

Metropolitan Coalitions

Creating Opportunities for Worker Organizing

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Executive Summary

The increasingly attenuated relationship between workers and companies with economic power over their jobs creates obstacles for those who wish to expand opportunities for worker organizing, and the increasingly distant relationship between unions and communities makes those obstacles harder to surmount. Changing this landscape will require new strategies. The place to start is major cities, where capital wants to be, favorable politics and constituencies are concentrated, and government has the power to shape regional economies for the better. In the last several years, community–labor coalitions working in cities have succeeded in showing what’s possible. Working in permanent coalition, they are winning campaigns that push cities to transform local sectors of the economy, raising standards for all workers and creating better conditions for organizing. Their campaigns have focused on, among other things: community benefits at major development projects; real construction careers for excluded communities; and a waste and recycling sector that respects workers, the environment, and local communities. Those interested in expanding opportunities for worker organizing should invest in such strategies.

Key Arguments

- The fissuring of the economy and the diminished relationship between organized labor and key constituencies create powerful impediments to worker organizing.
- Community–labor coalitions have shown a path to overcoming these impediments by doing three critical things:
 - Bringing unions into long-term, power-building relationships with their communities around a shared vision;
 - Pushing local government to be bold about how it can strengthen local economic conditions, including by broadening its relationship to a sector to create opportunities for policymaking; and
 - Advocating for policy and contract terms that directly confront the contingent work model and raise standards for all workers.
- Major cities today offer a set of conditions in which these coalition efforts can thrive.

Introduction

As if their basic task weren’t hard enough already, those who want to organize workers into a union now have to contend with two powerful adverse dynamics: Companies are putting greater distance between themselves and workers through a variety of legal and policy strategies; and, at the same time, workers are more distant than ever from a clear understanding of the benefit of unions. Among some critical potential allies, there is even distrust of unions or animosity toward them.

However, there is an important story to tell about the ways in which community–labor coalitions in major American cities are altering this landscape. These coalitions have taken on the challenge of making firms accountable to workers and instilling a new sense of connection and relevance between individuals, communities and community organizations, and unions.

This brief highlights three areas—community benefits, construction, and solid waste management—where this strategy has succeeded in expanding opportunities to organize workers. It draws on these successes to propose a strategy of (1) building strong coalitions that connect communities to labor unions and advance a policy agenda that also unites a new political coalition around a shared vision and (2) emboldening local officials to make effective use of their power to shape the regional economy by countering the contingent work model and raising standards across the board for workers.

This strategy thrives in particular circumstances. Major cities offer a stickiness of capital in many sectors and a relative concentration of potential coalition partners. The opportunity these building blocks create to win policy change can often be maximized when the local government participates directly in the market, leveraging its contract power in negotiation with important market actors.

These efforts are transforming our cities: They are confronting one of the most challenging dynamics in our economy by pushing back on casualization of the labor market and individualization of risk; shifting political power through broad coalitions that support workers and their efforts to organize; pioneering new ways of engaging workers and communities around a shared vision for how the economy should serve them; and winning change that restores the foundation on which worker organizing efforts can be built.

The brief is organized as follows. Section one defines what is meant by “worker organizing” for purposes of this discussion. Section two examines the twin challenges for worker organizing of disconnection of workers from companies and of communities from unions. Section three makes the case for cities as the hub of reform efforts. Section four, the heart of the piece, lays out a strategic model for creating new opportunities for worker organizing and examines campaigns around benefits, construction careers, and recycling that demonstrate the value of the model and provide lessons for future efforts. The final section looks forward to promising future strategies, challenges to the model, and next steps.

What Is Worker Organizing?

This brief principally conceptualizes worker organizing in terms of a process leading to workers joining a union. That is not to discount the value of other forms of worker organizing, a discussion of which is clearly outside the scope of this brief. However, the focus on this type of worker organizing stems from three broad benefits that accrue when more workers belong to a union.

First, workers and their households benefit from immediate improvements in workplace safety and stability and pay and benefits. This union premium has been well-documented elsewhere. Access to a union job can move workers out of poverty; stabilize households, families, and neighborhoods; and shift the balance of power between workers and

employers in a way that pushes back on some of the worst workplace abuses (unpaid waiting time, for example).

Second, more workers paying dues to unions generates money to support an alternative to the prevailing political agenda, which is dominated by business and capital.

Third, when workers belong to a union, they are directly connected to leadership development and a strategic civic engagement strategy that develops and clarifies a critique of the business agenda.

The Challenge: Reconnecting Companies to People and People to Unions

Efforts to organize workers in America confront a growing set of challenges. Chief among them are transformative changes in the workplace that have disconnected workers from their employers and transformative changes in our political economy that have led to the decline of unionization and disconnected workers and communities from the political and social capital of labor unions. Other challenges, such as impediments to organizing under federal labor law and the effective tactics firms employ to stifle organizing campaigns, are well-known and fully explored elsewhere.

Market actors have made widespread and sometimes dramatic changes to the structure of the employment relationship and the way in which they acquire and use labor. These changes have occurred through privatization of public services, use of just-in-time scheduling (in which employees' schedules can shift day to day and hour to hour) and other forms of casualization, misclassification of employees as independent contractors, subcontracting, franchising, using temporary labor suppliers, and other measures that push both risks and costs onto workers. By effectively denying the responsibilities and authority that come with being an employer, businesses avoid liability for wages, taxes, workers compensation, and unemployment insurance while controlling critical terms of work.

Already employed frequently in white-collar sectors like technology, these measures have exploded in use in sectors employing low-wage workers in physically taxing and dangerous occupations.¹ They are now legion in construction, waste and recycling, port trucking, warehousing, and logistics, among other sectors. The National Employment Law Project (NELP) has documented the practices of one of the nation's largest providers of waste and environmental services and found that it relies on a staffing agency network to supply workers to 90 percent of its recycling centers in the U.S.² A NELP study also cites estimates that nearly 70 percent of port truck drivers are unlawfully misclassified as independent contractors.³

These arrangements make it more difficult to organize workers. First, people hired under contingent work arrangements often believe that they do not have rights, including rights to

¹ In dangerous low-wage sectors, contingent work arrangements that minimize companies' accountability to workers contribute to even poorer wages and working conditions. Sectors with high rates of contracting and franchising have high rates of wage theft. Similarly, temporary workers typically experience lower wages, less job security, and fewer workplace benefits compared to permanent, full-time employees.

² Catherine Ruckelshaus, et al., Brief Amici Curiae in National Labor Relations Board Case No. Case No. 32-RC-109684, June 26 2014, at 18, citing Waste Services Provider: Staffing Case Study, ELITE STAFFING WEBSITE, <http://www.elitestaffinginc.com/waste-services-case-study> (last visited June 23, 2014).

³ Catherine Ruckelshaus, et al., Who's the Boss, National Employment Law Project, May 2014, at 22.

organize, against the lead employer. Sometimes this belief is endemic to the arrangement: workers who sign “independent contractor” or individual “franchise” agreements as a condition of getting a job are often led to think that they have no right to claim legal protections.⁴

More fundamentally, these arrangements often do impair organizing rights. Contingent work arrangements can enable firms to deny collective bargaining rights by advancing the fiction that the firms do not control elements of the work and workplace (such as wages, hours, and working conditions) that are the subject of bargaining.⁵

Workers know who calls the tune. Despite their classification, they (and any direct employer they may have) often have little control over work hours, start times, tools, raw materials, or the prices (wages) set for their work. But because of the vulnerability inherent in their employment, workers also know they can easily be fired (or no longer retained as a contractor) for efforts to initiate bargaining. Even for those with more direct relationships with the company that has power over their work, workers that try to form a union may be fired in retaliation. Vulnerable workers with these new employment classifications have even less power to raise their voices on the job.

The second trend that stymies more widespread organization involves the effects of unionization’s decline. With fewer workers in a union and fewer households and communities experiencing the positive effects of union membership, the political coalition that supports union organizing is much smaller now than in the 1950s–1970s, when unionization was at its peak. Union opposition has successfully characterized unions as special interest groups, leaving them to compete on an even par with much larger, more powerful, and more highly capitalized business interests. Fewer communities and leaders are making the argument for the public value created by union labor. And some communities, particularly communities of color, harbor distrust or resentment of particular unions.

Compounding the problem, few people today have the kind of personal experience with unions that would enable them to appreciate the benefits of greater levels of unionization despite what they might encounter in public discourse. While people in households with a union member have positive views of unions,⁶ just 19 percent of respondents to a nationwide 2013 Gallup Poll reported that either they or another household member belonged to a labor union.⁷

Union membership continues to prove its own value, even in the face of intense and frequent attacks in both the political arena and the workplace. Recent scholarship shows that union members continue to enjoy significantly higher wages and better benefits,

⁴ Ruckelshaus, *supra* note 3, at 9.

⁵ This may be changing. Recently, actions by the National Labor Relations Board in cases involving McDonald’s (where the Board may name the company as a joint employer in numerous actions alleging labor law violations) and Browning Ferris Industries (where the Board may expand the “joint employer” definition to cover more of the contingent work arrangements discussed above) indicate the possibility of a new standard.

⁶ David W. Moore, “Public Support for Unions Remains Strong,” Gallup, Aug. 30, 2002, <http://www.gallup.com/poll/6706/Public-Support-Unions-Remains-Strong.aspx>, last visited Oct. 27, 2014

⁷ Andrew Dugan, “In U.S., Majority Approve of Unions but Say They’ll Weaken,” Gallup, Aug. 30, 2013 <http://www.gallup.com/poll/164186/majority-approves-unions-say-weaken.aspx> last visited Oct. 26, 2014

including health care, family leave, and retirement, than non-union workers, and this holds across sectors, wage categories, and genders.⁸

Expanding worker organizing requires a movement that tackles these challenges by (1) restoring the responsibility of firms as employers; and (2) building new relationships between unions and community.

Cities as the Hub of Transformation

The place to undertake this formidable task: cities. Cities are uniquely valuable places where public policy and public investment can be used to strike back at opponents of worker organizing and create new opportunities to challenge the casualization of the economy and the marginalization of the value of unions.

- Cities are important for capital investment. Capital wants to be in cities for access to markets and brand visibility, and often needs to be in cities for proximity to infrastructure and intra-sectoral transactions.⁹
- Cities have population density and density of organization. Cities have the strongest collections of community, labor, environmental, environmental justice, and faith organizations.¹⁰ Large numbers of low-income people work in cities.
- Cities often have a more favorable political climate for policy change that helps workers than the state or federal arenas do.¹¹ Working at the city level allows for tailored, detailed, comprehensive, and ultimately more effective policymaking.¹²
- Because cities often anchor regional labor markets, successful change at the city level can inspire broader change.¹³

⁸ Janelle Jones, et al., “Women, Working Families and Unions,” Center for Economic and Policy Research, June 2014 at 1-2.

⁹ Richard Dobbs et al. *Urban America: US Cities in the Global Economy*, McKinsey&Company, (April 2012) http://www.mckinsey.com/insights/urbanization/us_cities_in_the_global_economy; Anthony Crupi, What does an Insurance Company Need with a Stadium? *Adweek* (January 30, 2012)

<http://www.adweek.com/news/advertising-branding/what-does-insurance-company-need-stadium-137795>; Edward McMahon, Walmart Stores Go Small and Urban, *Planners Web* (February 19, 2014) <http://plannersweb.com/2014/02/walmart-stores-go-small-urban/>

¹⁰ Steven Greenhouse, “The Fight for \$15.37 an Hour: How a Coalition Pushed for a Hotel Workers’ Minimum Wage,” *New York Times* (November 22, 2014) http://www.nytimes.com/2014/11/23/business/how-a-coalition-pushed-for-a-hotel-workers-minimum-wage.html?_r=1; Harold Myerson, “Labor Goes Community,” *American Prospect* (September 9, 2014) <http://prospect.org/article/labor-goes-community>.

¹¹ Peter Dreier, “Corporate Triumphs, Progressive Victories and the Roadmap for a Democratic Revival,” *Huffington Post* (November 5, 2014) http://www.huffingtonpost.com/peter-dreier/corporate-triumphs-progre_b_6109426.html; Harold Meyerson, “Progressives take Manhattan and many other U.S. Places,” *The Washington Post* (April 23, 2014) http://www.washingtonpost.com/opinions/harold-meyerson-progressives-take-manhattan-and-many-other-us-places/2014/04/23/8f727cf0-cb17-11e3-a75e-463587891b57_story.html

¹² Greenhouse, supra note 11; Tony Barboza, “Without National Policy, Mayors Try to Combat Climate Change on their Own,” *Governing* (republished from *Tribune New Service*) (September 22, 2014), available at <http://www.governing.com/news/headlines/without-national-policy-mayors-try-to-combat-climate-change-on-their-own.html>.

¹³ Greenhouse, supra note 11, (“Lanne is not well known outside of Los Angeles but its achievements have been copied in many other cities. The group persuaded the Los Angeles City Council to enact one of the nation’s first living wage laws in 1997 – the current version requires pay of \$12.28 an hour for workers employed by city contractors or companies receiving city tax break. More than 100 cities and counties have adopted similar law. In 2001, when developers sought to build a hotel and entertainment complex near the Staples Center, Laane and its community partners pressured them into agreeing to pay a living wage (currently \$12.28 an hour) and to hire workers from low-income neighborhoods. Activists in Pittsburgh, San Diego and Austin, Tex., have won similar “community benefit agreements from developers.”)

- Finally, cities have the power to drive change in the regional economy. Their powers—regulatory and contractual—take a variety of forms: land use strategies, purchasing guidelines, and franchising agreements, among other things. In particular, as market participants, cities can leverage their power to dictate the terms of the markets they engage. Cities participate in the regional economy by amassing and developing tracts of land, and by purchasing and contracting for goods whose delivery is directly tied to the effective provision of services to city residents. These include transit, sewer, and water systems; and construction of buildings and infrastructure that deliver vital public services, like schools, roads, bridges and police stations.

These factors have contributed to success. The Partnership for Working Families (PWF) has worked directly with organizing efforts and policy campaigns—a few of which are highlighted below—that have won in cities on a game-changing scale, transforming an entire sector and dramatically improving the lives of thousands.

Still, many local officials have yet to embrace the role of their city as an agent of sweeping economic change. Some may prefer to see themselves as public service functionaries, filling potholes and balancing budgets. Others may be cowed from ambitious policymaking by the threat of capital flight. Whatever the reason, it will take something new to embolden them.

The Strategy: Broad Coalitions, Bold Cities, High Standards

There are three core elements needed for any effort to reverse the expansion of the contingent work model, restore a broad sense of the value of unions, and help local policymakers to adopt a more ambitious vision.

First, victories in cities across the country have shown that advocates should build powerful local coalitions that include labor, community, environmental, and faith organizations in order to leverage significant and lasting change for workers. These are not merely transactional formations aligning briefly to seize political opportunity; they are instead characterized by deep commitments to joint long-term power-building, multi-issue work, and shared big-picture strategizing.

Building and maintaining such coalitions requires significant time and resources and far greater investment in process than is customary in policy campaigns. However, the advantages that obtain are well worth the effort.

These coalitions can win and preserve strong policy victories. Their breadth and depth allows for shared capacity and the political heft needed to develop and move effective policy. Just as importantly, their long-term orientation and commitment allows them to stick around and help drive the implementation of policy won through their efforts. They may sit on oversight boards, enforce agreements, and continue to organize around critical targets. They may also help coordinate service provision important to success, such as the operation of a workforce pipeline that moves disadvantaged individuals into meaningful training and job opportunities.

The day-to-day work of participating in strong coalitions also brings union, community, environmental, and faith organizations into deeper, more trusting relationship. These coalitions demand that their members be open and honest about their self-interest. They require respect, compromise and effective joint work under challenging circumstances. They necessarily involve members seeing their individual fight as a shared fight and broadening their conception of the group on whose behalf they are fighting. All of that is the walk-the-walk way that unions can restore their standing in, and relationship to, the broader community.

One valuable indicator of this outcome, discussed more fully below, is that coalitions convened by PWF affiliates are able and willing to provide appropriate support for worker organizing efforts once the policy fight is over.

What's more, the very existence of these coalitions (to say nothing of their successes) can shift policymakers' perception of what is possible and chart a vision for how municipal government can tackle regional economic inequality that may be hard to see from the staid committee rooms where city decision making plays out.

Second, advocates should seek to maximize local government's ability to impact local and regional markets and partner with market actors to drive innovation.

Coalitions should help local government to effectively employ its contract power. Some of this is merely thinking strategically about how to structure transactions. Cities should, for example, more often seek to lease rather than sell land and use the lease terms as vehicles for their policy goals.

Coalitions should also seek to creatively focus or shift the scope of local authority to make bolder and more effective policy change possible. This can occur as part of policy change itself.

- A city may adopt a new requirement that any economic development receiving public subsidies (and any public works project) come with specified community benefits such as living wages or targeted hiring. To make subsidies more attractive and available, local government may have to reestablish the source of subsidies by, for example, creating an infrastructure financing or redevelopment district. Such districts can extract fees or taxes from local property owners in order to finance economic development.
- Similarly, a local government may alter its relationship to a local sector from one of passive regulation, such as a permit scheme with minimal requirements, to a more active partnership, such as a competitive service contract, development agreement, or franchise. The latter approach, which draws in greater investment from market actors, enables innovation and flexibility and creates more space for core policy goals.

Coalitions should also explore different configurations of policy and contract vehicles to arrive at an ideal arrangement for policy enforcement and political power.

- A Community Benefits Agreement, a legally binding contract between a developer, a coalition, and sometimes the local government that provides for a range of community benefits in connection with a particular development project, may be structured to give the coalition and the local government direct enforcement power over the developer and all the businesses in the project.
- A Community Workforce Agreement, a Project Labor Agreement that contains community-serving measures such as targeted hiring requirements, may ensure that all contractors are legally accountable to the local government and to a special commission that includes coalition members.

Local advocates should further help local officials take steps to create a more favorable political space for high-road policy goals. This is particularly true where the government is spending the public's money, and the demand for a broad set of returns (good jobs, environmental benefits, etc.) has the most political salience. City officials can take specific actions such as convening a stakeholder process that leads to political consensus and builds momentum around a set of issues.

Third, coalitions should push back on the contingent work model through local policy. Measures that counter efforts by firms to place the burden of cost and risk onto workers can make the organizing landscape less hostile for workers. These include measures that:

- Require classification of workers as employees by those entities with power over the terms and conditions of their work
- Limit or prohibit the use of temporary agencies and create liability for violations of labor laws for those who engage labor contractors
- Limit the use of part-time employees and of designated classes workers as independent contractors

Workers who can be confident of their workplace rights, including as against upstream entities who exercise control over their work, can also be (rightly) more confident of the possible outcomes of workplace organizing.

In the following section, we examine three multi-city campaigns that have employed this basic strategy.

Areas of Success, Learning, and Opportunity

- Community Benefits

For more than a decade, the movement for community benefits has transformed the way that local economic development works in this country. This movement is gaining renewed momentum as coalitions seek to deliver transformative local change by partnering with local government to shape and deliver catalytic projects. The vanguard of this new phase is the Oakland Army Base redevelopment project. Located next to a major American port in West Oakland, a community with depressed economic and environmental indicators, the

project will bring 2,300 construction jobs and 2,000 permanent jobs in the warehousing, goods movement, and recycling sectors.

Thanks to a powerful community–labor–faith coalition that began its work years before any shovel entered the ground, this project will deliver in unprecedented ways for workers in West Oakland and, in so doing, support the cause of worker organizing.

The scope and effectiveness of this strategy is related to several important elements of the history and context of this project. The Oakland Army Base had been a powerful job center in its heyday, and redevelopment had to create jobs at a scale that would reasonably respond to the impact of its closure on the community. The base’s location adjacent to the port of Oakland made logistics and warehousing redevelopment a logical and practical adaptation. But the base is also adjacent to low-income communities in West Oakland that have been repeatedly and negatively affected by proximity to pollution and infrastructure degradation associated with the port. The city was challenged to establish base redevelopment as an element of renewing West Oakland. Low-wage, temporary, and contingent jobs in warehousing and distribution would not make good on that promise.

Finally, the city had a huge advantage in owning the base outright. As a landowner, the city had significant leverage to determine the types of jobs and hiring processes established in its redevelopment. Selling the land to a developer would have compromised that power and undermined the ultimate impact of the coalition effort.

The coalition successfully fought for good jobs and elevated hiring standards across the lifetime of the project. These include:

- A Community Workforce Agreement governing construction that both protects job quality and creates opportunity for disadvantaged Oakland residents to gain access to the construction jobs
- Application of the city’s living wage requirement to all on-site operations jobs
- Measures that give people with past criminal convictions a fair chance in the hiring process
- Limitations on the use of temp agencies and workers
- Requirements to hire disadvantaged Oakland residents for operations jobs

The limitations on use of temp agencies and temp workers represent the first instance of a direct check on the contingent work model in local policy. This breakthrough is all the more significant because it applies to firms in the warehousing and recycling sectors, where contingent work arrangements are a core part of the business model, and are used to stifle organizing efforts.

The projects’ jobs measures not only deliver good jobs for disadvantaged local residents, but build connection between construction trades unions and community members. Fifty percent of construction work hours on the project must be performed by Oakland residents. Because the project will be built under a Community Workforce Agreement, all of these residents will enjoy the wages, benefits and working conditions enjoyed by union members. The building trades and community organizations worked together with the City to establish a real jobs pipeline for community members, complete with a newly established

jobs center in West Oakland, and efforts to fund effective, community-serving pre-apprenticeship programs. Finally, the building trades and community representatives serve together on a commission that monitors implementation of the jobs measures. All of this serves to build trust and understanding of the positive value of unions among community members.

The painstaking work of building and sustaining a community-labor-faith coalition through a multi-year campaign for jobs standards at the army base paid several dividends. First, the coalition was able to push city officials from early in the process to be bold and visionary, culminating in a watershed policy victory. Just as importantly, the coalition continues to have power and has pivoted to several other important policy victories while playing a major role in the implementation of the army base jobs program. Coalition members have also supported worker actions at other sites, including strikes and organizing drives.

The coalition also made good use of the city's substantial role in the project to maximize leverage and creatively employ policy and contract vehicles. This included:

- Working with a city council member to host a series of workshops that led to a community benefits platform ultimately adopted by the city council, thus laying down an important political marker and establishing a framework for negotiation between the city, the developer, and the coalition
- Including jobs standards in the development agreement between the city and the developer and made them legally binding on subcontractors and lessees of the developer
- Reaching a cooperation agreement with the city under which the coalition could force the city to enforce the job standards
- Persuading the city to create a monitoring committee with official investigative powers that included representatives of coalition organizations

These aspects of the successful job standards campaign at the army base add up to a dramatically improved environment for worker organizing. In the event that a union engages in worker organizing in the project's warehouses, it will have a number of factors working in its favor. A substantial number of workers will be employed directly by the warehouse owner/operator; a commission with coalition members, including unions, can investigate violations of wage and other job standards; construction workers from the surrounding community will have gained employment on the project under union standards; and a powerful local coalition with respected community and faith organizations will be ready to support these efforts.

- Construction Careers

Misclassification is rampant in the construction industry and industry leaders have developed strong tools for fighting it, including prevailing wage and responsible contractor standards as well as Project Labor Agreements. Understanding how cities have leveraged regulatory, funding, and purchasing power to combat misclassification and develop high-

road industry models can expand the vision of how cities can intervene and help advocates extrapolate policy models to other industry sectors that lack these strong tools.

The effort to create a strong, high-road, unionized construction industry in cities faces opposition from two directions. On the one hand, the Association of Builders and Contractors and other non-union contracting interests have organized to fight construction industry standards across the board. They have successfully passed lowest-bidder contracting rules at every level of government. Their success has enabled proliferation of non-union contracting strategies that may pay workers minimum wage (or sub-minimum wage due to violations of labor standards), fail to provide safety training or offer health benefits in a very dangerous industry, and fail to invest in the skills training that makes the high road industry viable. Since World War II, the share of construction work overall performed by union workers has declined precipitously from a high of almost 85 percent in the 1940s to only 14 percent in 2007.

At the same time, community opposition to union construction has steadily grown. Whereas union construction employment in many markets offers significantly higher wages and benefits—and the prospect of continuous employment, which is a challenge in this industry—community members have raised concerns that union construction standards effectively lock out workers and contractors of color. This divide between community and union organizing references a valid historical reality of exclusion, but also fails to acknowledge important progress in integrating the construction trades, especially at the apprenticeship level,¹⁴ as well as the very real stake community members have in increasing the supply of union apprenticeship opportunities and high-road union construction jobs.¹⁵

The construction careers strategy has developed a policy approach that also builds an effective political coalition that includes building trades unions, traditional civil rights and low-income neighborhood associations, faith leaders (especially those who minister to communities of color), and job training providers.

The policy strategy involves establishing policies and agreements that cover public investment in construction. Under the strategy, publicly funded projects should have:

- Strong job quality standards, including project labor agreements, requirements that workers be paid prevailing wages, and standards that ensure apprentices receive high quality training
- Strong targeted hiring components that require hiring halls to recruit and refer low-income workers and workers of color, and open doors to union apprenticeship to them
- Strategies for ensuring minority contractors can bid for and win the work, such as major investments in targeted capacity-building and business support;

¹⁴ Union programs are more effective at incorporating women and people of color into apprenticeship: union programs enroll over 110,000 people of color while non-union programs enroll about 37,000 people of color, and union programs enroll 80% of all women that participate in construction apprenticeship programs. Robert W. Glover and Cihan Bilginsoy, “Registered Apprenticeship Training in the US Construction Industry,” *Education + Training*, Vol. 47 No. 4/5, 2005, pp 342-43; Xiuwen (Sue) Dong, “The Construction Chart Book,” Center to Protect Workers Rights, 2013, p. 31.

¹⁵ Union programs produce a significantly higher number of graduates who become journey level workers: the graduation rate is 42.8% for union apprenticeship programs and 29.5% for non-union apprenticeship programs. Glover, *supra* note 14, at 342.

- Implementation, monitoring, and accountability strategies that can make good on the promise of good jobs for disadvantage communities, including a well-coordinated workforce pipeline that relies on organizations with deep community roots for outreach and intake

Community-labor coalition have fought for and won these kinds of standards in Los Angeles, San Diego, Milwaukee, Atlanta, Cleveland, Boston, Seattle, San Francisco, and New York. Ongoing campaigns are underway in most of those cities, as well as New Orleans, and across the state of Texas.

Coalitions have successfully tied these standards to a variety of policy hooks. In Los Angeles, an initial policy passed by the (now-defunct) redevelopment authority required community workforce agreements with strong job and hiring standards for major subsidized redevelopment projects. Subsequently, the coalition worked with leaders in city and county government to attach these requirements to infrastructure funded and built through the city's Board of Public Works, the modernization of the Port of Los Angeles, and the construction of the multibillion-dollar transit system overseen by the Metropolitan Transportation Authority.

In San Diego, advocates fought to get construction careers attached to the referendum that authorized funding for school construction through the San Diego Unified School District. In Milwaukee, the city embedded construction careers provisions in its infrastructure construction contracting process and the Milwaukee Opportunities Restoring Employment ordinance required that strategy also be applied to subsidized private redevelopment.

These efforts are successful on several levels. First, they create the possibility of a new alliance between community leaders and members and building trades unions. When community leaders see and believe their constituents have a real chance at getting into union jobs, they become strong advocates for union construction because they understand that moving unemployed workers into dangerous, sub-minimum wage construction work is sub-optimal. Creating more advocates for the value of union labor and creating new spokespeople who can break down the barriers between union and community, which only benefit big capital, can transform the political discussion at the city level.

Second, they demonstrate the power of the policy model in cities where projects are achieving the desired outcomes.

Third, they show that industry standards and industry-based policy tools can diminish the threat of misclassification. In cities where construction careers strategies are being implemented, construction employers that hire workers as independent contractors have to provide documented evidence that the classification is appropriate.

Fourth, they create a new standard for competition in an industry sector where quality of employment varies tremendously, and where union employers cannot compete with the lowest common denominator. Establishing the terms of competition cuts the worst employment model out of the picture and ensures that contractors compete based on quality and price, not based on their ability to undermine the stability of the workforce and get away with it.

Their impact is undeniable. These agreements are creating more union jobs overall and enabling workers to get into union apprenticeship that otherwise would find the path too challenging to navigate.¹⁶ They are also evolving more advanced models that help make that path clearer. Direct entry or preferred entry strategies, for example, bypass the complicated hiring processes often required to make targeted hire programs work and replace them with agreements between specific pre-apprenticeship or community training providers and apprenticeship programs. Apprenticeship programs promise to admit qualified applicants from those programs. Community members advocate for construction job standards that ensure apprenticeship slots will be available.

- Recycling and Solid Waste

In Los Angeles and New York, change is underway in the often-overlooked world of trash. In both cities, coalitions including labor, environmental, and environmental justice partners are driving forward efforts to take a low-road industry to the high road through dramatic improvements for workers, communities, and the environment. In fact, Los Angeles has already decided to transform its approach to the commercial waste and recycling sector, passing a sweeping law in March 2014 that ushers in a new system that will commence in 2017. Under this new system, workers making a living wage or better will collect waste and recyclables using clean, safe trucks and will take what they collect to facilities certified by the city. More specifically, firms providing collection services in the new system must:

- Pay workers a living wage
- Comply with all applicable laws
- Not retaliate against whistleblowers
- Take all waste to city-certified processing facilities
- Comply with the city's responsible contractor ordinance
- Provide recycling and organics collection to every customer
- Utilize modern clean fuel trucks
- Enter into an agreement with unions under which unions agree not to disrupt collection

This victory in Los Angeles struck a blow to the contingent work model that has flourished in the industry. First, the L.A. policy creates a variety of new ways in which to hold firms accountable to workers. Under the old system, the city's only relationship to the commercial waste sector was through licenses, which could be obtained by simply paying a fee. The new system massively expands accountability in ways that are important to workers. Firms bid to become the exclusive provider of waste and recycling services for an area of the city, and if successful enter into a long-term franchise agreement with the city. Under that agreement, workers employed in collection must be paid a living wage and have the right to enforce that rule themselves in court if it is violated. Contracting firms also agree to comply with all applicable laws, including labor laws, and workers enjoy whistleblower protection. All facilities to which franchising firms will take waste must be certified by the city and are subject to city inspection.

¹⁶ Sebrina Owens Wilson, "Construction Buildings & Building Careers: How Local Governments in Los Angeles are Creating Real Career Pathways for Local Residents," Partnership for Working Families, November 2010, p. 6-8, available at <http://www.forworkingfamilies.org/sites/pwf/files/publications/1110-ConstructingBuildingsBuildingCareers.pdf>

The new system also brings the private sector up to public sector standards, further helping those working under the new system to perceive their rights as being equal to those of other workers. As with many cities, before the reform, Los Angeles took a “Tale of Two Cities” approach to waste and recycling. Workers employed directly by Los Angeles collect residential waste in Los Angeles. Those workers belong to a union, drive safe, clean trucks, and bring what they collect to high-road facilities. The successful reform effort will change the commercial sector, where the city merely had a licensing relationship and where low wages, dangerous conditions, and contingent work arrangements prevailed.

Over the course of the four-year coalition campaign that led to adoption of the reform law, coalition members including representatives of environmental, environmental justice, and faith organizations built connections to efforts to organize workers. They attended rallies and provided other support for workers at American Reclamation, a facility that was the focus of an organizing campaign. The cause of the largely immigrant workers attempting to organize in the face of what a federal judge found to be intimidation and unlawful tactics¹⁷ provided powerful inspiration to the coalition pushing for broader policy reform. American Reclamation workers came to serve as spokespeople for the coalition, providing coalition members with a personal connection to the cause.

The coalition clearly made smart and effective use of the power of local government. Faced, as many reform efforts are, with a situation in which lofty policy goals could not be attained through the existing regulatory model, the coalition persuaded the city to change the model. The New York coalition has a similarly ambitious proposal, which was recently the subject of a major article in the primary trade publication for the waste and recycling industry.

Building momentum toward this kind of bold policymaking takes a strong and strategic coalition effort. The Don’t Waste LA coalition took years to build its campaign and infrastructure. Several of the core members of the coalition that led the Los Angeles effort had worked in coalition previously on a similar campaign to raise worker and environmental standards in the port trucking industry. By the full engagement point of the policy campaign, the Don’t Waste LA coalition included 36 organizations and small businesses, including major environmental organizations and local environmental justice groups. The policy campaign spanned over four years.

Today, the environment for worker organizing in the waste and recycling sector in the Los Angeles area is substantially more favorable than it was just one year ago. Major American firms are preparing to shift their business model to compete for a piece of the L.A. market, where they will be significantly more accountable to workers. Members of the wide-ranging Don’t Waste coalition, and even some policy makers, have built personal connections to the struggle of low-wage workers to organize for a union in their workplace. And a tremendously powerful coalition is ready to mobilize in support of organizing efforts, as they did for workers at American Reclamation.¹⁸

¹⁷ In July 2012, a U.S. District Court judge ordered American Reclamation to reinstate three fired workers who supported an organizing campaign and to stop threatening, intimidating and coercing employees. *Mori Pam Rubin, Regional Director of Region 31 of the National Labor Relations Board v. American Reclamation, Inc.*, Case No. CV 12-04674, Order Granting Temporary Injunction under Section 10(j) of the National Labor Relations Act., U.S. District Court for the Central District of California, July 23, 2012.

¹⁸ Emily Alpert Reyes, “Foes and Fans of LA Economic Justice Group Agree: It gets things Done,” *Los Angeles Times* (January 3, 2015), available at: <http://www.latimes.com/local/california/la-me-laane-20150103->

Promising Future Strategies

The above examples show that city-based community–labor coalition campaigns can substantially advance the cause of worker organizing by creating new accountability to workers, building connections between people and unions, and emboldening policymakers to think bigger.

More recent work by advocates presents a handful of strategies that may build on and complement these campaigns, making their success both deeper and broader.

First, local campaigns for jobs standards, including living wage campaigns, may expand on the Oakland Army Base approach by advancing measures that directly challenge the contingent work model. These measures might include:

- Aggressive limitations on the use of temp agencies or other labor suppliers for jobs performed under municipal contracts, up to an outright ban in appropriate job classifications
- Provisions that prevent misclassification of workers as independent contractors (for example, a municipal contract might require that anyone performing particular kinds of work under the contract must be classified as an employee by any entity exercising operational control over his or her work)
- Requirements to use Community Workforce Agreements on construction contracts, effectively defining the standards under which contractors can bid on work and creating a broader infrastructure (e.g. union hiring halls and pension/health/training structures) for workers
- Provisions that allow local governments and workers to hold employers strictly liable (meaning liable regardless of negligence or intent) for violations of laws relating to wages, unemployment insurance, workers compensation, workplace health and safety, and misclassification
- Requirements of seniority-based layoff and recall for occupations requiring seasonal or otherwise periodic shifts in employment levels
- Limitations on part-time employment and prohibition of “just-in-time” scheduling.

Second, advocates may take a cue from the Don’t Waste LA campaign by applying the model to the local government’s role in other public/social good sector industries, such as childcare, home care, and transportation.

Finally, steps may be taken at the state level to challenge the contingent work model. California’s landmark AB 1897, which goes into effect in January 2015, creates joint liability on the part of many firms using labor suppliers for violations of wage and workers compensation laws. Some states have improved the ability of workers in the home care

story.html#page=1; Emily Alpert Reyes, “L.A. Council Overhauls Trash Collection for Business, Big Apartments,” Los Angeles Times (April 1, 2014); Harold Meyerson, “The Los Angeles Alliance for a New Economy: A new model for American Liberalism?,” The American Prospect (August 6, 2013), available at: <http://prospect.org/article/la-story-0>

industry to bargain collectively, establishing employers of record that allow workers to bargain with a common state entity.¹⁹

Challenges

The community benefits and sectoral strategies described here challenge the prevalence of contingent and casual labor arrangements. Their success is already generating pushback. The American Legislative Exchange Council (ALEC) and other opponents have recently pursued, sometimes successfully, state laws that aim to preempt certain local legislation. Local laws requiring minimum wages or the use of project labor agreements have been a frequent focus of these state-level efforts, and at least 12 states have adopted measures preempting such laws.²⁰

The challenges are not exclusively external. Local organizations may achieve dramatic success in reshaping the landscape to be far more favorable to worker organizing, but in the absence of a union that will actually organize workers, the outcomes may disappoint. Fortunately, past experience shows that community–labor partnerships in powerful coalition campaigns can help expand the organizing capacity of local unions.

Next Steps and Implications

The ideas and analysis in this brief lead to the following next steps for those who wish to advance worker organizing:

- Invest in building long term community-labor coalitions. Effective coalition organizing enables the critical transformation in how people perceive unions, and how unions align with racial justice, environmental justice, and immigrant rights movements. Powerful, broad coalitions allow campaigns to move the ambitious agendas needed to actually create significant organizing opportunities.
- Help local officials to realize that they have the power to make big, effective change. Lead with a bold vision of a wholly transformed local sector or a catalytic project.
- Pursue policies that reverse the trend toward a contingent work model, particularly in low-wage and dangerous sectors.
- Pursue amendments to state laws and federal regulations to ensure local governments have the leeway they need to adopt bold measures addressing workers' issues.
- Improve upon recent positive developments in state law. California's AB 1897, for example, has exceptions for employers with fewer than 20 employees and for all employers of a particular type. Local efforts can fill in these gaps in coverage.

This paper has focused, for reasons earlier explained, almost exclusively on the local coalition campaign as the vehicle for creating new organizing opportunities. It must be acknowledged that this approach carries certain risks, including the risk that federal or state lawmakers may undo a victory or that no significant organizing may follow the campaign

¹⁹ Ruckelshaus, *supra* note 3, at 14.

²⁰ It is worth noting that, in some cases, these state laws contain exceptions allowing for certain measures in connection with local government contracting.

(although this risk is not unique to local campaigns). Yet there is good reason to believe that changing standards in just two to three major markets across the country can transform the profile of an industry with regard to worker organizing, and change what is possible to win in other cities.

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