

A VISION FOR BLACK LIVES

POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

**RIGHT
TO
ORGANIZE**



M4BL

**THE MOVEMENT
FOR BLACK LIVES**

RIGHT TO ORGANIZE SUMMARY



THE RIGHT FOR WORKING PEOPLE TO ORGANIZE IN PUBLIC AND PRIVATE SECTORS, INCLUDING THE “GIG ECONOMY”

THE ISSUE:

The rights of working people to organize through collective bargaining are being eroded across the country, particularly in states and sectors where the majority of workers are Black. Additionally, an increasing number of workers are being pushed into the “gig economy” where even fewer protections exist.

THE DEMAND:

Ensure the right of all working people to join together to practice economic democracy in their workplaces and negotiate a fair return on their labor without fear of reprisal from their employers - including disabled and migrant workers, and workers in informal, gig, franchised, service, agricultural, care and criminalized economies.

KEY FEDERAL LEGISLATION:

- ◆ *Protecting the Right to Organize (PRO) Act*
- ◆ *POWER (Protect Our Workers from Exploitation and Retaliation) Act*
- ◆ *Public Service Freedom to Negotiate Act*
- ◆ *Essential Worker Bill of Rights*



INTRODUCTION

Democracy is about more than just elections. While winning elections and passing legislation are important aspects of democracy, policies affecting our everyday lives are also made at our worksites, in our apartment buildings, at our community centers, and at programs and agencies we access every day. Working people must have enforceable, not just advisory, roles in governing everywhere in order for all of us to have a healthy democracy.

Collective bargaining is fundamental to economic democracy. At its best, collective bargaining is a mechanism through which working people can exercise collective power to directly confront individuals and corporations who control the means of production, and to fight for a fair return on the labor they put into building, operating, servicing, or transporting goods and services. Collective bargaining allows everyday people to “practice democracy” by directly engaging in the decisions and choices that impact their lives. And as a result, it has provided a pathway to economic sustainability for millions of workers, ensuring they can support themselves and their families. For most of the past century, a union contract has been the best weapon to ensure access to staples of a social safety net such as health care, retirement income, and other benefits often provided in other democracies directly by the government.

The right to negotiate collectively in the workplace is a fundamental building block toward Black economic power and building strong, stable communities. Research and history show that one of the surest ways for Black people to climb out of poverty is through joining together in union.

In theory, the right to organize is protected by the National Labor Relations Act (NLRA). In practice, the NLRA falls short, particularly when it comes to informal, criminalized, and “gig” economies (freelance, independent contractor, and “on demand” positions like Uber/Lyft Drivers), franchised (fast food and retail jobs) and subcontracted positions, and agricultural, domestic and care work where Black workers are concentrated. In order to build power for Black workers and Black communities in the long term, we need to fight for an expanded and enforced right to negotiate collectively.

Black workers—particularly southern Black workers—have long been ready to organize and collectively bargain. From sanitation workers in Memphis, auto-workers in Mississippi and Tennessee, shipyard workers in Norfolk and Oakland, to today’s Amazon workers in Bessemer, Alabama, Black workers are ready to fight for 21st century frameworks for economic democracy.

WHAT IS THE PROBLEM ?

The right to organize is being eroded across the country, and particularly in states and sectors where the majority of workers are Black. Just as our society has excluded Black people from political democracy, our laws and institutions have excluded Black people from our economic democracy, denying them the right to a voice in their workplace. Currently, only 11% of workers in the United States belong to a union. Research shows that declining union membership is directly responsible for growing wage inequalities.

- ◆ “Right-to-work” laws prohibit unions from bargaining with employers to ensure that everyone represented by the union pays dues, essentially dampening the power of unions of working people to effectively operate. These laws are rooted in the Jim Crow South, and were promoted to maintain the color line between workers and prevent cross-racial organizing by effectively preventing workers from organizing an entire workplace and securing deduction of union dues from all workers, regardless of whether they join the union. Laws continue to be particularly skewed against unions in the South.
- ◆ Multi-billion dollar corporations such as Uber and Lyft, as well as industries like strip clubs, are profiting in the gig economy and exploiting working people by misclassifying people as independent contractors in order to avoid the core responsibilities that employers have to workers and to prevent workers from accessing unemployment benefits and protections from discrimination and harassment on the job. It also excludes workers from protections against unreasonable “house fees” and tip theft in clubs.
- ◆ People whose labor rights are violated do not have access to the courts to vindicate their rights against employers and must instead depend on state and national labor relations boards. The National Labor Relations Act (NLRA) does little to deter companies from abusing and retaliating against working people who try to organize.
- ◆ While unions present one of the surest mechanisms to protect the right to work and organize, instances of racism and discrimination within unions persist. Unions must commit to advancing racial justice as a core part of the fight for economic justice.



THE DEMAND

The Movement for Black Lives calls on policymakers to:

- ❖ Ensure the right of all working people to join together to practice economic democracy in their workplaces and negotiate a fair return on their labor without fear of reprisal from their employers - including disabled and migrant workers, and workers in informal, gig, franchised, service, agricultural, care and criminalized economies.
- ❖ Expand bargaining protections to support a climate for fair negotiations and to build shared power.
- ❖ Allow workers to negotiate agreements with their employers that mandate payroll deductions for union dues in all jurisdictions.
- ❖ Prohibit states from passing “right-to-work” laws and repeal all existing “right-to-work” laws.



HOW DOES THIS SOLUTION ADDRESS THE SPECIFIC NEEDS OF SOME OF THE MOST MARGINALIZED BLACK PEOPLE?

- ❖ **Black workers in the low-wage service, agricultural, care, gig, informal, and criminalized economies, and Black workers in “right to work” states would benefit from expanded and extended protection of the right to organize.**
- ❖ **Women, queer, trans, and migrant workers (including workers who migrate within the country and across borders) are disproportionately employed in industries that do not benefit from labor protections, including gig, franchised, subcontracted, agricultural, domestic, care, economies, sex work venues, and in informal and criminalized economies.**
- ❖ **Disabled workers in “sheltered” workshops and incarcerated workers are denied the right to organize.**
- ❖ **Migrant workers without immigration status are often relegated to informal economies (“day labor”) and targeted for immigration enforcement and deportation when they organize within formal economies.**





FEDERAL ACTION:

- ❖ Pass the Protecting the Right to Organize (PRO) Act, which would ban employer interference in union elections, weaken “right to work” laws by permitting dues collection from all workers in an organized workplace, and impose civil fines on employers and companies who violate the NLRA, including through a private right of action available to workers.
- ❖ Expand enforcement of bargaining rights through the National Labor Relations Board.
- ❖ End misclassification of workers as independent contractors to avoid responsibility or liability for basic legal, employment and civil rights protections.
- ❖ Extend NLRA protections to excluded workers, including disabled workers, workers labeled as “independent contractors,” gig, franchised, subcontracted, agricultural, domestic, and care workers, workers in informal and criminalized economies, and workers of all immigration statuses.
- ❖ Pass the the POWER (Protect Our Workers from Exploitation and Retaliation) Act which would provide critical labor protections for migrant workers and contains vital safeguards against retaliation by employers.
- ❖ Pass the Public Service Freedom to Negotiate Act to expand rights to organize and collectively bargain for all public sector workers, and enshrine the Essential Worker Bill of Rights into legislation with the exception of police, prison guards, probation and parole officers who enjoy greater protections than other public sector workers, play a fundamentally different function in society, are shielded from accountability while actively harming suppressing the rights of working people, and advance systems that destroy the lives and well-being of Black people.
- ❖ Ensure joint employer liability for franchise companies like McDonald’s and companies that subcontract their work.



STATE ACTION

- ❖ **Extend, expand, and enforce state labor protections for all workers, including excluded workers, including disabled workers, workers labeled as “independent contractors,” gig, franchised, subcontracted, agricultural, domestic, and care workers, workers in informal and criminalized economies, and workers of all immigration statuses.**
- ❖ **Expand rights to organize and collectively bargain for all public sector workers, with the exception of police, prison guards, probation and parole officers who enjoy greater protections than other public sector workers, play a fundamentally different function in society, are shielded from accountability while actively harming suppressing the rights of working people, and advance systems that destroy the lives and well-being of Black people.**
- ❖ **Repeal “right to work” laws.**
- ❖ **Enact and enforce strong whistleblower and anti-retaliation laws protecting organizing workers that include four key elements: government-imposed fines, monetary damages, recovery of attorney’s fees, and a private right of action**
- ❖ **End misclassification of workers as independent contractors to avoid responsibility or liability for basic legal, employment and civil rights protections.**
- ❖ **Mandate that high profit, low wage employers pay a “low wage fee” that would be placed in a dedicated fund overseen by impacted workers and their communities to offset the costs to workers and the community of paying poverty wages.**





LOCAL ACTION

- ❖ **Mandate that high profit, low wage employers pay a “low wage fee” that would be placed in a dedicated fund overseen by impacted workers and their communities to offset the costs to workers and the community of paying poverty wages.**

RESOURCES

- ❖ *Collective Bargaining 101*
- ❖ *Advancing Black Strategists Initiative*

ORGANIZATIONS CURRENTLY WORKING ON POLICY

AFL-CIO

JOBS WITH JUSTICE

**SERVICE EMPLOYEES
INTERNATIONAL UNION**

**NATIONAL
EMPLOYMENT LAW
PROJECT**

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RELATED BRIEFS

**WORKER
PROTECTIONS**

JOBS PROGRAM

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