but by 2003 their numbers had grown to 137.⁵⁸ In 2018, the latest estimate available at this writing, there were 226; and by then several centers had banded together into national networks or organizations.⁵⁹

Worker centers are typically modest in size, with limited staff and funding.⁶⁰ Despite that limitation, they often manage to mount highly visible and successful campaigns “naming and shaming” employers who violate labor and employment laws.⁶¹ Unconstrained by the strictures of the NLRA, and by many of the other challenges that conventional unions face, they are flexible organizations that have perfected the science of filing complaints about workplace violations with government agencies and initiating lawsuits against employers, often winning substantial monetary settlements.⁶² They are equally effective at constructing compelling narratives about struggles for economic justice, drawing public and media attention to the plight of precarious low-wage workers.⁶³ Worker centers have successfully campaigned for legislation strengthening penalties for workplace violations and laws granting additional rights to low-wage workers; a few have partnered with unions to win collective bargaining rights for specific groups of workers.⁶⁴ Worker centers also engage in

58. FINE, WORKER CENTERS, *supra* note 14.

59. Janice Fine et al., *Understanding Worker Center Trajectories*, in NO ONE SIZE FITS ALL: WORKER ORGANIZATION, POLICY AND MOVEMENT IN A NEW ECONOMIC AGE 13 (Janice Fine et al. eds., 2018).

60. FINE, WORKER CENTERS, *supra* note 14, at 14, 217-18.

61. NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT 16 (Ruth Milkman & Ed Ott eds., 2014).

62. *Id.* at 19.

63. *Id.* at 16.

64. *Id.* at 21.

grassroots organizing, to the extent their resources permit. They recruit workers by providing legal services and/or offering educational opportunities.⁶⁵ Although maintaining engagement from those who receive such services after their immediate needs are met is often challenging, most centers promote leadership development and other forms of empowerment for their constituents.⁶⁶ These organizations are typically led by highly educated professionals – lawyers or individuals with other specialized training – often female.⁶⁷ That facilitates alliances with other political actors, including elected officials and faith leaders, and in some cases middle-class consumers as well.⁶⁸

In many respects, worker centers have reproduced the organizational strategies developed by earlier generations of advocates for low-wage immigrant workers in the Progressive era, although few worker center leaders are aware of having done so. Settlement houses and labor reform groups like the Women’s Trade Union League similarly exposed sweatshops and employer abuses; campaigned for protective legislation; promoted unionization; and offered social, legal, and educational services to low-wage immigrants.⁶⁹ Just as these organizations did in the past, most worker centers today rely heavily on philanthropy.⁷⁰

Most traditional unionists were initially skeptical about this mode of organizing when it first emerged in the 1990s, but over time they came to appreciate the worker centers’ efforts. Eventually some unions replicated alt-labor tactics and strategies in their own organizing campaigns among low-wage workers. Examples include the UFCW’s “OUR (Organization United for Respect) Walmart” campaign and the SEIU’s effort to organize fast-food workers, launched in 2012, the “Fight for \$15” – so named because of its demands for hourly wages of \$15 as well as a union for fast food workers.⁷¹

65. Fine, *Worker Centers*, *supra* note 14, at 2, 12.

66. *Id.* at 13.

67. Steve Jenkins, *Organizing, Advocacy, and Member Power*, 6 WORKINGUSA 56, 61, 86 (2002).

68. FINE, WORKER CENTERS, *supra* note 14, at 14.

69. *See generally* MAUREEN FLANAGAN, *SEEING WITH THEIR HEARTS: CHICAGO WOMEN AND THE VISION OF THE GOOD CITY, 1871-1933* (2002); SHELDON STROMQUIST, *REINVENTING “THE PEOPLE”: THE PROGRESSIVE MOVEMENT, THE CLASS PROBLEM AND THE ORIGINS OF MODERN LIBERALISM* (2006).

70. *See supra* note 69.

71. *See generally* ADAM REICH & PETER BEARMAN, *WORKING FOR RESPECT: COMMUNITY AND CONFLICT AT WALMART* (2018); DAVID ROLF, *THE FIGHT FOR \$15: THE RIGHT WAGE FOR A WORKING AMERICA* (2016); Kate Andrias, *The New Labor Law*, 126 YALE L.J. 2, 47-57 (2016).

Although unionization has yet to be achieved in this industry, the Fight for \$15 campaign did win \$15 per hour for fast food workers in some jurisdictions, and also helped spur a raft of successful efforts to increase the minimum wage for all workers in several cities, counties and states to \$15 per hour (phased in over several years). SEIU and UNITE HERE have also won pay increases for specific groups of workers, such as those employed in airports or in hotels, by means of local government ordinances or laws, or in some cases through referenda.⁷² In an era of growing public concern about growing economic inequality, these issues enjoy broad popular support and have steadily gained momentum at the state and local level.

These efforts to win higher minimum wages at the state and local level have been highly effective in improving the situation of private-sector low-wage workers. The National Employment Law Project (NELP) estimated that from 2012 to 2018, the Fight for \$15 and related campaigns won improved pay for 22 million U.S. workers, through a combination of state and local minimum wage legislation and employers raising their minimum pay scales in response to public pressure.⁷³ NELP estimates the total value of these raises at \$68 billion (in 2018 dollars) in additional annual income, once the approved increases are fully phased in.⁷⁴

Other types of pro-worker legislation have also proliferated in the 21st century. Between 2006 and May 2019, ten states, twenty cities and three counties enacted paid sick days laws.⁷⁵ Since 2002, when California established the nation's first paid family leave insurance program, seven other states and the District of Columbia have enacted similar laws.⁷⁶ In addition, nine states and the city of Seattle have passed Domestic Workers' Bills of Rights, starting with New York in 2010.⁷⁷ State and local laws stiffening penalties for minimum wage violations and other forms of "wage

72. Nelson D. Schwartz, *Push to Raise the Minimum Wage Goes Local, at Airports and Hotels*, N.Y. TIMES (Nov. 3, 2019), <https://www.nytimes.com/2019/11/03/business/economy/minimum-wage.html> [https://perma.cc/S6H8-JCG2].

73. *Impact of the Fight for \$15: \$68 Billion in Raises, 22 Million Workers*, NAT'L EMP. L. PROJECT (Nov. 2018), <https://s27147.pcdn.co/wp-content/uploads/Data-Brief-Impact-Fight-for-15-2018.pdf>.

74. *Id.*

75. *Fact Sheet: Current Paid Sick Days Laws*, NAT'L PARTNERSHIP FOR WOMEN & FAMILIES (May 2019), <http://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/current-paid-sick-days-laws.pdf>.

76. *State Paid Family and Medical Leave Insurance Laws*, NAT'L PARTNERSHIP FOR WOMEN & FAMILIES (Aug. 2019), <http://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/state-paid-family-leave-laws.pdf>.

77. Alexia Fernandez-Campbell, *Kamala Harris Just Introduced A Bill to Give Housekeepers Overtime Pay and Meal Breaks*, VOX (July 15, 2019), <https://www.vox.com/2019/7/15/20694610/kamala-harris-domestic-workers-bill-of-rights-act> [https://perma.cc/W7JN-USJQ].

theft” have also been enacted in some jurisdictions, and a few have passed laws regulating employers’ scheduling practices.⁷⁸ In yet another example of the parallels between the pre-New Deal era and the years since the mid-1970s, these campaigns are reminiscent of labor reformers’ efforts to win state and local protective labor legislation in the early 20th century.

A feature of many state minimum wage laws enacted in the early 20th century that has attracted widespread interest among unionists and progressive labor advocates in recent years is the wage board, a mechanism designed to generate wage increases (and in some cases regulation of hours and/or working conditions) in specific industries. Such boards operated in a variety of jurisdictions in the first half of the 20th century, but then faded into obscurity in the post-World War II years, when unions relied on collective bargaining to address such issues. But wage boards gained renewed attention after 2015, when the Fight for \$15 persuaded New York State’s labor commissioner to convene a wage board for the fast food restaurant industry. This tripartite panel (with representatives from labor, business and the public) then issued a recommendation to raise the minimum wage of most fast food workers in the State to \$15 per hour, phased in over a period of several years.⁷⁹

Wage boards are one form of sectoral bargaining, an alternative framework for labor law that several recent commentators have promoted as a replacement for the broken NLRA system. Advocates of this approach, including the Center for American Progress and the Harvard “Clean Slate for Worker Power” project, argue that the NLRA has become so dysfunctional that its resuscitation is no longer possible.⁸⁰ They propose instead establishing a national system of wage boards that bring together employers, workers and the public to negotiate wages and benefits for entire sectors or industries.⁸¹ Bernie Sanders and Elizabeth Warren were

78. See generally Marc Doussard & Ahmad Gamal, *The Rise of Wage Theft Laws: Can Community-Labor Coalitions Win Victories in State Houses?* 52 URB. AFF. REV. 780 (2016); Amanda Miggo, *The Secure Scheduling Movement: Why Every State Should Consider Enacting Secure Scheduling Legislation*, 47 CAP. U. L. REV. 155 (2019).

79. Andrias, *supra* note 71.

80. *Clean Slate for Worker Power*, HARV. L. SCH., <https://lwp.law.harvard.edu/clean-slate-project> [<https://perma.cc/8GMP-QNUE>] (last visited Dec. 19, 2019); David Madland, *Wage Boards for American Workers: Industry-Level Collective Bargaining for All Workers*, CTR. FOR AM. PROGRESS (Apr. 9, 2018), <https://www.americanprogress.org/issues/economy/reports/2018/04/09/448515/wage-boards-american-workers/> [<https://perma.cc/V75Y-SHJJ>].

81. Noam Scheiber, *Candidates Grow Bolder on Labor, and Not Just Bernie Sanders*, N.Y. TIMES (Oct. 11, 2019), <https://www.nytimes.com/2019/10/11/business/economy/democratic-candidates-labor-unions.html> [<https://perma.cc/XS7S-FTEC>].

among the 2020 Democratic presidential candidates who endorsed this idea.⁸²

As Kate Andrias has observed, sectoral bargaining is not new, rather it is “a reinterpretation of principles advanced by earlier incarnations of the American labor movement.”⁸³ Indeed, it is another aspect of the contemporary labor landscape that recuperates strategies developed in the pre-New Deal era (although wage boards were also used in the 1930s and 1940s). The first state law with a wage board provision dates back to 1912, in Massachusetts.⁸⁴ The New York statute authorizing the labor commissioner to convene such wage boards dates back to 1933 (but in response to employer pressure, the new minimum wage law the state enacted in 2016 included a provision eliminating this option).⁸⁵ Wage boards are regularly used in other countries, notably Australia, and other forms of sectoral bargaining are commonplace in Western Europe.⁸⁶ But apart from the 2015 New York fast food case, its revival in the United States is largely aspirational. California, Colorado, and New Jersey do have laws on the books that authorize the appointment of wage boards with representation from labor, employers, and the public, but the California labor commission was defunded in 2004 and Colorado’s also has been moribund for years.⁸⁷

In short, faced with the increasing dysfunction of the NLRA system, the U.S. labor movement has experimented with a variety of alternatives to conventional unionism, from worker centers, to state and local labor legislation, and to sectoral bargaining. All of these approaches have analogues in the pre-New Deal era. Yet traditional unionism has not entirely disappeared.

V. MILLENNIAL-GENERATION UNIONISM AND THE 2018-19 STRIKES

The dysfunction of the NLRA system long predates the election of President Donald Trump, although his administration has made the situation even worse.⁸⁸ More than a decade before the 2016 election, however,

82. *Id.*

83. Andrias, *supra* note 71, at 10.

84. Mike Vilensky, *New York Wage Boards Shaped Policy for Decades*, WALL ST. J. (Aug. 6, 2015), <https://www.wsj.com/articles/new-york-wage-boards-shaped-policy-for-decades-1438909257> [<https://perma.cc/8BLS-7Y4V>]; Frank T. de Vyver, *Regulation of Wages and Hours Prior to 1938*, 6 L. & CONTEMP. PROBS. 327, 327 (1939); Andrias, *supra* note 71, at 53, 65.

85. Andrias, *supra* note 71, at 84.

86. *Id.* at 84-85.

87. *Id.*

88. Celene McNicholas et al., *Unprecedented: The Trump NLRB’s Attack on Workers’ Rights*, ECON. POL’Y INST. (Oct. 16, 2019), <https://www.epi.org/files/pdf/177387.pdf>.

Harvard labor economist Richard B. Freeman declared, “If they were an animal or plant, private-sector unions would fall on the endangered species list of the US Fish and Wildlife Service.”⁸⁹ That is the conventional wisdom among 21st century labor scholars, and goes a long way toward explaining the experimentation with alternative organizational forms and labor strategies discussed in the previous section.

Yet traditional forms of unionism have also resurfaced in the 2010s, sparked by a new political generation that emerged as the Occupy Wall Street (OWS) movement catapulted the issue of inequality onto the public agenda.⁹⁰ The Fight for \$15 itself began in New York City as an indirect offshoot of OWS, and some of the college-educated Millennials who participated in OWS and movements like Black Lives Matter went on to become union activists and organizers.⁹¹

Unionization rates are lower among young workers than older ones. In 2018, 4.4% of those aged sixteen to twenty-four were union members, compared to 13.6% of those aged fifty-five or more.⁹² That disparity reflects both the limited extent of recent organizing among new labor market entrants and the fact that the higher earnings and greater job security available in unionized jobs reduce turnover relative to nonunion jobs, so that workers tend to age in place. But recent surveys suggest that the age gap in unionization rates is not reflected in attitudes. A 2015 Pew Research Center survey found that 55% of respondents aged eighteen to twenty-nine viewed labor unions favorably, while only 29% viewed them unfavorably; in contrast 46% of older respondents viewed unions favorably, and a similar share unfavorably.⁹³

Reflecting these attitudes, young workers, especially highly educated young workers, have been actively unionizing in recent years. In 2017, when union membership grew modestly over the year before, workers under age thirty-five (who are less than 40% of the labor force) accounted for

89. Richard B. Freeman, *The Road to Union Renaissance in the United States*, in *THE CHANGING ROLE OF UNIONS: NEW FORMS OF REPRESENTATION 3* (Phanindra V. Wunnava ed., 2004)

90. See Ruth Milkman, *A New Political Generation: Millennials and the Post-2008 Wave of Protest*, 82 *AM. SOC. REV.* 1 (2017).

91. See J. Mijin Cha, Jane Holgate & Karel Yon, *Emerging Cultures of Activism: Young People and the Building of Alliances Between Unions and Other Social Movements*, 45 *WORK & OCCUPATIONS* 451, 461-74 (2018).

92. Hirsch & MacPherson, *supra* note 19.

93. *Mixed Views of Impact of Long-Term Decline in Union Membership*, PEW RES. CTR. (Apr. 27, 2015) <https://www.people-press.org/2015/04/27/mixed-views-of-impact-of-long-term-decline-in-union-membership/> [<https://perma.cc/BJ2R-4E28>].

three-quarters of the increase in membership.⁹⁴ In the private sector, journalists and adjunct college faculty stand out as examples of this trend. After digital journalists at Gawker unionized in 2015, a slew of additional digital news outlets voted to form unions, including Salon, Vice Media, HuffPost, the Guardian, Thrillist, Mic, Thinkprogress, Slate and Gothamist (although both Gawker and Gothamist were shut down soon after their workers voted to unionize).⁹⁵ In all these settings the organizing was led by younger journalists. “This generation is tired of hearing that this industry requires martyrdom,” a NewsGuild union staffer explained, “that it requires that you suck it up, that you accept low wages and long hours.”⁹⁶ Journalists at print publications (often more diverse in regard to age) have followed suit, including *The New Yorker*, *The New Republic* and *New York* magazines as well as the famously anti-union *Los Angeles Times*.⁹⁷

Non-tenure-track faculty members at private colleges – another sector dominated by highly-educated young workers – have also joined unions in large numbers in recent years. In the first three-quarters of 2016 alone, the NLRB certified twenty new bargaining units at private colleges. Most of them are represented by the SEIU, whose “Faculty Forward” campaign has successfully organized 54,000 adjunct faculty members on more than 60 campuses.⁹⁸ Graduate student workers have also voted to unionize at many universities in recent years, although their right to do so in the private sector has been hotly contested; in 2019 the Trump-appointed NLRB reversed an earlier ruling that had they were eligible to form unions.⁹⁹ In another high-profile example of collective action among highly-educated young workers, an estimated 20,000 Google workers walked off their jobs to

94. John Schmitt, *Biggest Gains in Union Membership in 2017 Were for Younger Workers*, ECON. POL’Y INST. (Jan. 25, 2018), <https://www.epi.org/publication/biggest-gains-in-union-membership-in-2017-were-for-younger-workers/> [<https://perma.cc/H9W8-A2AP>].

95. *Id.*

96. Steven Greenhouse, *Why Newsrooms are Unionizing Now*, NIEMANREPORTS (Mar. 21, 2019), <https://niemanreports.org/articles/why-newsrooms-are-unionizing-now/> [<https://perma.cc/2RV2-8GT7>].

97. *Id.*

98. William A. Herbert, *The Winds of Change Shift: An Analysis of Recent Growth in Bargaining Units and Representation Efforts in Higher Education*, 8 J. COLLECTIVE BARGAINING ACAD. 1, 6 (2016); see also *Frequently Asked Questions*, SEIU FACULTY FORWARD <http://seiufacultyforward.org/frequently-asked-questions/> [<https://perma.cc/D9W6-UTUN>] (last visited Jan. 3, 2020).

99. David Yaffe-Bellany, *Graduate Students, After Gains in Union Efforts, Face a Federal Setback*, N.Y. TIMES (Sept. 20, 2019), <https://www.nytimes.com/2019/09/20/business/economy/graduate-students-labor.html> [<https://perma.cc/7X4A-W336>].

protest the management's handling of sexual harassment claims in November 2018, although this did not involve a unionization effort.¹⁰⁰

By far the most dramatic manifestation of unionization among this new generation of college-educated Millennials, however, was the massive wave of teachers' strikes in 2018. Teachers from many age groups participated, but the leaders were consistently youthful, mostly in their late 20s, and some had a history of activism in OWS or other Millennial-dominated political groups.¹⁰¹ The first teachers' strike of 2018 was in West Virginia, where public-sector unions lack collective bargaining rights and where strikes are illegal.¹⁰² As befitting the leadership's youthful profile, the organizing effort began online, through a closed Facebook group; strike support funds also were solicited online via GoFundMe.¹⁰³ The spectacular success of the West Virginia strike soon inspired a series of walkouts among teachers in Oklahoma, Arizona, Kentucky, North Carolina, and Colorado.¹⁰⁴ These were followed in 2019 by additional teachers' strikes in cities where unions were long established, namely Los Angeles, Oakland and Chicago.¹⁰⁵

Even though some of the 2018 teachers' strikes were nominally illegal, they won extensive support among parents and other community members, and in some cases among school administrators. These were public-sector strikes, in which as noted earlier, unions typically face far less employer opposition than in private-sector settings. However, in 2018 and 2019 a number of large strikes broke out in the private sector as well, among hotel workers, auto workers, and others, some of which proved highly successful. The 2018 UNITE HERE strike against Marriott, for example, which involved nearly 8,000 workers spread across eight major cities, won raises for hotel housekeepers as high as 40%, phased in over four years, along with improvements in pensions.¹⁰⁶

100. Daisuke Wakabayashi et al., *Google Walkout: Employees Stage Protest Over Handling of Sexual Harassment*, N.Y. TIMES (Nov. 1, 2018), <https://www.nytimes.com/2018/11/01/technology/google-walkout-sexual-harassment.html> [<https://perma.cc/QZK5-F7XM>].

101. ERIC BLANC, RED STATE REVOLT: THE TEACHERS' STRIKE WAVE AND WORKING-CLASS POLITICS 63, 104-09, 169-71 (2019).

102. *Id.* at 36, 38.

103. *Id.* at 11, 74, 113-15.

104. *Id.* at 5, 13.

105. Howard Blume & Sonali Kohli, *The Teachers' Strike Gripped LA for 6 Days. A Year Later, What are the Results?*, L.A. TIMES (Jan. 21, 2020), <https://www.latimes.com/california/story/2020-01-21/legacy-of-los-angeles-teachers-strike> [<https://perma.cc/DN62-AN25>].

106. Steven Greenhouse, *The Return of the Strike*, AM. PROSPECT (Jan. 3, 2019), <https://prospect.org/power/return-strike/> [<https://perma.cc/S23A-5T3H>].

Whether this wave of strikes signals a reversal of the decline in work stoppages shown in Figure 2 remains to be seen, but it does suggest that recent obituaries for traditional forms of workers' collective action are premature. Public outrage over growing inequality and the emergence of a new generation of progressive activists may yet breathe new life into the nation's unions, even as experimentation continues with alternative avenues to advance the interests of working people.