Union Responses to Changing Workplace Demographics

prepared for, “Changing Demographics and the Workplace”

American Bar Association
Section of Labor and Employment Law
2014 Annual Meeting
Boston, MA
August 8, 2014

Amy F. Shulman* and Vincent L. Torregiano**
Broach & Stulberg, LLP
One Penn Plaza, Suite 2016
New York, N.Y. 10119
212.268.1000
ashulman@brostul.com
www.brostul.com

The U.S. workforce is changing. Unions are responding to those changes by engaging in a variety of new organizing methods that enable them to reach a more racially, ethnically, and geographically diverse membership and by engaging in efforts that will improve wages and working conditions for all workers, regardless of demographic or eligibility for union membership. This paper provides a brief, and far from exhaustive, overview of the ways in which the labor movement has responded to such changes.

Workforce Demographics

The current workforce is “older, more racially and ethnically diverse, and composed of more women, than the labor force of past decades.” (Mitra Toossi, “Employment Outlook: 2010-2020, Labor Force Projections to 2020: A More Slowly Growing Workforce,” Monthly Labor Review (Jan. 2012), at 43-64[hereinafter, “Toossi”], available at http://www.bls.gov/opub/mlr/2012/01/art3full.pdf). These trends are expected to “continue to shape the future of the workforce…. (Toossi, at 43). These trends also mirror the growth trends of the U.S. resident population, which is expected to get larger, “grow older and become more diverse.” (Id.) Every race and ethnicity is expected to grow in the United States between 2010

* Amy F. Shulman is a partner in the New York City law firm Broach & Stulberg, LLP, which represents individual employees, labor unions, and employee benefit funds. The firm’s employment practice focuses on representation of executives, professionals and other employees in negotiation and drafting of employment and severance agreements, and litigation of discrimination, retaliation, contract, wage and hour, and other claims. The firm’s labor practice focuses on negotiation of collective bargaining agreements in the private and public sectors, and arbitration, mediation and litigation of related disputes.

** Vincent L. Torregiano is an associate at Broach & Stulberg, LLP.
and 2010, although the percentage of white, non-Hispanics in the resident population is projected to decrease. (Id.)

The main reason for diversity in the resident population and labor force is immigration. (Toossi, at 46). The Census Bureau projects that, between 2010 and 2020, net immigration to the United States will add 1.4 million U.S. residents annually. (Id.) Just ten years ago, in 2004, the Census Bureau projected that only approximately half of that amount, or a net amount of 800,000 immigrants, would be added to the resident population annually. (Id.) The projected almost doubling of the immigrant population will obviously result in substantial change in demographics of the U.S. population. (Toossi, at 46).

The Bureau of Labor Statistics predicts that:

- among all racial and ethnic groups, the Hispanic population is expected to have the highest rate of growth in the labor force and the U.S. population. By 2020, the percentage of Hispanics in the “total civilian noninstitutional population” will have increased from 11.3 percent in 2000 to 17.5 percent ...” (Toossi, at 49). The Hispanic percentage of the workforce will increase from 14.8 percent in 2010 to a projected 18.6 percent in 2020. (Toossi, at 58).

- by 2020, the Asian population will constitute 5.7 percent of the total civilian noninstitutional population (Toossi, at 49) and that the Asian share of the workforce will increase from 4.7 percent in 2010 to 5.7 percent in 2020. (Toossi, at 58).

- The percentage of Blacks in total civilian noninstitutional population will grow from 12.1 percent in 2010 to 12.4 percent in 2020. (Toossi, at 49), and the percentage of Blacks in the labor force will grow from 11.6 percent in 2010 to 12.0 percent in 2020.

- The White non-Hispanic percentage of the total civilian noninstitututional population will decrease from 67.6 percent in 2010 to 62.7 percent in 2020. (Toossi, at 49). The white non-Hispanic labor force will decline by .2 percent from 2010-2020 and will comprise 62.3 percent of the labor force in 2020, a decrease from 67.5 percent in 2010. (Toossi, at 58). By 2020, Hispanics, Blacks, and Asians and non-whites, will make up approximately 40% of the civilian labor force. (Toossi, at 57).

- The share of the labor force of the 55-years and older age group is expected to grow from 19.5 percent in 2010 to 25.2 percent in 2020. (Toossi, at 57).

**Union Demographics**

In 2013, as in 2012, the union membership rate\(^1\) was 11.3%. Bureau of Labor Statistics, U.S. Department of Labor, “Union Members – 2013,” News Release, USDL-14-0095 (Jan. 24,

---

\(^1\) This rate refers to the “percent of wage and salary workers who were members of unions.” (BLS, at 1). “Public-sector workers had a union membership rate” of 35.3%, while the union membership rate for private-sector workers was 6.7%. (BLS, at 1).
2014)[hereinafter, “BLS”]), available at http://www.bls.gov/news.release/union2.htm. As of 2013, “among the major race and ethnicity groups, black workers had a higher union membership rate (13.6 percent) than workers who were white (11.0 percent), Asian (9.4 percent), or Hispanic (9.4 percent). (BLS, at 2). The age group 45 to 64 had highest union membership rate, with 14.0 percent of those ages 45 to 54 in unions and 14.3 percent of those ages 55 to 65 in unions. (BLS, at 2).


• In 1983, over 50% of all unionized workers were Caucasian males. (Schmitt, at 1). Between 1983 and 2008, the percentage of whites among all union workers fell from 78.2% to 69.1 percent. (Id.) And, in 2008, over 45% of unionized workers were women (compared with 35% in 1983), and, if current growth rates continue, women will make up the majority of unionized workers by 2020. (Schmitt, at 1).

• In 1983, 5.8% of all union workers were Latino. In 2008, that number has increased to 12.2%. (Schmitt, at 1).

• In 1983, Black workers represented 13 percent of the unionized workforce, and that percentage has remained fairly constant through at least 2008. (Schmitt, at 1, 6).

• In 1994, one in 12 union workers was an immigrant. (Schmitt, at 1). In 2008, 1 in 8 union workers was an immigrant. (Id.)

• In 1983, almost one-third of union members were in manufacturing. In 2008, only 10% of unionized workers are in manufacturing. (Id.)

Demographics and the Union Wage Premium

Union members earn more than non-unionized counterparts. (See BLS, at 2; see, e.g., Patrick McGeehan, “New York City Hotel Workers’ Contract May Grow More Lucrative,” N.Y. Times, June 10, 2014 [hereinafter, “McGeehan”], available at http://www.nytimes.com/2014/06/11/nyregion/new-york-city-hotel-workers-contract-may-grow-mo...)(the print version of this article was published as “As City Tourism Booms, Hotel Workers’ Contract May Grow More Lucrative,” N.Y. Times, A18 (June 11, 2014). For instance, as of 2013, among full-time wage and salary workers, union members had median usual weekly

---

2 The 2012 and 2013 rate reflected a decrease from 1983 (the first year for which comparative data was available), when the union membership rate was 20.1 percent. BLS at 1.

3 For the following statistics, “unionized workforce” and “unionized” or “union workers” refer to “workers who are either members of, or represented by, a union at their workplace.” (John Schmitt and Kris Warner, “The Changing Face of Labor, 1983-2008,” Center for Economic and Policy Research (Nov. 2009)).
earnings of $950, while non-union members had median weekly earnings of $750. (BLS, at 2; see, e.g., McGeehan).

The union wage premium is the percentage by which wages earned by individuals covered by a collective bargaining agreement are higher than those who are not. (Lawrence Mishel, "Unions, Inequality, and Faltering Middle-Class Wages," Issue Brief No. 342, Economic Policy Institute, Aug. 29, 2012 [hereinafter, “Mishel 2012”], available at http://www.epi.org/publication/ib342-unions-inequality-faltering-middle-class/). There are noticeable differences in the union wage premiums across demographic groups. (Mishel 2012, at 3-4, & Table 1). The demographics most impacted by the union wage premium are minority workers. For instance, as of 2011, the union wage premium for:

- Whites was 13.6%
- Blacks was 17.3%
- Hispanics was 23.1%
- Asians was 14.7%
- Immigrants in the United States less than 10 years was 16.0% (male) and 16.2% (female)
- Immigrants in the United States more than 10 years was 16.7% (male) and 8.8% (female)

(Mishel 2012, at 3-4).

Thus, the demographic groups which stand to benefit the most from unionization are those whose presence in the workforce is increasing and those which have been historically denied the protections of the NLRA, as discussed below. (Mishel 2012, at 3-4).

**Historical Demographic Limits on Union Organizing**

Before reviewing how unions are responding to current demographic changes in the workforce, it is helpful to understand how previous racial and demographic politics influenced the laws that govern union organizing and membership and constrained the labor movement’s ability to organize the demographic rainbow that comprises the United States workforce.

Very generally speaking, at the beginning of the 20th century, labor guilds were organized around specific crafts. (Eduardo Porter, “Unions’ Past May Hold Key to Their Future,” N.Y. Times, July 17, 2012 [hereinafter, “Porter”], available at http://www.nytimes.com/2012/07/18/business/economy/unions-past-may-hold-key-to-their...” (print version appeared at N.Y. Times, July 18, 2012, A18). The guilds ran apprenticeship programs that were feeders to the job market. (Porter.) By controlling the supply of labor, the guilds were able to moderate the conditions of employment of the workers. (Porter.) When large corporations began to hire workers directly, however, unions had to shift course. (Porter.) Unions began organizing employees company by company, rather than by trade or skill. (Porter).

---

4 Unionized workers are also more likely to have fringe benefits. (Mishel 2012, at 1-4; see also, Lawrence Mishel with Matthew Walters, “How Unions Help All Workers,” Briefing Paper, Economic Policy Institute, August 2003, available at http://epinet.org).
In 1935, the National Labor Relations Act or Wagner Act ("NLRA") was enacted, providing workers with the right to organize and bargain collectively, establishing election procedures, prohibiting unfair labor practices against unions, and creating a national labor relations board to adjudicate labor disputes. (Katznelson, Ira, When Affirmative Action was White, W.W. Norton & Co. (2005) [hereinafter, "IKN"] at 53-54). Under this originally-enacted NLRA, unions made significant gains in raising the working standards and wages of employees across industries, especially in industries of mass production like steel and automotive manufacturing. (IKN, at 53-55). Indeed, despite mass unemployment, between 1930 and 40, in the manufacturing sector, the percentage of workers in unions rose from 9 to 34%. (IKN, at 55).

As argued by Columbia University Professor Ira Katznelson in, When Affirmative Action was White (IKN, at 53-79), however, the NLRA however contains implicit exceptions that, from the date of the law’s enactment, have precluded unions from organizing certain minority workers. More specifically, when the NLRA was enacted, unionization was mostly concentrated in urban areas in the Northeast and West, where mass production industries were located. (IKN, at 55.) The NLRA was supported by non-Southern Democratic legislators, who represented the constituencies of industrial workers in the North and West. (Id.) In order to pass the NLRA over Republican opposition, the Democratic Party needed the support of the Southern Democrats. (IKN, at 55). At the time, unions had not had a major presence in the South. (IKN, at 55-56, 68). The region was less industrialized, and factories in the region were geographically dispersed in small and mid-sized towns. (IKN, at 68-69). Southern democrats generally were as a result largely unconcerned with the prospect of successful unionization in the south. (IKN, at 68-69). They therefore agreed to support the NLRA as long as it contained exemptions for “farm workers” and “domestic workers,” then the largest categories of employment for blacks, lest segregation and the “Jim Crow” laws be upended by unionization. (IKN, at 55). In order to pass the NLRA, the non-Southern democrats agreed to these conditions, and the NLRA as passed exempted farm workers and domestic workers. (IKN, at 55-61). These exemptions in the NLRA precluded unions from organizing occupations predominantly populated by women and blacks and, later, other ethnic minorities.5

When unions nevertheless made gains in organizing minority workers, particularly in the south, the NLRA was amended to further constrain the labor movement’s ability to do so. (IKN, at 61-62). More specifically, during World War II, industrial production led to increased industrialization and a tight labor market, enabling minority workers to enter the industrial work force in the South. (IKN, at 61, 69). Unions began organizing minority and other workers in

---

5 The NLRA, 29 U.S.C. § 152(3) provides that “employee”:

shall include any employee, and shall not be limited to the to the employees of a particular employer, unless this subchapter explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, ..., but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, ... or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual....

the South, making unforeseen gains in the region and often developing a multi-racial membership. (IKN, at 61, 69-70). For instance, unions started organizing cotton mills, tobacco companies, the cigar industry, the steel industry. (IKN, at 69-70). Between 1938 and 1948, the rate of union membership in the South went from under 500,000 to over 1 million. (Id.) Industrial unions also actively supported or initiated lawsuits to recover unpaid wages for workers under the recently-enacted Fair Labor Standards Act. (IKN, at 66).

Southerners became concerned that labor organizing in the region would encourage civil rights activism among minorities, that the collective FLSA lawsuits brought by the unions would erase racial economic disparities in the region, and that black rural laborers would then leave the region for jobs in other parts of the country. (IKN, at 67-70, 78). To quell the union organizing campaigns in the south, and following a wave of strikes in the mid 1940s, in the late 1940s, congressional Republicans supported amendments to NLRA contained in the Labor-Management Relations Act (or the Taft Hartley Act). (IKN, at 61-62). The LMRA, among other things, restructured the NLRB, prohibited certain collective actions, and authorized states to pass “right to work” laws, which prohibit collective bargaining agreements that require a union security clause. (IKN, at 62-64). More specifically, unions negotiate collective bargaining agreements on behalf of and are required to represent all employees in a bargaining unit. A union security clause requires that each employee in a bargaining unit pay union dues as a condition of employment. In states with right to work laws, however, unions are required to represent all employees who are within the bargaining unit – even employees who are not union members and who do not pay dues to the union. (See, IKN, at 62-64).

Around the same time, congressional Republicans also sought to amend the FLSA by enacting the Portal to Portal Act (“PTPA”). Among other things, the PTPA imposed barriers to bringing the types of collective wage and hour litigation that had been supported by unions on behalf of large groups of employees. (See IKN, 66-67). Among other things, the PTPA imposed a shorter, two-year statute of limitations and required each individual member of the collective action to file a written consent in order to join a collective action. (IKN, at 66-67).

The Southern Democrats’ votes again were pivotal but, this time, the Southern Democrats sided with the Republicans. (IKN, at 65). In 1947, the LMRA and PTPA passed over the veto of President Truman. (Id.) By allowing states to pass right to work laws, the LMRA made it economically prohibitive for unions to run organizing campaigns in “right to work states.” In the

---

6 The Fair Labor Standards Act, which was enacted in 1938, set minimum wages and maximum hours for covered employees. (29 U.S.C. § 201, et seq.; IKN, at 55). As with the enactment of the NLRA, according to Professor Katznelson, racial politics shaped the parameters of that legislation. Southern congressmen were concerned that a universally applicable minimum wage, i.e., one that covered industries with minority workers, would level the racially-driven economic and social disparities in the region. (IKN, at 58-59). In order to obtain the southern congressional support for the FLSA, another bargain was struck in which domestic workers and agricultural workers were (with certain exceptions) excluded from legislation (the FLSA)(as originally enacted) intended to raise wages and working conditions. (IKN, at 55-61). (The FLSA was later amended to provide that farmworkers were covered by certain of the Act’s provisions. Subsequently, the Fair Labor Standards Amendments of 1974 amended the FLSA to cover domestic workers.)
late 1940s and early 1950s, southern and Midwestern states began passing right to work laws. As of 2012, twenty-four (24) states had right to work laws.

The changes brought by the LMRA and the PTPA sounded the death knell for unions in the south and other states that adopted right to work laws. (IKN, at 71-78). The LMRA made southern campaigns too costly for unions, and the PTPA reduced the ability of unions to use lawsuits to protect workers’ rights. Unions ended their southern campaigns (IKN, at 71), and “the craft unions and industrial unions that sheltered under the umbrella of the National Labor Relations Act lost much of their capacity to recruit large categories of black workers, especially in the South, after the passage of Taft Hartley.” (IKN, at 79). Rather than attempting to improve working conditions for all workers, began to focusing inwardly, raising wages and securing retirement and health benefits for their members (IKN at 77-78), many of whom in the ensuing decades were brought into the middle class (Porter). By enacting the Taft-Hartley Amendments, Congress essentially legislatively excluded whole swaths of minority populations from the middle class objectives and benefits that were achieved for union members.

Changes in Union Organizing Methods and Goals

More than six decades later, as described above, the workforce is becoming more global and diverse. Unions are responding to those changes in ways that parallel their earlier attempts to raise the wages, standards, and working conditions of all workers. Unions, among other things, are partnering with community groups to organize minority and immigrant populations, providing workplace support for workers generally, even those who are not in or eligible for membership in a union, supporting efforts to reform immigration laws, and engaging in transnational organizing.

For instance, to reach a more diverse workforce, build a stronger base, and mobilize all workers, unions have been collaborating and building partnerships with “worker centers,” which are non-profit community groups. (See Kris Maher, “Worker Centers Offer a Backdoor Approach to Union Organizing,” Wall St. J., July 24, 2013[hereinafter, “Maher”](available at http://online.wsj.com/news/articles/SB1000142412788732414430457862205081896090988); “Remarks by AFL-CIO President Richard L. Trumka,” 2013 Conference on New Models for Worker Representation, Chicago, Mar. 7, 2013 [hereinafter, “Trumka”] at 4 (available at http://www.aflcio.org/Press-Room/Speeches/Remarks-by-AFL-CIO-President-Richard-L-Trumka-2013-Conference-on-New-Models-for-Worker-Representation-Chicago). Worker centers first developed approximately twenty years ago in the south, in the absence of a union presence in the region, to provide support to immigrant workers in the textile industry. (Maher) Worker centers use a community-based, instead of workplace-based model, to reach workers in decentralized workplaces and in industries with high turnover rates. They provide direct services, such as legal services, language classes and assistance, and health care referrals, and use legislative and legal strategies to attempt to enforce workers’ minimum rights. (Harmony Goldberg, et al., “Labor Innovations for the Twenty-First Century: A Top Level Field Analysis of Innovative Worker Organizing and Collaboration,” The Labor Innovation Fund for the Twenty-First Century [hereinafter, “LIFT”). As of 2013, they were more than 200 worker centers across the country, some which focus on the needs of very specific communities, such as
the Koreatown Immigrant Workers in Los Angeles and the Coalition of Immokalee Workers, which supports immigrant harvest workers in Florida. (Maher).

The strategic collaborations between unions and worker centers draw on the strengths of each to improve the working conditions and wages of typically low-wage workers. By reaching workers in neighborhoods or informal gathering spaces (LIFT, at 4, 8) and providing direct services, the worker centers are able to reach workers, including many immigrant and/or minority workers, who are dispersed and isolated, and to unify and build support among the workers for collective action to improve working conditions. (LIFT, at 2-3). The unions have the institutional stability, operational capabilities, and the power to negotiate self-enforcing agreements that, among other things, raise workers’ pay above the minimum wage. (See, e.g., http://cleancarwashla.org/union-contracts; LIFT, at 2-3) The worker centers typically reach, educate and unify the workers in a particular industry, while the unions harness that collective power to officially organize the workers into bargaining units and represent the workers vis a vis the employer. (Maher).

In 2006, the AFL-CIO adopted a policy of extending affiliation to worker centers across the country (Trumka, at 4). Additionally, more than ten worker centers have “affiliated with local labor councils or state labor federations,” which has provided worker centers “with support in lobbying local officials and laying the groundwork for joint campaign work.” (LIFT, at 5.)

Collaboration among unions and community groups has led to the unionization of and improved working conditions of carwash workers in New York City and in Los Angeles. (See Maher). In Los Angeles, carwash workers were paid well below minimum wage, were not provided appropriate safety equipment, and were subjected to occupational health and safety risks. See “the Clean Carwash Campaign” on the cleancarwashla.org website [hereinafter, cleancarwashla.org, available at http://cleancarwashla.org/the-clean-carwash-campaign]. Through a joint effort of the Community-Labor-Environmental Action Network (CLEAN) Carwash Campaign, a coalition of community groups, immigrant rights advocates, and legal service providers, and the Carwash Workers Organizing Committee of the United Steelworkers International Union, AFL-CIO (“USW”), approximately twenty-three carwashes have been organized and have entered into collective bargaining agreements that provide employees with union recognition, grievance and arbitration procedures, wages above the minimum wage, adequate health and safety gear for workers, and accommodations for workers grappling with immigration issues. (See “Union Contracts,” cleancarwashla.org, available at http://cleancarwashla.org/union-contracts.)

In New York City, in 2011, the Retail, Wholesale, and Department Store Union, U.F.C.W., and two community groups, New York Communities for Change and Make the Road New York, decided to collaborate to organize the city’s approximately 5,000 carwash workers, many of whom are from Central America. (Maher). The community groups built community

---

The carwash organizing campaigns in California reflect a larger trend in that state of increased union membership. In California, for instance, in 2012, unions added 100,000 new members, even though union membership nationwide is declining. Alana Semuels, “California Unions Grow, Bucking U.S. Trend,” L.A. Times (Jan. 24, 2013)[available at http://articles.latimes.com/2013/jan/24/business/la-fi-california-labor-2013124][hereinafter “Semuels”]. This increase has been attributed to a rise in Latino union membership. Semuels.
support for the organizing campaigns, while the union filed for elections with the National Labor Relations Board and negotiate collective bargaining agreements. As of 2013, the union had organized six carwashes. (Maher).

Other examples of partnerships or collaborative efforts between unions and worker centers include the partnership between the AFL-CIO and the National Day Laborer Organizing Network (“NDLON”). NDLON, a worker center network, was founded in 2001 as an alliance of community-based organizations and workers centers committed to improving that lives of day laborers. (See “About Us” on the NDLON website (available at http://www.ndlon.org/en/about-us)). In 2006, the NDLON and the AFL-CIO entered into a partnership providing a framework for the two organizations to work together to enforce worker rights and toward the “development of new protections in areas including wage and hour laws, health and safety regulations, immigrants’ rights and employee misclassification.” (See “AFL-CIO and NDLON, Largest Organization of Worker Centers, Enter Watershed Agreement to Improve Conditions for Working Families,” available at http://www.aflcio.org/Press-Room/Press-Releases/AFL-CIO-and-NDLON-Largest-Organization-of-Worker.) Additionally, the AFL-CIO and NDLON have partnered to achieve “comprehensive immigration reform that supports workplace rights and includes a path to citizenship and political equality for immigrant workers – and against punitive, anti-immigrant, anti-worker legislation.” (See “AFL-CIO and NDLON, Largest Organization of Worker Centers, Enter Watershed Agreement to Improve Conditions for Working Families,” available at http://www.aflcio.org/Press-Room/Press-Releases/AFL-CIO-and-NDLON-Largest-Organization-of-Worker).

Unions also are supporting efforts by non-unionized service employees, such as fast food and retail workers, as well as workers who are not “employees” under the NLRA. For instance, unions have supported protests led by non-unionized fast food and retail workers across the country (known as the “Fight for Fifteen”) seeking higher wages. (Kristen Leigh Painter, “Labor Movement Changes Game Plan in Face of Complex Challenges,” The Denver Post, Sept. 2, 2013 [hereinafter, “Painter”](available at http://www.denverpost.com/business/ci_23996556/labor-movement-changes-game-plan-fa...). Additionally, as discussed above, domestic workers are excluded from protection of the NLRA, 29 U.S.C. § 152(3). Unions have supported efforts by the National Domestic Workers Alliance (“NDWA”) to seek labor protections for domestic workers, and, in 2011, the AFL-CIO announced that it had formed a partnership with the NDWA to do so. (See “AFL-CIO, National Domestic Workers’ Alliance, National Guestworkers’ Alliance Announce Partnership Agreements,” available at http://edit/aflcio.org/Press-Room/Press-Releases/AFL-CIO-National-Domestic-Workers-Alliance-Nati). The partnership has sought state legislation improving working conditions for domestic workers, and several states, including New York and California, have enacted domestic worker bills of rights.

Unions are also attempting to make union membership available to all by experimenting with and creating new forms of union membership, including for workers who may not necessarily qualify for protections under the NLRA. (See Trumka, at 4). For instance, the National Writers Union (“NWU”) is a “labor union that represents freelance writers in all genres, formats, and media” and is affiliated with the International Union of the United Automobile Aerospace and Agricultural Implement Workers of America (“UAW”). (See “About the
NWU,” available at https://www.nwu.org/about-nwu). The NWU seeks to improve the economic and worker conditions of writers by, among other things, providing services such as contract advice, providing “grievance assistance” to resolve work-related disputes with writers’ publishers and clients, and supporting or bringing legal actions to defend copyright rights.

Other examples of such non-traditional organizing include the AFL-CIO’s decision to charter the National Taxi Worker Alliance, the first non-employee (independent contractor) workforce to be granted AFL-CIO membership in over 60 years. (See “Historic Affiliations,” available at https://nytwa.org/national-twa/historic-affiliations; Trumka, at 4). The National Taxi Worker Alliance was formed in 2012 to provide collective power to the thousands of taxi workers, who are predominantly an immigrant workforce, in their pursuit of improved working conditions and economic justice. The AFL-CIO hails the organizing of taxi workers as part of the new wave of union organizing who are recognizing the potential benefits of collective action. (See Robert Struckman, Taxi! Taxi! Cabbies Form Unlikely Union, available at http://www.aflcio.org/Features/Innovators/Taxi!-Taxi!-Cabbies-Form-Unlikely-Union). Other unions, such as the Communications Workers of America and USW, also represent taxi workers. (Id.)

Finally, unions are engaging in transnational collective bargaining through the use of international framework agreements, which are bilaterally negotiated agreements between a multinational enterprise and a global union federation. (Michael G. Sherrard & Dr. Gerlind Wissskirchen, “Next Up for North American Employers and Unions? International and Corporate Social Responsibility,” ABA J. Lab. & Empl. L., Vol. 29, No. 2, 245-47(Winter 2014)). IFA’s, in many cases, require adherence to the ILO Declaration on Fundamental Principles and Rights at Work, and may also contain a guarantee that an employer, including subsidiaries in the United States, will not oppose unionization by employees. (Id. at 253-54). In some cases, “when a North American subsidiary or supplier is faced with an organizing campaign and responds defensively, an IFA may be used to induce the corporate headquarters to intervene and restrain the subsidiary.” (Id., at 257). Global union federations are increasingly attempting to use IFAs for these purposes in North America. (Id.)