

REBUILDING WORKER VOICE IN TODAY'S ECONOMY

U.S. LABOR LAW DOES NOT WORK FOR MOST AMERICANS—BUT IT CAN

Workers are increasingly powerless in the 21st century economy. Working people have few rights on the job, corporations and wealthy individuals hold outsized influence in politics and policymaking, economic inequality is vast and deep, and economic mobility is out of reach for most.

Historically, robust workplace organizations helped reduce economic inequality and encouraged economic mobility. Today, unions remain the foundation for worker voice both in the economy and in society at large. But the unionization rate has dropped rapidly since the early 1980s. Though there are many drivers of these overall trends, a broken labor law system is a key culprit.

WE NEED STRUCTURAL CHANGE

In order to create an economic and political system that serves America's workforce, we must rethink the policy choices, institutions, and systems that determine who gets ahead in today's economy and who is left behind—and then demand structural change. To ensure that our economy works for all, it is crucial that we not only tame the power of the rich and powerful few, but that we also encourage working people to rebuild power from the bottom up. That will require fundamental labor law reform, guided by a core principle: **Our labor law must guarantee all workers a voice in their workplaces, in the broader economy, and in our democracy.**

To advance this principle, labor law should:

1. Provide rights to all workers, in all sectors of the economy

Current labor law fails to protect far too many workers. This includes whole sectors of the economy, such as domestic and agricultural work, as well as workers classified as independent contractors and low-level supervisors. Extending the basic protections of labor law to all workers is essential to building a fair economy.

2. Protect and promote unionization at workplaces

U.S. labor law makes it far too difficult for workers to organize unions in their own



workplaces and firms, leaving the vast majority of working people with no collective voice. Employers have countless legal tools to resist unionization, and they are subject to minimal penalties when they do violate the law. To provide workers a real voice at work, labor law must strengthen and protect workers' fundamental rights to organize and join unions. Making it easier to organize unions at the workplace is not just important in its own right; it is also a necessary foundation for more substantial reforms.

3. Encourage sectoral bargaining

U.S. labor law encourages collective bargaining at the level of the individual worksite. In contrast, many other industrialized nations give unions the power to bargain with all companies in an industrial sector at once. Such "sectoral bargaining" is far more effective than worksite bargaining at raising wages and reducing inequality, particularly when workers are spread out among many small workplaces. It can also greatly enhance workers' voice in government. Our labor law should require sectoral bargaining in addition to strengthening worksite organization and representation.

4. Protect workers' fundamental rights to strike, picket, and engage in other collective action

Labor law today does not effectively protect workers' fundamental rights to picket, strike, or engage in other crucial forms of workplace expression and protest. For example, employers can effectively terminate workers for striking in many instances; the nature and timing of picketing is severely limited; and workers are restricted from engaging in cross-employer concerted action, leaving worker organizations with fewer rights of expression than other civil society groups. U.S. labor law must be reformed, so that it truly fulfills its promise to protect collective action.

For more information on labor law reform as outlined above, including specific policy proposals, see [*Rebuilding Worker Voice in Today's Economy*](#) by Kate Andrias and Brishen Rogers.

