

# “Alt Labor” from the Margins to the Center, the Policy Turn and Using Enforcement to Build Structure: A Presentation to the Shanker Institute

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## Four Points

- 1-Despite the anti-union environment, workers have been organizing but not through traditional institutions
- 2-Policy, as opposed to direct economic action, has been the strategy of both “alt labor” and unions
- 3-Exciting new policies at the state and local level have been hitched too often to backward enforcement regimes
- 4-We can use enforcement to strengthen organizing

# Decline of traditional working class institutions:

- Unions
- Local Political Parties
- Fraternal and Mutual Aid Associations

...Once played an important role in building economic and political power for working class people.

# Which Organizations Will be the New Fixed Point in the Changing World of Work?



- Building Economic Power in Industries and Workplaces
- Defending Workers' Rights
- Creating Communities of Interest and Solidarity
- Job Placement /Hiring Halls/Representation with Employers
- Training/Skills Development
- Benefits: Health Insurance, Pensions, Financial Services
- Legal Clinics
- Building Political Power: Passage of Public Policy/Electing Officials
- Political Education
- Cultural activities
- Connecting to workers globally

# What is a worker center?

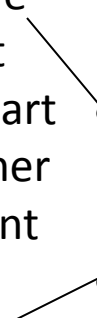
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Worker centers are community-based mediating institutions that provide support to low-wage, primarily immigrant workers.

The centers pursue this mission through a combination of programs:

- service delivery: legal representation to recover lost wages and dealing with immigrant issues, English classes and job placement
- advocacy: speaking on behalf of low wage workers to local media and government, and developing allies
- organizing: building an organization of workers who act together for economic and political change.

These are  
what set  
them apart  
from other  
immigrant  
service  
organizations

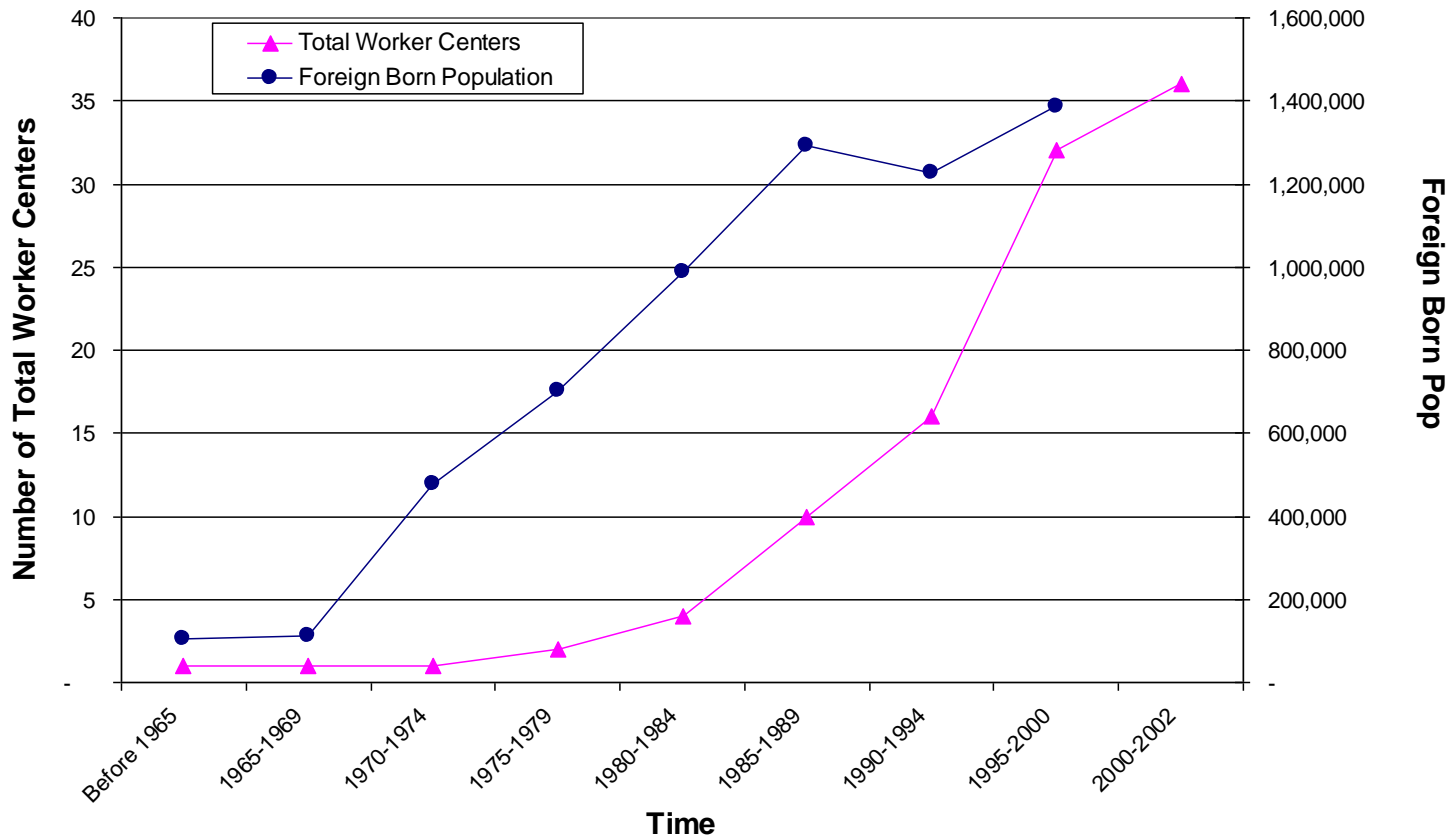
A line from the text "These are what set them apart from other immigrant service organizations" points to the first two bullet points of the list: "service delivery" and "advocacy".

# **Dramatic Increase in Worker Centers**

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In 1992, there were fewer than 5 centers nationwide. In 2007, there were 155 worker centers in over 80 U.S. cities, towns and rural areas (34 states) in 2013, 217, now about 250.

## Rise in Worker Centers and Foreign Born Population\*



\*Foreign Born Population includes Mexican, Central American, Chinese and Korean immigrants in 3 Major Metropolitan Areas (Chicago, LA, NY)

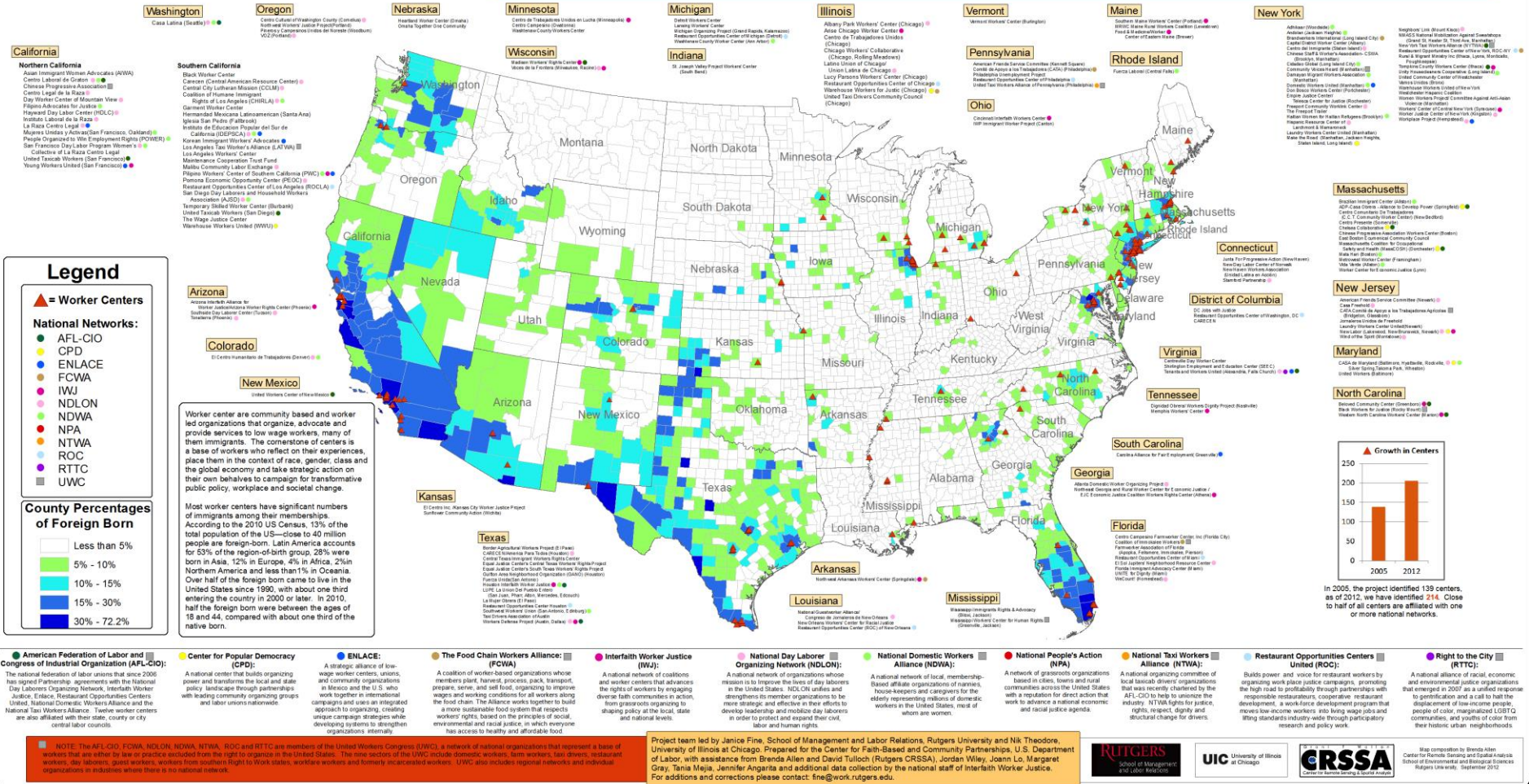
Source: US Census 2000





## Worker Centers 2012

## Community Based and Worker Led Organizations





# Characteristics of Worker Centers

- Hybrids
- Multiple identities:  
Strong ethnic and racial identification
- Place-based
- Collective action  
*not* collective bargaining
- Organizing
- Services
- Small and involved membership
- Leadership  
Development and
- Participatory  
Culture
- Popular education
- Identification as  
part of a global  
movement
- Broad agenda
- Coalitional

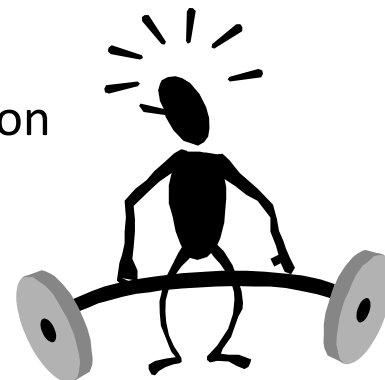
## Strengths:

- **STEPPING IN FOR UNIONS**  
**Vehicle for Collective Voice**
- Leadership development
- Winning back-wages
- Targeting individual employers
- Calling attention to exploitative industry practices
- Changing the debate/climate
- Labor market intervention via govt. admin action and public policy
- **STEPPING IN FOR THE STATE:**  
**Monitoring and enforcement of minimum wage, overtime, health and safety, workers' comp and other regulations**
- Pioneering campaigns, experimentation



## Weaknesses:

- Small membership base, not institutionalized
- **Labor market intervention via direct economic action**
- Hiring Hall functions are relatively weak at most centers
- Lack of detailed economic/industrial research and analysis
- Electoral mobilization
- Sustainability
- Isolation
- Not connected to Labor unions, unaware of those models and histories



# Revisiting some of my conclusions...

- Some of the shortcomings I identified now seem to have been indicative of a broader challenge faced by all worker organizations as they confronted employment relations in the age of neo-liberalism
- Also, I was looking at them during a particular developmental phase
- In the past ten years, worker centers and their networks have evolved and matured: institutionalizing themselves through unique funding streams and substantially expanding their strategic capacities

# Increasing Reliance on Public Policy

- Smart political strategies anchored by large union campaign contributions and political operations are what seem to have enabled much of the organizing of public sector workers or those whose positions are paid through public funding streams
- Homecare, childcare, nursing home workforces have gained collective bargaining rights through union political and policy interventions
- Fight for Fifteen so far much more successful at policy than creating worker organizations (although some of the private sector targets have raised wages to \$10/hr: McDonalds, Walmart, Target, Starbucks)

Increased inability to exercise significant economic power over employers is not just a weakness of worker centers, it is widely shared by labor unions organizing private sector workers...

Until the recession and the coordinated political assault on the public sector workforce, both unions and worker centers had been looking to the state as their most viable option for securing improvements

# Newer Trends in Worker Center World:

## ***Federation: A Growing Trend***

Strong individual centers joining existing national networks or “going national” and spawning new locals or affiliating existing organizations

- National Day Laborer Organizing Network (NDLON)
- National Domestic Workers Alliance
- ROC (Restaurant Organizing Committee)
- National Guest Workers Alliance
- Coalition for Popular Democracy (CPD)
- Taxi Workers
- Black Worker Center Network



# Why does Federation matter?

- Diffusion of tactics and strategies
- National campaigns (policy as well as employers)
- Greater financial support because they are viewed as significant
- Greater respect from labor, political class, media

Greater industry sophistication:  
**strongest growth in industry-specific organizations and networks** (day laborers, domestic, taxi, restaurant)...

- Common issues
- Common industry structures
- Common regulatory structures
- Common experiences
- Growing interest among these actors in achieving ongoing collective bargaining arrangements, growing interest in union models and sense of hope that they might find willing partners among unions

# Institutional Partnerships with labor

- National AFL-CIO executive committee statement on worker centers recognizing their role and authorizing Certificates of Affiliation with State Federations and Central Labor Councils (since 2006 limited #)
- AFL-CIO and Worker Center Partnerships, signing of formal agreements with:
  - 2007-National Day Laborer Organizing Network (NDLON) 2007
  - 2007-Interfaith Worker Justice 2007
  - 2011-National Domestic Workers Alliance 2011
  - 2011-National Guest Workers' Alliance 2011
  - 2011-National Taxi Workers Alliance organizing charter applied for 2011
- 2013-LIFT Fund founded in partnership with Ford supports union/worker center organizing efforts

# Consumer/Producer Alliances and Employer Alliances

- ROC with diner guides, *Behind the Kitchen Door*, *Forked*, media appeals and creating high road employer alliance
- Domestic Workers, *Age of Dignity*, working to organize groups of employers becoming much more rigorous in certain places, Care.com partnership

# Monitoring and Certification regimes—

- Coalition of Immokalee Workers and the Fair Food Standards Council
- CIW just rolling out Fair Food label for tomato
- Workers Defense Project and Better Builders
- CTUL and Target

\*\*how to learn lessons of ineffectual global monitoring, certification regimes?

# Emergence of Black Worker Centers

- Los Angeles
- Baltimore
- DC
- Chicago
- San Francisco



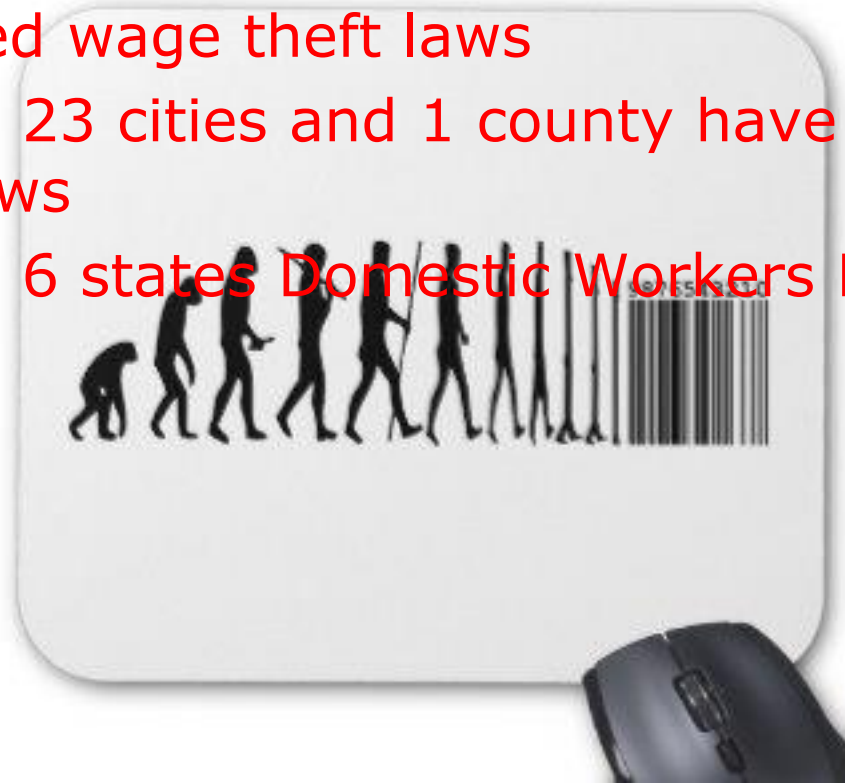
## Huge Caveat...



- With a few exceptions, this has led to little actual JOINT ORGANIZING and new membership-based dues paying organizations

# Raising labor standards from below...

- Since 2003, 33 states, 16 cities and counties have passed minimum wage laws higher than the federal
- Since 2008, over 30 states and 20 cities and counties have enacted wage theft laws
- Since 2012, 23 cities and 1 county have adopted paid sick days laws
- Since 2011, 6 states Domestic Workers Bill of Rights



# **A bright spot in the 2016 election**

**Arizona, Maine, Colorado, Washington State  
voted to raise their minimum wage...these  
policies can cross the red/blue divide**

# Fight for Fifteen...

- **2014** Seatac
- **2015** Seattle, San Francisco and 12 other cities and states approved \$15 minimum wage
- **2016** NYC, LA, DC followed suit and New York and California have become the first two states in the country to do the same, proposals pending in growing number of **cities and states**



But how will they be enforced?





**Policy activists not focused on implementation and enforcement. Forward-looking labor policies hitched to backward enforcement regimes**



There is no man behind the curtain  
patrolling labor markets. Let's do it!



The proposition: (Stipulating to the modesty and limited geographic and political reach of this proposal, and the enormity of what we are facing...)

***Combined with minimum wage, paid sick and safe time and other policies, participatory labor standards enforcement can help to build worker power and organization.***

- Provide a dedicated funding stream for worker, community and legal organizations
- Drive organization/representation back into workplaces or local/sectoral labor markets
- Raise the floor—eliminate/weaken the bottom-feeders
- Facilitate unionization

# Co-enforcement

- *Those with the most information and greatest incentives partner with government to enforce the law.*
- **Unions, worker centers, community organizations and high road firms in relationship with inspectors, helping to patrol their labor markets for unfair competition so that government can investigate and swiftly punish businesses engaged in unethical and illegal practices**

## Examples:

- San Francisco: separate agency, contracts with community orgs, no triage of complaints, no strategic enforcement yet but may change
- Los Angeles: new agency just getting up and running, contracting with community orgs, plans to triage
- LA County: contracts with community orgs, concern about them being involved in investigations (business and consumer affairs in same agency)
- Seattle: separate agency, contracts with community orgs as well as centralized c3, triage, just exploring strategic enforcement starting w one sector
- NYC: Dept of Consumer Affairs Labor Standards Enforcement Division
- Philadelphia: separate agency, just getting up and running, say wage theft bill not enforceable
- Minneapolis: just getting up and running

# **SF Office of Labor Standards Enforcement and the Community Collaborative:**

- OLSE established in 2001 to monitor prevailing wage, now has staff of 19 monitoring 11 local labor laws.
- In 2006, the Board of Supervisors amended the Minimum Wage Ordinance to add a section that required OLSE to establish and fund a community-based outreach program. Chinese Progressive Association, Asian Law Caucus, Filipino Community Center, La Raza Centro Legal, Delores Street Day Laborer Center, Young Workers United receive \$482,000 per year to engage in education, outreach, complaint identification, counseling and resolution or referral.
- By end of FY 2013, OLSE had collected \$6,573,572 in back wages and interest since the MWO went into effect in 2004, for over 3,000 workers.
- Collaborative now up to \$750,000 per year.

# Scenario for cities and states to do strategic and co-enforcement

## **If non-compliance is above a certain threshold in a sector:**

- 1-Connect licensing to wage and hour and health and safety compliance, re-register with city or state and renew every year
- 2-Highly non-compliant sectors are required to fund heightened enforcement/Penny per hour to enforcement fund or to post high bond as part of licensing with exception for CBA
- 3-Employers could be incented or required to belong to an employer association that provides training
- 4-Workers could be incented or required to belong to an organization, organizations could be paid to provide know your rights and skills training at workplaces
- 5- OLSE investigators work with employer association and worker and community organizations to investigate complaints



## Local enforcement regime cont'd.

- 6- Establish mechanisms for worker voice both at the workplace and across the sector e.g. elected workplace reps who receive training and have authority to provide training and assistance for co-workers
- 7- Fund worker organizations to do training, education and enforcement, give broad mandate and standing to engage in each stage of the enforcement process.
- 8-Investigators work with employer association and worker organization to investigate complaints.
- 9-Strive for parity between worker organizations and firms with respect to information-sharing and settlement negotiations.