

How today's unions help working people

Giving workers the power to improve their jobs and
unrig the economy

Report • By Josh Bivens, Lora Engdahl, Elise Gould, Teresa Kroeger, Celine McNicholas, Lawrence Mishel, Zane Mokhiber, Heidi Shierholz, Marni von Wilpert, Ben Zipperer, and Valerie Wilson • August 24, 2017

Americans have always joined together—whether in parent teacher associations or local community organizations—to solve problems and make changes that improve their lives and their communities. Through unions, people join together to strive for improvements at the place where they spend a large portion of their waking hours: work.

The freedom of workers to join together in unions and negotiate with employers (in a process known as collective bargaining) is widely recognized as a fundamental human right across the globe. In the United States, this right is protected by the U.S. Constitution and U.S. law and is supported by a majority of Americans.¹

Over 16 million working women and men in the United States are exercising this right—these 16 million workers are represented by unions. Overall, more than one in nine U.S. workers are represented by unions. This representation makes organized labor one of the largest institutions in America.²

By providing data on union coverage, activities, and impacts, this report helps explain how unions fit into the economy today; how they affect workers, communities, occupations and industries, and the country at large; and why collective bargaining is essential for a fair and prosperous economy and a vibrant democracy. It also describes how decades of anti-union campaigns and policies have made it much harder for working people to use their collective voice to sustain their standard of living.

‘Collective bargaining’ is how working people gain a voice at work and the power to shape their working lives

Almost everyone has at one point felt unheard or powerless as an employee. Joining a union simply means that you and your colleagues have a say because you negotiate important elements of employment conditions together. That could mean securing wage increases, better

SECTIONS

1. ‘Collective bargaining’ is how working people gain a voice at work and the power to shape their working lives • 1
2. Union workers are diverse, just like America • 2
3. Unions represent workers of all levels of education • 3
4. Union workers hail from a variety of sectors, but the biggest share work in education or health services • 4
5. Unions are most widespread in public administration and transportation industries • 4
6. Unions are thriving in diverse workplaces—including ‘new economy’ workplaces • 4
7. Unions strengthen democracy by giving workers a voice in policy debates • 6
8. Unions reduce inequality and are essential for low- and middle-wage workers’ ability to obtain a fair share of economic

access to health care, workplace safety enhancements, and more reasonable and predictable hours. Through collective bargaining negotiations, the union also works with management to develop a process for settling disputes that employees and their managers are unable to settle individually.

Once a collective bargaining agreement (CBA) is agreed to, union representatives work with employees and with management to make sure the rights and obligations spelled out in the agreement are honored. And they represent workers in high-stakes situations, such as when a safety violation has resulted in injury. By these means, collective bargaining gives workers a say in the terms of their employment, the security of knowing that there are specific processes for handling work-related grievances, and a path to solving problems.

To cover expenses for negotiating contracts, defending workers' rights, resolving disputes, and providing support to members of the bargaining unit, unions collect dues.

The National Labor Relations Act (NLRA) of 1935 and amendments govern private-sector unions and collective bargaining. While states generally have no jurisdiction over private-sector unions, the NLRA as amended does allow states to enact certain laws that govern fees paid by workers in unionized private workplaces (discussed later in this report).

Nearly half (48.1 percent) of workers covered by a union contract are public-sector workers. Collective bargaining among federal workers is covered by the Federal Labor Relations Act of 1978 (FLRA). State laws (enacted from the late 1950s forward) govern state and local government employee unions. Each state has its own set of laws that govern collective bargaining for state and local public employees. Some states allow the full set of collective bargaining rights, others (approximately one-fifth) prohibit collective bargaining, and still others limit some activities, such as the right to strike or the right to collect dues automatically during payroll processing. About one in 10 states have no state law addressing collective bargaining rights in the public sector.³

growth • 7

9. Unions raise wages for both union and nonunion workers • 8
10. Unions help raise wages for women and lessen racial wage gaps • 11
11. Unions improve the health and safety practices of workplaces • 12
12. Unions support strong families with better benefits and due process • 14
13. Unions are good for workers' retirement security • 16
14. Unions create a path to sharing knowledge and solving problems • 16
15. Workers still want unions but are being thwarted by aggressive campaigns and lobbying that have eroded private-sector union membership • 18
16. Employers often fight unionizing efforts with aggression and intimidation, using legal and illegal tactics • 19
17. Corporate lobbyists push

Union workers are

diverse, just like America

The typical union member is often thought to be a worker on a manufacturing line in the Midwest. Manufacturing does have a strong union tradition but people join unions in many industries and occupations. Union members include dental hygienists in Wisconsin, graduate students in Massachusetts, firefighters in Illinois, television writers and scientists in California, security guards in Washington, D.C., digital journalists in New York, and major league baseball players in Georgia and other states.⁴

It is also true that, in the past, union workers were predominantly white men. But as of 2016, roughly 10.6 million of the 16.3 million workers covered by a union contract are women and/or people of color.⁵

- About two-thirds (65.4 percent) of workers age 18 to 64 and covered by a union contract are women and/or people of color.
- Almost half (46.3 percent) are women.
- More than a third (35.8 percent) are black, Hispanic, Asian, or other nonwhite workers.
- Black workers are the most likely to be represented by unions: 14.5 percent of black workers age 18 to 64 are covered by a collective bargaining agreement, compared with 12.5 percent of white workers and 10.1 percent of Hispanic workers.

Unions represent workers of all levels of education

- More than half (54.5 percent) of workers age 18 to 64 and covered by a union contract have an associate degree or more education.
- Two out of five (42.4 percent) have a bachelor's degree or more education.

laws—misleadingly called ‘right-to-work’ laws—that seek to defund private-sector unions • 21

18. Corporate lobbies and allied lawmakers are dismantling the rights of public-sector union workers • 23
19. Attacks on public-sector collective bargaining are playing out in the courts • 25
20. Conclusion: Unions are essential to a fair economy and a vibrant democracy • 25

Acknowledgments • 26
Endnotes • 26

Union workers hail from a variety of sectors, but the biggest share work in education or health services

- Nearly two in five workers (39.8 percent) age 18 to 64 and covered by a union contract work in educational and health services.
- One in seven workers (13.9 percent) covered by a union contract work in public administration.
- One in eight workers (12.2 percent) covered by a union contract work in transportation and utilities.
- One in 11 workers (9.1 percent) covered by a union contract work in manufacturing.

Unions are most widespread in public administration and transportation industries

Because industries vary in size, industries with the highest numbers of union workers aren't always the industries with the highest union coverage *rate*. The five industries with the highest shares of 18- to 64-year-old workers covered by a union contract (the “union coverage rate”) are:

- Public administration (33.2 percent)
- Transportation and utilities (27.3 percent)
- Education and health services (20.0 percent)
- Construction (15.7 percent)
- Information (10.6 percent), which includes publishing, motion pictures, broadcasting, telecommunications, data processing, and other communications services

Unions are thriving in diverse workplaces—including ‘new economy’ workplaces

Working people join unions to have some say over their jobs and their workplaces. Given the self-determination unions afford, it is no surprise that they are thriving in some of the companies, industries, and occupations undergoing the most change.

- ***Television writers in Hollywood.*** Streaming services, cable offerings, and multiple

viewing platforms are fueling what is referred to as “the New Golden Age of Television.” In 2016 the six major media companies that dominate film and television (CBS, Comcast, Disney, Fox, Time Warner, and Viacom), reported almost \$51 billion in operating profits. Those profits have doubled in the last decade and continue to grow. Much of the industry’s success is attributable to the roughly 13,000 men and women who write television shows and films and who belong to the Writers Guild of America. Despite this contribution to the industry’s record profitability, TV writers’ incomes were in decline. WGA and the Alliance of Motion Picture and Television Producers (which represents the studios, networks, and independent producers) recently agreed on a collective bargaining contract that gave writers increases in compensation and digital residuals and preserved broad health care benefits.⁶

- **Graduate students and adjunct faculty working at universities across the country.** More than 64,000 graduate student employees are unionized at 28 institutions of higher education in the public sector, including universities in California, Florida, Illinois, Iowa, Massachusetts, Michigan, Oregon, Pennsylvania, Wisconsin, and Washington.⁷ While graduate teaching assistants in some public universities have practiced collective bargaining for nearly 50 years, the law has recently opened up the possibility in private universities: teaching and research assistants for universities such as Yale, Brandeis University, Columbia, and Tufts University are now organizing for better compensation and working conditions.⁸
- **Professional and technical employees in the Washington, D.C., region and throughout the United States and Canada.** The International Federation of Professional and Technical Engineers (IFPTE) includes more than 80,000 women and men in professional, technical, administrative, and associated occupations in the United States and Canada. Members work for a wide range of federal, public, and private agencies and companies. They include administrative law judges working for the Social Security Administration, scientists working for NASA, engineers and technicians working for General Electric and Boeing, and engineers, architects, and project managers working for Santa Clara County, California. The Economic Policy Institute is one of many unionized Washington-based nonprofits (including the Center for American Progress and DC Jobs With Justice) represented by IFPTE Local 70.⁹
- **United Parcel Service (UPS) drivers, hub workers, pilots and mechanics.** UPS is the country’s largest private-sector, unionized employer. Of 440,000 workers worldwide, nearly 250,000 (mostly drivers and hub workers) are represented by the Teamsters. UPS pilots are represented by the Independent Pilots Association, and UPS mechanics are represented by the International Association of Machinists. According to research firm Brand Keys, UPS is number one in parcel delivery loyalty, ahead of nonunionized FedEx.¹⁰
- **Maine lobster fishers.** The Maine Lobstering Union formed in 2013 after a glut in the spring of 2012 that drove the “boat price” for lobster down about 33 percent to a 20-year low. It was the first fishing union in Maine in more than 75 years. While people who fish for a living in Canada and off the Washington and Alaska coasts have been organized for years, the 500-member Maine Lobstering Union seeks to close the growing gap between what consumers pay to eat lobster and what lobster fishers get.

So the union is buying a wholesale lobster business. Union lobster fishers who sell to the union co-op will get market price for their lobster but also a share of cooperative profits.¹¹

- **Cafeteria and other contract workers in Silicon Valley.** In July 2017, more than 500 cafeteria workers who serve food at Facebook’s Menlo Park, California, campus joined Local 19 of UNITE HERE, a labor union of more than 265,000 hotel, food service, laundry, warehouse, and casino workers in the United States and Canada. The Facebook cafeteria workers cannot afford housing in the extremely high-cost Bay Area and are seeking higher wages and more affordable health benefits from their employer, Flagship Facility Services. According to the *San Jose Mercury News*, “thousands of contract workers such as janitors, security guards, and shuttle bus drivers at other major Silicon Valley tech firms, including Apple, Intel, and Google,” have already unionized. The effort to unionize these workers is being led by Working Partnerships USA and the South Bay AFL-CIO Labor Council but counts other faith, community, and labor groups (including Communications Workers of America, Teamsters, and Service Employees International Union) as partners.¹²
- **Digital journalists.** The changing media landscape has been a recent catalyst for newsrooms to organize. Since 2014, editorial employees at many media outlets—including *In These Times*, *Vice*, Gizmodo Media Group (formerly *Gawker*), *Salon*, *The American Prospect*, *Fusion*, *The Root*, and *ThinkProgress*—have formed unions. The *Huffington Post*, for example, ratified a contract in January 2017 that has provisions addressing editorial independence, the need to enhance newsroom diversity, comp time, discipline and dismissal policies, and severance in the event of layoffs.¹³

Unions strengthen democracy by giving workers a voice in policy debates

Managers, business owners, and CEOs organize to advocate for their economic interests. That’s what chambers of commerce, business associations, and national trade associations do. Unions provide working people who are not executives or company owners with an opportunity to get their voices heard in policy debates that shape their lives.

Americans have a constitutionally protected right to associate and ask for change. Americans join together to change speed limits, school policy, laws governing gun ownership and drug possession and use, and more. And when Americans have wanted to make the economy fairer and more responsive to the needs of workers, they have traditionally joined together in unions to do so.

Unions fought for—and work to strengthen—many of the humane standards and norms that protect and uplift Americans today. These essential laws and programs include Social

Security, child labor laws, antidiscrimination laws, health and safety laws, unemployment insurance, compensation for workers who get hurt on the job, the 40-hour work week, and the federal minimum wage.¹⁴ Unions were a major force behind all the Great Society laws on discrimination, housing, and voting rights.

As union coverage has declined and the voice of workers has correspondingly diminished, many of the key workplace standards past generations counted on have been eroded. For instance, there has been an erosion of overtime pay protection, slashing of workers' compensation programs, and a decline in the real value of the minimum wage, which is lower now than it was in 1968.¹⁵

Unions reduce inequality and are essential for low- and middle-wage workers' ability to obtain a fair share of economic growth

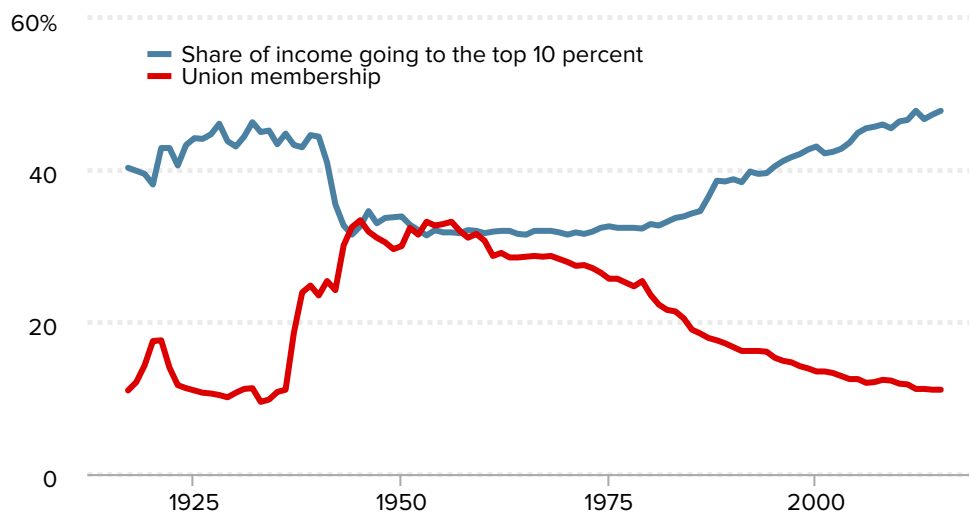
The spread of collective bargaining that followed the passage of the National Labor Relations Act in 1935 led to decades of faster and fairer economic growth that persisted until the late 1970s. But since the 1970s, declining unionization has fueled rising inequality and stalled economic progress for the broad American middle class. **Figures A and B** show that when unions are weak, the highest incomes go up even more, but when unions are strong, middle incomes go up.

Research by EPI and other institutions shows this correlation is no accident. First, unions have strong positive effects on not only the wages of union workers but also on wages of comparable nonunion workers, as unions set standards for entire industries and occupations (these union and nonunion wage boosts are explored in detail in the next section of this report). Second, unions make wages among occupations more equal because they give a larger wage boost to low- and middle-wage occupations than to high-wage occupations. Third, unions make wages of workers with similar characteristics more equal because of the standards unions set. Fourth, unions have historically been more likely to organize middle-wage than high-wage workers, which lowers inequality by closing gaps between, say, blue-collar and white-collar workers. Finally, the union wage boost is largest for low-wage workers and larger at the middle than at the highest wage levels, larger for black and Hispanic workers than for white workers, and larger for those with lower levels of education—wage increases for these groups help narrow wage inequalities.¹⁶

We know how big a force for equality unions are by looking at how much their decline has contributed to inequality between middle- and high-wage workers: union decline can explain one-third of the rise in wage inequality among men and one-fifth of the rise in wage inequality among women from 1973 to 2007. Among men, the erosion of collective bargaining has been the largest single factor driving a wedge between middle- and high-

Figure A

Union membership and share of income going to the top 10%, 1917–2015



Source: Data on union density follows the composite series found in Historical Statistics of the United States; updated to 2015 from unionstats.com. Income inequality (share of income to top 10%) data are from Thomas Piketty and Emmanuel Saez, “Income Inequality in the United States, 1913–1998,” *Quarterly Journal of Economics* vol. 118, no. 1 (2003) and updated data from the Top Income Database, updated June 2016.

Economic Policy Institute

wage workers.¹⁷

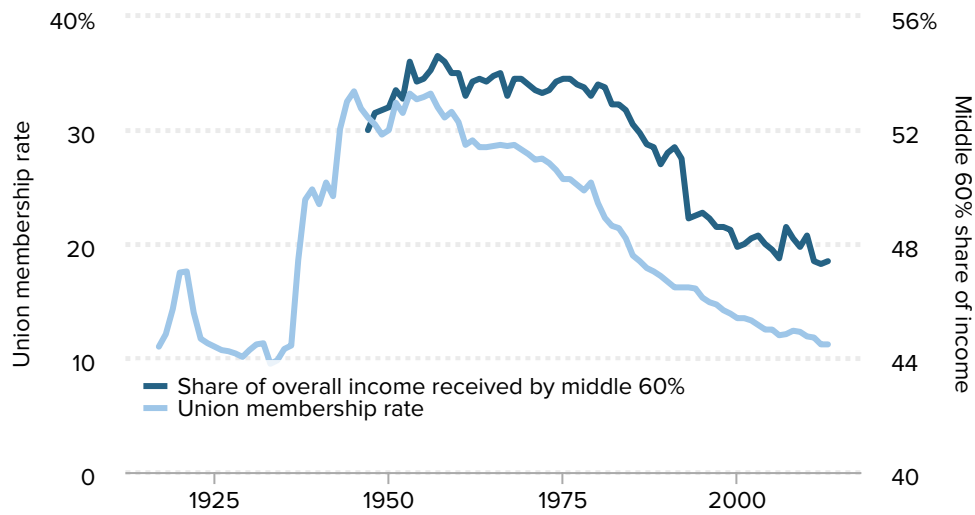
Unions raise wages for both union and nonunion workers

For typical workers, hourly pay growth has been sluggish for decades, rising 0.3 percent per year or 9.9 percent in all from 1979 to 2015. If pay had risen with productivity during that period, as it did in the decades before 1979, pay would have gone up 63.8 percent.¹⁸ But pay for typical workers is not rising at this clip because ever-larger shares of economic growth are going to the highest wage earners. Income growth for the highest 1 percent of wage earners rose by nearly 190 percent between 1979 and 2015, meaning that the highest-earning 1 percent have claimed a radically disproportionate share of income growth.¹⁹

Working people in unions use their power in numbers to secure a fairer share of the income they create. Employers who have to bargain with workers collectively cannot pursue a strategy of “divide and conquer” among their workers. Workers who are empowered by forming a union raise wages for union and nonunion workers alike. As an economic sector becomes more unionized, nonunion employers pay more to retain qualified workers and norms of higher pay and better conditions become standard. For

Figure B

Union membership rate and share of income going to the middle 60% of families, 1917–2013



Source: Data on union density follow the composite series found in Historical Statistics of the United States; updated to 2013 from unionstats.com. Data on the middle 60%'s share of income are from U.S. Census Bureau Historical Income Tables (Table F-2).

Economic Policy Institute

example, if a union hospital is across town from a nonunion hospital and the two hospitals are competing for workers, then the nonunion workers will benefit from the presence of the union hospital.

- **Union workers earn more.** On average, a worker covered by a union contract earns 13.2 percent more in wages than a peer with similar education, occupation, and experience in a nonunionized workplace in the same sector.²⁰ This pay boost was even greater in earlier decades when more American workers were unionized.²¹
- **Unions also raise pay for workers by helping to enforce labor standards, like guarding against wage theft.** Union workers are more knowledgeable about their rights, and union staff members communicate when needed with government enforcement agencies, which enhances enforcement of wage violations. For example, workers covered by a union are half as likely to be the victims of minimum wage violations (i.e., to be paid an effective hourly rate that is below the minimum wage). This form of wage theft is costing workers over \$15 billion a year, causing many families to fall below the poverty line.²²
- **When union density is high, nonunion workers benefit from higher wages.** When the share of workers who are union members is relatively high, as it was in 1979, wages of nonunion workers are higher. For example, had union density remained at its 1979 level, weekly wages of nonunion men in the private sector would be 5 percent higher (that's an additional \$2,704 in earnings for year-round workers), while wages for nonunion men in the private sector without a college education would be 8 percent, or \$3,016 per year, higher. (These estimates look at what wages would have

been in 2013 had union density remained at its 1979 levels).²³

- **Where unions remain strong, unions have an ability to raise wages sector-wide.** An example is the hospitality industry in Orlando. Negotiations between six local affiliates of the Services Trade Council Union (STCU) and Disney World in 2014 led to wage increases for union members to at least \$10 an hour starting in 2016. These local affiliates represent housekeepers, lifeguards, cast members, and other service workers. Disney then extended the raises to all its 70,000 Orlando employees, including nonunion employees. According to the *Orlando Sentinel*, the wage increases prompted much of Orlando’s hospitality and retail sector, including Westgate Resorts, to raise wages.²⁴
- **Where unions are strong, wages are higher for typical workers—union and nonunion members alike.** Compensation of typical (median) workers grows far faster—four times faster—in states with the smallest declines in unionization than it does in states with the largest declines in unionization.²⁵
- **Unions bring living wages to low-wage jobs.** Unions have transformed once-low-wage jobs in hospitality, nursing, and janitorial services into positions with living wages and opportunities for advancement. For example, after unionizing, dishwashers in Las Vegas hotels made \$4 per hour more than the national average for that job, and they were offered excellent benefits. And hospitality workers in unionized Las Vegas enjoy a much higher living standard than those in Reno, where unions are weaker. In Houston, a 2006 first-ever union contract for 5,300 janitors resulted in a 47 percent pay increase and an increase in guaranteed weekly hours of work.²⁶

By joining together, working people can transform not just their workplaces but sectors and communities. Here are two examples of how today’s workers are using their “power in numbers” to raise wages in the workplace and for all working people:

- **Raising the minimum wage for food service and other low-wage workers.** Millions of Americans who work full time are not paid enough to make ends meet; many rely on public assistance, including food stamps, housing subsidies, or cash assistance to pay their bills. Food preparers, for example, earn a median hourly wage of \$9.09; home health aides earn \$10.87. A big reason that low-wage workers are struggling is the erosion of the value of the federal minimum wage, which, at \$7.25 per hour, is worth 25 percent less in inflation-adjusted terms than it was 50 years ago. The Service Employees International Union (SEIU) was an early and critical backer and remains a strong supporter of the Fight for \$15, a campaign to raise wages for low-wage workers by enacting minimum wages increases in communities and states around the nation. Begun in New York and Chicago in 2012, the campaign has led to laws establishing \$15 minimum wages in New York, California, the District of Columbia, and 21 cities and counties. The Fight for \$15 movement has also added momentum to successful campaigns for smaller minimum wage increases in 18 other states since 2014. (Through the campaign, some workers are also seeking paid sick time so that all workers, regardless of their job or wage level, can take paid time off when they are sick or need to care for a family member.) While many business owners have

endorsed minimum wage increases, business owners who oppose raising the minimum wage have a voice too, through such groups as the National Restaurant Association, which lobbies in Washington, D.C., and in state capitals against minimum wage increases and paid sick days.²⁷

- **Eliminating subminimum wages for farmworkers.** In June 2017, Familias Unidas por la Justicia (FUJ) and Sakuma Brothers Berry Farm, one of the Pacific Northwest’s largest berry growers, signed a collective bargaining agreement that ensures good wages for the more than 500 immigrant farmworkers who harvest berries at the farm. The contract ensures that the berry pickers—many of whom had been earning less than the state minimum wage of \$9.47 an hour under the former piece-rate system (based on how many pounds of berries they picked)—now earn at least a minimum wage of \$12; the revised piece-rate system it establishes seeks to deliver an average wage of \$15 an hour. The contract is the culmination of four years of organizing, first as a workers organization and then as a recognized independent union in September 2016. Through strikes, informational pickets, and other efforts, FUJ gained national support for its successful efforts to change a host of practices at the farm, including 12-hour-plus workdays. FUJ also countered Sakuma Brothers’ attempt in 2014 to replace its workforce with workers entering the United States under the H-2A temporary visa program.²⁸

Unions help raise wages for women and lessen racial wage gaps

Unions help raise the wages of women and black and Hispanic workers—whose wages have historically lagged behind those of white men—by establishing pay “transparency” (workers know what other workers are making), correcting salary discrepancies, establishing clearer terms for internal processes such as raises and promotions, and helping workers who have been discriminated against achieve equity.

Unions also narrow the racial wage gaps. Black workers for example are more likely than white workers to be in a union and are more likely to be low- and middle-wage workers, who get a bigger pay boost for being in a union than do higher-wage workers. This effect is an important tool in closing the black–white wage gap, which has actually grown somewhat since 1979, largely due to growth in the gap since 2000; while wages since 2000 have stagnated for both black and white workers, the decline in wage growth has been larger for black workers.²⁹ Today, black workers are, on average, paid 85 cents for every dollar paid to white workers of the same gender and with similar education, experience, and location of residence.³⁰

- **Unions help raise women’s pay.** Hourly wages for women represented by unions are 9.2 percent higher on average than for nonunionized women with comparable characteristics.³¹
- **Unions raise wages in the female-dominated service occupations.** Union-represented workers in service occupations (which include food service and janitorial

services) make 87.0 percent more in total compensation and 56.1 percent more in wages than their nonunion counterparts.³²

- **Unions help close wage gaps for black and Hispanic workers.** Black and Hispanic workers get a larger boost from unionization than their white counterparts. Black workers, both male and female, are more likely than white workers to be covered by collective bargaining and the wage boost they get from being covered by collective bargaining is above average. The result is that collective bargaining lifts wages of black workers closer to those of their white counterparts. Hispanic workers have slightly lower union coverage than white workers but have much higher union wage advantages: thus wage gaps between Hispanic workers and their white counterparts are also smaller because of collective bargaining.³³
- **Unionized black workers earn even more in some sectors.** Unionized black construction workers in New York City earn 36.1 percent more than nonunion black construction workers in New York City.³⁴

These data showing that unions raise wages for all workers—and especially for women and black and Hispanic workers—do not erase the problematic historical episodes of sexism and racism practiced by unions. Unions are an American institution, and like nearly every other American institution their past includes clear instances of gender and racial discrimination. But there has been significant progress in increasing the shares of women represented and in leadership. There has also been significant progress in the racial integration of unions and in ensuring that nonwhite workers have equitable access to apprenticeships, as illustrated by the progress in New York City construction unions.³⁵ AFL-CIO President Richard Trumka recently claimed, with justification, that “the labor movement is the most integrated institution in America.”³⁶ Labor leaders are calling for broad and sustained attention to addressing racism and sexism where they continue to violate labor’s democratic ideals.³⁷

Unions improve the health and safety practices of workplaces

More than 4,800 workers are killed on the job every year. An estimated 50,000 to 60,000 more die of occupational diseases each year, and the estimated number of work-related injuries and illnesses exceeds 7 million.³⁸ Unions have always championed worker safety by investing in programs to educate workers about on-the-job hazards and working with employers to reduce worker injuries and the time lost due to injury.³⁹ In unionized workplaces, workers generally have a right to involve a union representative in injury and fatality investigations, which gives workers a voice in their own safety. And researchers have suggested that unions create safer workplaces because union workers protected by their union from repercussions are more likely to report not only injuries but near misses that can lead to reducing work hazards.⁴⁰ The union contribution to safety is particularly important because government health and safety regulations are being weakened.⁴¹

- **Union construction sites are safer for workers.** In 2014, OSHA inspected New York

state construction sites and found twice as many health and safety violations at nonunion construction sites as at union construction sites.⁴² Another study, of Missouri construction sites, found higher levels of OSHA violations among nonunion St. Louis residential construction job sites than at unionized St. Louis residential job sites.⁴³

- **Mine workers in union mines are less likely to be severely injured or die on the job.** Unionization is associated with a substantial and statistically significant drop in traumatic injuries and in fatalities in underground bituminous coal mines from 1993 to 2010.⁴⁴
- **Unions ensure that employers are held accountable. Tragedies arise when employers cannot be held accountable.** Miners in the Upper Big Branch Mine in West Virginia tried and failed to join a union three times, according to *In These Times*. Each time, at least 65 percent of the miners signed cards saying they wanted to be members of a union. And each time, these workers were repeatedly intimidated by management at Massey Energy, which owns the mine: Massey CEO Don Blankenship delayed the election process for months while he threatened to close the mine if the workers voted for a union—and the workers ended up voting against joining a union to save their jobs.⁴⁵ On April 5, 2010, an explosion collapsed the mine’s roof, killing 29 miners and injuring two. In the aftermath, reports surfaced that the nonunion mine had a record of safety violations and that coal miners who worked in the mine knew about the dangerous working conditions. Blankenship was found guilty on a charge of conspiracy to willfully violate mine health and safety standards and was sentenced to a year in prison.⁴⁶

Here are some specific ways unions have improved safety in the workplace by representing workers’ concerns in public and testifying before Congress and state legislatures:

- **Nurses win violence prevention standards.** In the past decade or so, the rate of reported violence against health care workers (who make up 9 percent of the nation’s workforce) has more than doubled. The increase stems from cuts in state funds for mental health services and hospital budget cutbacks thinning the ranks of nurses and security guards. National Nurses United (NNU), which represents more than 160,000 nurses across the country, has fought for and won workplace violence prevention standards in California, Minnesota, and Massachusetts. NNU is now petitioning the federal Occupational Safety and Health Administration (OSHA) for a formal workplace violence prevention standard that would apply nationwide.⁴⁷
- **Laborers, autoworkers, and others secure protections for workers from deadly silica dust.** Roughly 2.3 million workers are exposed to silica dust, which causes silicosis (an incurable and often deadly lung disease), lung cancer, other respiratory diseases, and kidney disease. Silica dust is produced by grinding stone or masonry in mines or on construction sites. Although the hazards of silica dust have been known for at least a century, existing regulations limiting exposure were outdated and were not keeping up with worker exposure to silica in new industries such as stone countertop fabrication and hydraulic fracturing. A broad section of the labor

movement—including the United Automobile Workers and the Laborers’ International Union of North America—helped persuade OSHA to issue a new rule that reduces workers’ exposure to silica.⁴⁸

- **Firefighters get relief from post-traumatic stress disorder (PTSD).** Firefighters who develop PTSD after witnessing repeated trauma on the job don’t always have recourse if the disorder means they cannot work while they seek treatment. When independent studies showed that post-traumatic stress rates are on the rise for Texas firefighters, the Texas State Association of Fire Fighters (TSAFF) launched an education campaign for state lawmakers leading to legislation to improve workers’ compensation coverage for Texas first responders diagnosed with line-of-duty-related PTSD. The legislation (HB 1983) was signed into law by Governor Greg Abbott on June 1, 2017.⁴⁹

Unions support strong families with better benefits and due process

About six in ten adults (63 percent) say the average working person in the United States has less job security now than 20 or 30 years ago.⁵⁰ And the lack of paid sick days is depriving many workers of funds needed for basic necessities—an especially difficult problem for the lowest-wage workers, about three-fourths of whom don’t get any paid sick days.⁵¹ Uncertain work hours, last-minute shift changes, and other scheduling practices are also hurting families. And research shows that jobs that are insecure, unpredictable, and risky also affect communities and society as a whole.⁵²

But working people in unionized workplaces are more likely to have benefits that strengthen families and improve job security and predictability. (Some of the items in the list below provide union–nonunion comparisons not adjusted for personal characteristics and other factors, while some, where indicated, provide adjusted comparisons.⁵³)

- **Union workers are more likely to be covered by employer-provided health insurance.** More than nine in 10—94 percent—of workers covered by a union contract have access to employer-sponsored health benefits, compared with just 67 percent of nonunion workers. When adjustments are made for other characteristics that may affect benefits coverage—such as sector (public or private), industry, region, employee status (full- or part-time) and establishment size—union workers are 18.3 percent more likely to be covered.
- **Union employers contribute more to their health care benefits.** Unionized employers pay 77.4 percent more (per hour) toward their employees’ health coverage (providing better benefits for a greater share of workers) than comparable nonunion employers. Occupations with higher-than-average union impact on employer-provided health care include transportation, services, construction, extraction, and installation/maintenance/repair.
- **Union workers have greater access to paid sick days.** Almost nine in 10—87

percent—of workers covered by a union contract have access to paid sick days, compared with 69 percent of nonunion workers. Almost all—97 percent—of union workers in state and local government have paid sick days, compared with 86 percent of their nonunion peers. In the private sector, 79 percent of union workers have paid sick days compared with 67 percent of their nonunion peers.

- **Union workers are more likely to have paid vacation and holidays.** In the private sector 89 percent of workers covered by a union contract get paid vacation and paid holidays, whereas 75 percent of nonunion workers get paid vacation and 76 percent get paid holidays. For workers overall (private and public) 80 percent of union workers get paid holidays while 75 percent of nonunion workers do. Equal shares of union and nonunion workers (74 percent) get paid vacation.⁵⁴ When adjustments are made for other characteristics that may affect benefits coverage—such as sector (public or private), industry, region, employee status (full- or part-time), and establishment size—union workers are 3.2 percent more likely to have paid leave.
- **Employers contribute more to paid vacation and holidays for union workers than nonunion workers.** Union employers contribute 11.4 percent more toward paid vacation and holidays for their workers than do comparable nonunion employers. Industries and occupations with higher-than-average employer contributions toward paid vacation and holidays include production, transportation, office and administrative support, service occupations, and construction.
- **Unions provide due process.** Private employment in every state except for Montana is generally at will, with employers free to dismiss workers for almost any reason, except for reasons specified by law (e.g., on account of race, religion, disability, or other identities that are protected classes). Union contracts have provisions that allow workers to be fired, but only when the employer shows a proper, documented performance-related reason for dismissing the worker. Usually, contracts include a transparent process for disciplining workers, and the employer—except in extreme cases—must follow that process and give a worker a chance to improve performance before the employer moves to dismiss the worker.
- **Union workers have more input into the number of hours they work.** Almost half (46 percent) of nonunion workers say they have little or no input into the number of hours they work each week, compared with less than a quarter (22 percent) of union workers.⁵⁵
- **Union workers get more advance notice of their work schedules.** More than one in three workers (34.4 percent) who belong to a union get at least a week’s advance notice of their work schedules, whereas less than one in four nonunion workers (23.2 percent) do. (These calculations exclude workers whose schedules never change).⁵⁶

Unions also bring better benefits to the broader labor force. Here is a specific example of how unions have helped secure crucial benefits for workers by taking their concerns to the lawmakers and to the public at large:

- **Winning paid sick days for workers.** There is no federal law that ensures all workers are able to earn paid sick days in the United States. For workers who fall ill or whose families depend on them to provide care in the event of an illness, this means sick

days can be incredibly costly. This is a particular problem for low-wage workers, 73 percent of whom have no opportunity to earn paid sick days. Unions have participated in coalitions to enact paid sick days laws. For example, voter outreach by the United Food and Commercial Workers (UFCW) helped win passage of a paid sick days law in Oregon, while SEIU was a key player in enacting the nation's strongest paid sick days policy, in Massachusetts.⁵⁷

Unions are good for workers' retirement security

Few Americans have enough to live on in retirement. A key part of the story of rising retirement income insecurity is a shift from traditional *defined-benefit* (DB) pensions that provide a guaranteed income to *defined-contribution* (DC) plans—401(k)s or similar plans—that force workers to bear investment risk without providing any guarantees.⁵⁸ The shift from pensions to 401(k)s has also exacerbated inequality, benefiting only the very rich and leaving the vast majority unprepared for retirement. Nearly half of all families headed by a working-age adult have zero retirement savings.⁵⁹

Union members have an advantage in retirement security, both because union members are more likely to have retirement benefits and because, when they do, the benefits are better than what comparable nonunion workers receive: union members are more likely to have pensions, and employer contributions to the plans (whether pensions or DC plans) tend to be higher.

- Ninety percent of union workers participate in a retirement plan (of any kind), compared with 75 percent of nonunion workers.
- Seventy-four percent of union workers who have pensions participate in a traditional defined benefit pension, compared with 15 percent of nonunion workers.⁶⁰
- Traditional defined benefit pensions are especially important to black workers, who derive more than a fifth of their household income from these pensions in retirement.⁶¹
- Union employers (when adjustments are made for various employer characteristics) are 22.5 percent more likely to offer an employer-provided retirement plan and, on average, to spend 56 percent more on retirement for their employees than do comparable nonunion employers.⁶²

Unions create a path to sharing knowledge and solving problems

Because they are on the front lines, working people often have some of the best information on how to improve their workplaces and make their workplaces safer and more productive. Unions provide the means for workers to share their knowledge about

what works and what doesn't—without fear of retaliation. Unionized workplaces also provide their workers with more transparency about company finances and processes that can help shape responses to problems.

Here are a few examples of specific ways unions have sought to improve their workplaces:

- **Shifting from teacher punishment to professional development.** The Peer Assistance and Review (PAR) system created by the Toledo Federation of Teachers (TFT) in the early 1980s transformed teacher evaluation and professional development in Toledo and subsequently spread to other cities and counties in Ohio and throughout the country, including Boston; Rochester, New York; St. Paul, Minnesota; and Montgomery County, Maryland. Under the PAR program, new teachers—and experienced teachers who have been struggling—work with “consulting teachers” who provide mentoring and evaluation. Only after that process do principals get involved in evaluation. Veteran teachers may be referred to the program or seek it out on their own. Districts that have adopted PAR say that it strengthens instruction, increases teacher leadership, and helps strengthen the relationship between the district and the teachers union.⁶³
- **Training manufacturing workers in new technology skills.** Labor unions and the AFL-CIO Working for America Institute have been key partners in implementing a program that trains workers to operate more technical and highly specialized manufacturing processes. The Industrial Manufacturing Technicians (IMT) apprenticeship program began in Milwaukee and is expanding across eight states. The program, operated by the Wisconsin Regional Training Partnership (WRTP)/BIG STEP, provides workers with 2,700 hours of on-the-job training and 260 hours with technical college instructors. Labor union partners include the International Association of Machinists and Aerospace Workers (IAMAW), the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART), the International Brotherhood of Electrical Workers (IBEW), the United Automobile Workers (UAW), and the United Steelworkers (USW). “Union support ensures that the firm-specific design of the program is responsive to worker feedback as well as to lessons learned from IMT programs at other employers that the union covers.”⁶⁴
- **Ending quotas that force bank workers to sell exploitive loans.** More than 15,000 U.S. bank workers for Spain-based Santander Bank are trying to create the first bank workers’ union in the United States (bank unions are widespread in other developed countries). Among Santander workers’ goals is to end quotas that force workers to hawk subprime auto loans and other exploitive loans to customers—often people of color and neighbors in their communities—without being able to properly explain the terms of those loans.⁶⁵ While there has been no election petition filed for Santander Bank yet, Santander workers have brought attention to what has been a problem for American consumers. By forming unions and gaining a seat at the table, financial services employees could help end predatory practices like those engaged in by Wells Fargo Bank in recent years.⁶⁶

Workers still want unions but are being thwarted by aggressive campaigns and lobbying that have eroded private-sector union membership

Almost half (48 percent) of workers polled said they'd vote to create a union in their workplace tomorrow if they got the chance.⁶⁷ But workers are being deprived of that opportunity. Because unions and collective bargaining are effective at giving workers power, they are opposed by corporate interests and policymakers representing the highest-earning 1 percent.⁶⁸ For decades, fierce corporate opposition has suppressed the freedom to form unions and bargain collectively in the private sector by promoting anti-union campaigns in workplaces seeking to unionize and by lobbying lawmakers to pass laws depriving private-sector unions of funds needed to operate. This activity has tracked the dramatic, rapid increase of corporate political activity that began in the mid-1970s, with a specific “call-to-arms” for U.S. corporations that quadrupled the number of corporate PACs from 1976 to 1980.⁶⁹ More recently, anti-union lobbyists have passed legislation weakening unions in states such as Indiana, Michigan, and Wisconsin that were once union strongholds.⁷⁰ Outdated labor laws have failed to provide workers with protection from this employer onslaught against collective bargaining. And corporate lobbyists have blocked reforms to labor laws that would protect worker's collective bargaining rights with meaningful penalties for violations and better processes for organizing. Employers are exploiting loopholes, including by misclassifying workers as independent contractors to get around labor laws that protect employees.

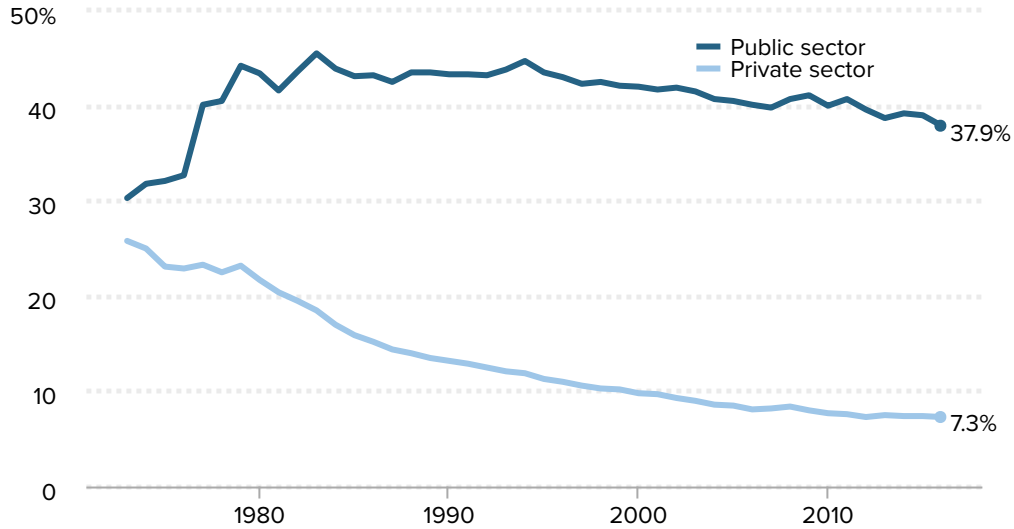
By going after union funding, employer interests and their allied lawmakers can wipe out one of the crucial pillars of support for pro-worker candidates and causes. If unions have fewer members, or if the law hamstring unions' ability to collect administrative fees from the workers they represent, there will be less union money spent on advocating for workers in general. As Gordon Lafer, associate professor at the Labor Education and Research Center at the University of Oregon, notes, “The labor movement serves as the primary political counterweight to the corporate agenda on a long list of issues that are not per se labor-related. To the extent that unions can be removed as a politically meaningful force, the rest of the agenda becomes much easier to execute.”⁷¹

These strategies have been effective, as is evident in the differing trends in unionization between private-sector and public-sector workers. Until very recently, public-sector employers have been far less engaged in trying to block unionization efforts than their private-sector counterparts. Just 6.4 percent of private-sector workers belong to a union, down from about 35 percent in the 1950s and about 25 percent in the early 1970s. In contrast, 34.4 percent of public-sector workers belong to a union, up from at or slightly above 10 percent in the 1950s. Overall, 10.7 percent of workers belong to a union, down from about 35 percent in the mid-1950s.⁷² **Figure C** shows the dramatic decline in private-

Figure C

Private-sector unionization has declined as a direct result of anti-union policies

Union coverage rates by sector, 1973–2016



Note: All workers ages 16 and up.

Source: EPI analysis of data from unionstats.com, from Barry Hirsch and David Macpherson, 2017.

Economic Policy Institute

sector unionization since the 1970s.

Employers often fight unionizing efforts with aggression and intimidation, using legal and illegal tactics

Not all employers oppose unions. Some unions featured in this report were voluntarily recognized by employers, and some led campaigns in which the employer provided union organizers with free access to employees.⁷³

But often, when private-sector workers seek to organize and bargain collectively, employers hire union avoidance consultants to orchestrate and roll out anti-union campaigns. Intense and aggressive anti-union campaigns—once confined to the most anti-union employers—have become widespread, leading to a “coercive and punitive climate for organizing that goes unrestrained due to a fundamentally flawed regulatory regime that neither protects [workers’] rights nor provides any disincentives for employers to continue disregarding the law.”⁷⁴ While the National Labor Relations Act, which governs private-sector collective bargaining, makes it illegal for employers to intimidate, coerce, or

fire workers involved in union-organizing campaigns, the penalties are insufficient to provide a serious economic disincentive for such behavior.⁷⁵ And many of the tactics that are illegal on paper can be actively pursued because verbal, veiled threats without a paper trail or explicit language connecting the threat to the union effort are difficult to prove and thus prosecute. Finally, the Department of Labor is working to repeal a rule that prohibits employers from keeping the work of anti-union consultants a secret.⁷⁶

- **Three-quarters or more of private employers facing unionization hire union avoidance consultants to quash the union campaign, sometimes spending hundreds of thousands of dollars.**⁷⁷ Employer tactics may include one-on-one meetings with supervisors, mandatory employee meetings (also known as “captive audience” meetings), videos, and leaflets. Often consultants work behind the scenes to craft the message that management delivers. The communication strategy typically warns employees that the union will just charge dues and fines without delivering raises or other benefits; will make employees strike; will take years to deliver a contract; and will generally interfere in the employment relationship. Because employers can bar pro-union workers from speaking at mandatory meetings, management can make the case against unions without being challenged.⁷⁸ The campaign against a union-organizing attempt at the lifestyle media site *Thrillist* is a classic example of the types of misleading arguments used by employers: that the union would come between management and employees, silence employees by making them talk only through union representatives, make promises it could not keep, and prevent employers from giving wage increases.⁷⁹
- **From the 1990s to the early 2000s, the likelihood that private employers will use 10 or more tactics in their anti-union campaigns doubled,** and the focus on more coercive and punitive tactics designed to intensely monitor and punish union activity increased.⁸⁰
- **One-in-five to one-in-seven union organizers or activists can expect to be fired** as a result of their activities in a union election campaign.⁸¹ Roughly a third of employers (34 percent) fire workers during campaigns.⁸² By firing one or more union organizers, employers can disrupt the organizing campaign while intimidating other potential bargaining unit members into dropping the campaign or voting no in the representation election.
- **Employers may also threaten to cut workers’ hours or pay, suspend workers, or report workers to immigration enforcement authorities.**⁸³
- **Fifty-seven percent of private employers threaten to close the worksite if employees unionize.** Forty-seven percent threaten to cut wages and benefits.⁸⁴
- **Sixty-three percent of private employers interrogate workers about union support in mandatory one-on-one meetings between workers and their supervisors,** and 54 percent of employers threaten workers in such meetings.⁸⁵
- **Union elections are not free and fair because the law does not give union organizers equal access to voters.** Employers may block union organizers from accessing the workplace while compelling voters to attend anti-union meetings. Unions may only access voters outside of work. And while, by law, employers that

possess contact information such as email addresses for employees must provide that information to union organizers, proposed legislation would severely limit organizers' rights to access that information.⁸⁶

- **The tactics are effective.** A study of private-sector union organizing in Chicago found that while a majority of workers supported unionization when petitions were filed to begin the workplace organizing effort (a majority vote is needed to elect to unionize), unions were victorious in only 31 percent of these campaigns, after workers had endured the full range of employer anti-union activity.⁸⁷
- **Loopholes in labor laws allow employers to endlessly delay contract negotiations. Two years after an election, 37 percent of newly formed private-sector unions still had no labor agreement.**⁸⁸

Workers reclassified as independent contractors cannot form unions because they aren't covered by the NLRA

Misclassification occurs when employers classify workers who are in fact employees as independent contractors, which employers do to avoid a host of employment-related obligations, such as paying for unemployment insurance and workers' compensation and even paying a minimum wage. Workers wrongly classified as independent contractors are also deprived of the right to unionize under U.S. laws. These workers are thus unable to join together in a union to negotiate better terms and conditions with their employer. Misclassification is rampant in many industries such as food services and construction. The practice contributes to an economy where wages are flat, profits are soaring, and companies that do not arrange their businesses to avoid their employment responsibilities are disadvantaged.⁸⁹

Corporate lobbyists push laws—misleadingly called 'right-to-work' laws—that seek to defund private-sector unions

Unions provide a range of tangible benefits to their members, from contract and benefit administration and enforcement to legal services. These services cost money. While states generally have no jurisdiction over private-sector unions, the NLRA allows states to pass "right-to-work" (RTW) laws.⁹⁰ Contrary to their branding, these laws do nothing to boost workers' chances of finding a job. Rather, right-to-work laws simply prohibit contracts that require all workers who benefit from union representation to help pay for these benefits. Specifically, RTW laws say unions can't require nonunion members of a collective bargaining unit who don't pay union dues to pay "fair share fees"—fees that cover the

basic costs of representing employees in the workplace (but are not used for costs associated with union organizing or political activities).

Fair share fees are just that. Under federal law, no one can be forced to join a union as a condition of employment. However, unions *are* required to represent all members of a bargaining unit, whether or not they are in the union. This means that if an employer mistreats a worker who is not in the union, the union must pursue that worker's grievance just as it would a member's, even if it costs tens of thousands of dollars. Nonunion workers also receive the higher wages and benefits their union coworkers enjoy.⁹¹ Eliminating fair share fees encourages "free-riding": workers paying union dues see coworkers who are paying nothing but getting the same benefits, and they decide to leave the union and stop paying union dues.

RTW laws weaken unions by eroding union funding and membership (**Figure D** shows union density, as measured by shares of workers covered by collective bargaining, in RTW and fair share states). Proponents of RTW laws say they boost investment and job growth but there is no serious evidence of that. While causal impacts of RTW laws are hard to estimate with statistical precision, there is ample evidence that RTW laws hurt all workers—not just union members.⁹²

- **Twenty-eight states have "right-to-work" laws that allow workers in the private sector to access the benefits of union negotiations without sharing the costs.**
- **States that passed RTW a long time ago have successfully avoided large-scale unionization.** Historically states in the Deep South and parts of Midwest and West passed RTW laws to weaken unions. Many succeeded. Especially in the Deep South, states that passed RTW laws in the 1940s and 1950s have low private-sector unionization rates that persist to this day.
- **States with strong unions are now being targeted by RTW.** Anti-union lobbyists have succeeded in bringing RTW to heavily unionized states such as Indiana, Michigan, and Wisconsin to weaken worker power.⁹³
- **"National Right to Work" legislation has been introduced in the House and Senate: H.R. 785 by Rep. King (R-Iowa) and S. 545 by Sen. Paul (R-Ky.).** These companion bills would allow employees who work in a unionized workplace, but who decline to become union members, to refuse to pay a fair share fee to the union that negotiates their benefits.
- **A well-funded, centralized campaign is behind RTW laws.** In the wake of the Great Recession, RTW laws passed and proposed were presented as homegrown responses to state unemployment woes, but the similarity of the text in the laws, and the fact that states with more fiscal distress were not more likely to introduce such legislation, shows "a political agenda...funded by a network of extremely wealthy individuals and corporations."⁹⁴
- **RTW laws lower unionization rates even in less-unionized states.** The passage of RTW in Oklahoma decreased private-sector unionization rates by roughly 20 percent.⁹⁵
- **Wages are 3.1 percent lower in RTW states than in fair share states,** after controlling

for individual demographic and socioeconomic factors and state macroeconomic indicators, including cost of living. This translates into a \$1,558 annual RTW wage penalty for a typical full-time, full-year worker, union or nonunion, in the public or private sector.⁹⁶

- **Proponents of RTW laws say they boost investment and job growth but there is no real evidence of that.** Reviewing claims of faster-than-average employment growth in RTW states, an EPI report found dramatic growth in some RTW states but steep declines in others, with the high-growth states skewing the average. Studies that have found positive employment effects of RTW laws have failed to control for a host of factors that would affect employment, from the education level of the workforce to the proximity of transportation hubs to a state’s natural resources to a state’s level of manufacturing.⁹⁷ A 2015 study similarly found “no pronounced effect of RTW laws on state economies.”⁹⁸
- **Rev. Martin Luther King Jr. targeted the misleading nature of the “right-to-work” slogan in 1961** when he said the purpose of “right to work” is “to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone.”⁹⁹

Corporate lobbies and allied lawmakers are dismantling the rights of public-sector union workers

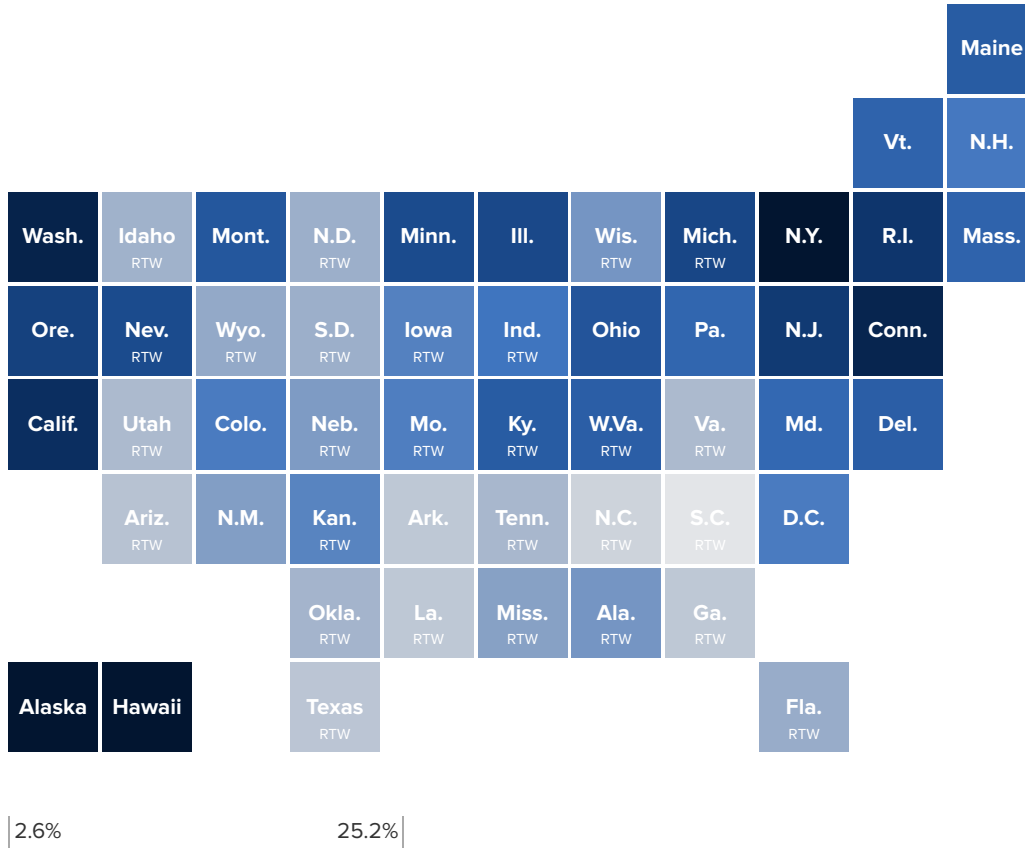
When state budget deficits increased after the Great Recession, business-backed governors in a number of states sought to curb the powers of public-sector unions by arguing that government unions were to blame. Though these anti-union laws were presented as homegrown responses to specific fiscal distress in each state, the laws’ similarities, and the fact that states with more fiscal distress were not more likely to introduce such legislation, suggest that lawmakers were enacting an agenda driven and funded by national corporate interests. In fact, the financial distress was caused by Wall Street’s excessive risk-taking, not by unions.¹⁰⁰ And, **many of the same states that curbed state employee unions also enacted new tax cuts for the wealthy.**¹⁰¹

- **From 2011 to 2015, fifteen states enacted legislation severely limiting or even dismantling collective bargaining rights for public-sector unions.**¹⁰²
 - **Wisconsin’s “Budget Repair Bill” (Act 10) largely eliminated collective bargaining rights for the state’s 175,000 public employees.** While the law does not explicitly outlaw collective bargaining, it prohibits public employees from negotiating about anything other than wages (and then only to adjust wages for inflation); it outlaws fair share fees; it eliminates the ability to pay union dues through the state payroll; and it requires unions to hold expensive recertification elections every year to remain in existence.¹⁰³
 - **The share of workers in unions in Wisconsin dropped from 15.2 percent in**

Figure D

Right-to-work laws weaken unions by eroding union membership

Union density in right-to-work and fair-share states



Click map to view data.

Union density is measured as share of workers covered by collective bargaining. Six states have right-to-work laws that were enacted in the last five years (in 2012 or later): Indiana, Kentucky, Michigan, Missouri, Wisconsin, and West Virginia.

Sources: The Union Membership and Coverage Database (www.unionstats.com), compiled by Barry Hirsch and David Macpherson, and "Right-to-Work Resources," National Conference of State Legislatures, web page accessed August 22, 2017.

Economic Policy Institute

2009 to 8.3 percent in 2015.¹⁰⁴

- **Other state laws eliminated collective bargaining rights for certain groups of workers** (school teachers in Tennessee, municipal employees in Oklahoma, farmworkers and child care workers in Maine, and home care workers in Michigan) or restricted what public employees can bargain about (health care in New Jersey).
- **Beyond curbs to collective bargaining are a set of state measures that target the power of public sector unions by cutting public sector wages and benefits** and restricting unions' ability to collect dues through the public payroll.
- **Anti-union laws are gateway laws to broader anti-worker measures.** Some states

that succeed in degrading public collective bargaining go on to pass other laws that diminish worker rights.¹⁰⁵ Wisconsin, for example, eliminated the requirement to allow workers at least one day off per 7-day week (that is, the requirement that workers get at least one weekend day per week).¹⁰⁶

Attacks on public-sector collective bargaining are playing out in the courts

In the public sector, there is a similar attack on collective bargaining playing out in the courts. In *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), the Supreme Court upheld the use of fair share fees in public-sector unions against a challenge based on the First Amendment. The Court held that public-sector employees who elect not to join the union may be charged a fee to cover the cost of collective bargaining and contract administration. Fair share fees may not be used to support union political activities. These fair share fees ensure that all workers represented by the union pay their fair share of the cost of that representation.

In 2016, the Supreme Court heard oral argument in *Friedrichs v. California Teachers Association*, which, among other things, addressed whether *Abood* should be overruled and public-sector fair-share fee arrangements invalidated under the First Amendment. On March 29, 2016, the Supreme Court affirmed *Abood* by an equally divided 4–4 split.¹⁰⁷

Pro-RTW organizations have continued to litigate challenges to public-sector unions' fair share fee requirements. One of those cases, *Janus v. AFSCME*, will likely be heard in the Supreme Court's upcoming term.¹⁰⁸

Conclusion: Unions are essential to a fair economy and a vibrant democracy

Unions are a dynamic and ever-evolving institution of the American economy that exist to give working people a voice and leverage over their working conditions and the economic policy decisions that shape these conditions. Collective bargaining is indispensable if we want to achieve shared prosperity.

But it is precisely because they are effective and necessary for shared prosperity that unions are under attack by employers who want to maintain excessive leverage over workers and by policymakers representing the interests of the top 1 percent. These attacks have succeeded in increasing the gap between the number of workers who would like to be represented by a union and the number who are represented by a union. And these threats to the freedom to join together in unions haven't been met with a policy response sufficient to keep the playing field level between organizing workers and the employers

looking to thwart them.

Giving workers a real voice and leverage is essential for democracy. While unions historically have not been able to match corporate political donations dollar for dollar, working people organizing together in unions play an equalizing role because they can motivate members to give their time and effort to political causes. For example, one study found that unions are very effective at getting people to the polls—especially increasing voting among those with only a high school education.¹⁰⁹

As this report has shown, unions—when strong—have the capacity to tackle some of the biggest problems that plague our economy, from growing economic inequality, wage stagnation, and racial and gender inequities to eroding democracy and barriers to civic participation.

And, unions also help to address current workforce trends that are increasing work insecurity, from the rise of part-time work and unpaid internships to the exploitation of student athletes to increasing numbers of Uber drivers and other “gig economy” workers.¹¹⁰ In a recent *New York Times* op-ed, Kashana Cauley cited some of these trends and called on her millennial peers to lead the next labor movement.¹¹¹ Indeed, there is evidence that young workers are primed to do so: 55 percent of 18- to 29-year-old workers view unions favorably, compared with 46 percent of workers age 30 and older.¹¹² And young people of both political parties are more amenable to labor unions than their older peers.¹¹³ Having entered the workforce during the last recession, these young workers have experienced a labor market with lower wages, diminishing benefits, “noncompete” clauses that make it harder for even entry-level employees to move to better jobs, and other facets of increasing insecurity, Cauley explains.¹¹⁴

Certainly, Americans of all ages, occupations, races, and genders have a vested interest in making sure our economy works for everyone. To promote an inclusive economy and a robust democracy, we must work together to rebuild our collective bargaining system.

Acknowledgments

The authors would like to thank our coworkers who provided valuable feedback on drafts of this report and contributed data and examples, including Daniel Essrow, Kayla Blado, Elizabeth Rose, Monique Morrissey, David Cooper, Julia Wolfe, Jessica Schieder, and Samantha Sanders. We are also thankful to Krista Faries for her excellent copy editing and Margaret Poydock for laying out the report.

Endnotes

1. Article 23 of the Universal Declaration of Human Rights declares that everyone has a right to form and/or join a trade union. The right of labor unions to gather is given under the First Amendment to the United States Constitution, which protects the right to exercise freedom of speech in peaceful protest. The U.S. Congress enacted the National Labor Relations Act (NLRA) in 1935 to

protect the rights of employers and employees, including the right to form, join, or assist labor organizations and to bargain collectively. Americans of all ages broadly support the ability of workers in various sectors to unionize, with shares supporting unions ranging from 62 percent to 82 percent, depending on the sector. See “[Mixed Views of Impact of Long-Term Decline in Union Membership: Public Says Workers in Many Sectors Should Be Able to Unionize](#),” Pew Research Center, April 27, 2015.

2. In 2016 there were 16.3 million wage and salary workers age 16 and older who were represented by a union, either because they were union members or (if they weren’t union members) were in jobs covered by a union or an employee association contract. The share of workers who belonged to a union was 10.7 percent, and the share of workers covered by collective bargaining was 11.9 percent. (Source: EPI analysis of Current Population Survey Outgoing Rotation Group [CPS ORG] data for all workers age 16 and older).
3. The source for public sector’s share of workers covered by a union contract is EPI analysis of Current Population Survey Outgoing Rotation Group [CPS ORG] data for all workers age 16 and older; the source for state laws covering collective bargaining is Jeffrey Keefe, [Laws Enabling Public-Sector Bargaining Have Not Led to Excessive Public-Sector Pay](#), Economic Policy Institute, October 16, 2015.
4. Cathy Hester Seckman, “[The Unions: How Organized Labor Is Lending a Helping Hand to Dental Hygiene](#),” *RDH* vol. 24, no. 4 (April 2004); Liat Shapiro, “[Grad Students Vote in Majority for Labor Union](#),” *The Justice*, May 23, 2017; Mark Konkol, “[Latino Firefighters Bullied into Taking Race-Based Promotions, They Say](#),” *DNAinfo Chicago*, May 22, 2015; Jeffrey Fleishman, “[Working Hollywood: Writers Are the ‘Labor’ and ‘Leprechauns’ behind TV’s Latest Golden Age](#),” *Los Angeles Times*, June 23, 2017; Tian Harter, notes from a talk by Paul K. Davis (Ames Federal Employees Union—IFPTE Local 30, Santa Clara County, California), titled “Scientists & Engineers in Labor Unions?—Yes”; website of the Law Enforcement Officers Security Unions—DC, www.leosudc.org and “[Why Join AFEU?](#)” Ames Federal Employees Union website accessed August 22, 2017; Gary Weiss, “An Unlikely Big Player in Digital Media: Unions,” *Columbia Journalism Review*, June 21, 2017; Jeff Fannell, “[The MLBPA: What We Do](#),” *MLBPlayers.com*, August 31, 2016.
5. Non-Hispanic white men make up 34.5 percent of total persons represented by unions. These estimates are based on EPI analysis of Current Population Survey Outgoing Rotation Group (CPS ORG) data for all workers ages 16 and older. As of 2016, there are 15.5 million workers age 18 to 64 who are covered by a union contract; 10.1 million are women and/or people of color. The breakdowns by race and ethnicity, gender, and occupations in this section focus on workers age 18 to 64 who are represented by a union, as do our estimates of union wage premiums (advantages) discussed later in the paper. We rely on our own tabulations in order to obtain race/ethnicity breakdowns that are mutually exclusive.
6. Certain residual formulas in the pay TV and the subscription video-on-demand (SVOD) industries needed to be increased because they did not adequately reflect the value of the content created by WGA members. The WGA health fund had been running a deficit due to the rapid inflation in health care costs, and the WGA determined that the period of record profitability for the studios and networks was a good time to reverse the current trend to deficits with additional employer contributions. (Sources: Email correspondence with Neal Sacharow, Director of Communications, Writers Guild of America West, August 14, 2017; Jeffrey Fleishman, “[Working Hollywood: Writers Are the ‘Labor’ and ‘Leprechauns’ behind TV’s Latest Golden Age](#),” *Los Angeles Times*, June 23, 2017.
7. *Columbia University*, 364 NLRB No. 90 (Slip. Op. 2016).

8. The National Labor Relations Board in 2016 reversed an earlier decision and ruled that graduate students could unionize in the private sector. For more on recent graduate student organizing, see David Ludwig, “[Why Graduate Students of America Are Uniting](#),” *The Atlantic*, April 15, 2015; Liat Shapiro, “[Grad Students Vote in Majority for Labor Union](#),” *The Justice*, May 23, 2017; Stephen Markley, “[Adjunct Professors and Grad Students Are the Working Poor, and They Need Unions](#),” *Paste*, January 19, 2017.
9. See the “[About](#)” and “[About: Whom We Represent](#)” pages on the IFPTE website ([ifpte.org](#)); the [IFPTE Local 70](#) website ([ifptelocal70.org](#)); and “[Center for American Progress Staff Sign First Contract](#)” [press release], International Federation of Professional and Technical Engineers, May 15, 2017.
10. Joe Allen, “[A Big Win at UPS Would Help Build Union Support at Amazon](#),” *In These Times*, March 30, 2017; Sean Williams, “[UPS or FedEx: Which Company Is Best at Keeping Its Customers Loyal?](#)” *The Motley Fool*, May 9, 2014.
11. Fellow locals in the International Association of Machinists and Aerospace Workers (IAM) are lending some of the funds for the purchase. See Penelope Overton, “[Maine Lobstermen’s Union Votes to Buy Hancock County Lobster Business](#),” *Portland Press Herald*, February 25, 2017.
12. Queenie Wong, “[Hundreds of Facebook Cafeteria Workers Join Union](#),” *San Jose Mercury News*, July 24, 2017; Angelo Young, “[A Labor Movement Is Brewing within the Tech Industry](#),” *Salon*, June 10, 2017; [Silicon Valley Rising](#) [fact sheet], accessed July 2017.
13. Dave Jamieson, “[Staff Of In These Times Magazine Joins Communications Workers of America Union](#),” *Huffington Post*, February 25, 2014; Hamilton Nolan, “[Vice Writers Get a Union Contract With a Big Raise](#),” *Gawker*, April 15, 2016; Corinne Grinapol, “[The American Prospect Staff Unionize](#),” *Adweek*, April 24, 2017; Dave McNary, “[Fusion Staff Unionizes with Writers Guild of America East](#),” *Variety*, November 11, 2016; Michael Calderone, “[The Huffington Post Ratifies Union Contract](#),” *Huffington Post*, January 30, 2017.
14. “[11 Reasons to be Thankful for Labor Unions](#),” Hiden Rott & Oertle, LLP (accessed July 27, 2017).
15. Economic Policy Institute, [The Agenda to Raise America’s Pay](#) (last updated December 6, 2016).
16. The classic reference for the union impact on inequality, and many other matters, is Richard B. Freeman and James I. Medoff, *What Do Unions Do?* (New York: Basic Books, 1984). Also see Brantly Callaway and William J. Collins, “Unions, Workers, and Wages at the Peak of the American Labor Movement,” National Bureau of Economic Research, Working Paper no. 23516, June 2017, for evidence from the early postwar period. More recent estimates of union wage premiums by wage fifth, occupation, and education can be found in Lawrence Mishel, Josh Bivens, Elise Gould, and Heidi Shierholz, *The State of Working America, 12th Edition*, an Economic Policy Institute book (Ithaca, N.Y.: Cornell Univ. Press, 2012), Table 4.37.
17. Bruce Western and Jake Rosenfeld “Unions, Norms, and the Rise in U.S. Wage Inequality.” *American Sociological Review* 76 (2011), 513–37; Lawrence Mishel, Josh Bivens, Elise Gould, and Heidi Shierholz, *The State of Working America, 12th Edition*, an Economic Policy Institute book (Ithaca, N.Y.: Cornell Univ. Press, 2012), Table 4.37.
18. From 1979 to 2015, productivity rose 63.8 percent while hourly compensation of the typical worker (production/nonsupervisory workers in the private sector) increased only 9.9 percent. See underlying data from Economic Policy Institute, [The Productivity-Pay Gap](#) (last updated August 2016).

19. Thomas Piketty and Emmanuel Saez, downloadable Excel files with 2015 data updates to Thomas Piketty and Emmanuel Saez, “Income Inequality in the United States, 1913–1998,” *Quarterly Journal of Economics* vol. 118, no. 1 (2003).
20. The regression-based gap controls for gender, race and ethnicity, education, experience, geographic division, major occupation and industry, and citizenship. The log of the hourly wage is the dependent variable. The gap uses a five-year average of wages from 2012 to 2016. Source: “[Union Wage Premium by Demographic Group, 2011](#),” Table 4.33 in *The State of Working America 12th Edition*, an Economic Policy Institute book (Ithaca, N.Y.: Cornell Univ. Press, 2012), updated with 2016 microdata from the Current Population Survey Outgoing Rotation Group microdata.
21. There are three groups of workers whose wages have been affected by the decline of unionization. First, there are the remaining union members, who according to research have experienced a decline in the earnings premium that comes from belonging to a union—a decline especially large for female members. For instance, the union wage premium fell over the 1973 to 2009 period by nearly a third for private-sector women. Among private-sector men, after peaking in the early 1980s, the earnings premium that comes from union membership had fallen slightly by 2009 (Jake Rosenfeld, Patrick Denice, and Jennifer Laird, *Union Decline Lowers Wages of Nonunion Workers: The Overlooked Reason Why Wages Are Stuck and Inequality Is Growing*, Economic Policy Institute, August 30, 2016). The estimates referenced are from Figure 3.1 of Jake Rosenfeld, *What Unions No Longer Do*, Cambridge, Mass.: Harvard Univ. Press, 2014).
22. Workers not covered by unions—those who are neither in a union themselves nor covered by a union contract—are almost twice as likely (4.4 percent) to experience minimum wage violations as those in a union or covered by a union contract (2.3 percent). See David Cooper and Teresa Kroeger, *Employers Steal Billions from Workers’ Paychecks Each Year: Survey Data Show Millions of Workers Are Paid Less Than the Minimum Wage, at Significant Cost to Taxpayers and State Economies*, Economic Policy Institute, May 10, 2017.
23. Union density is the share of workers in similar industries and regions who are union members. For the typical nonunion man working year-round in the private sector, the decline in private-sector union density since 1979 has led to an annual wage loss of \$2,704 (2013 dollars). For the 40.2 million nonunion men working in the private sector, the total loss is equivalent to \$109 billion annually. The effects of union decline on the wages of nonunion women are not as substantial because women were not as likely to be unionized as men were in 1979. See Jake Rosenfeld, Patrick Denice, and Jennifer Laird, *Union Decline Lowers Wages of Nonunion Workers: The Overlooked Reason Why Wages Are Stuck and Inequality is Growing*, Economic Policy Institute, August 30, 2016.
24. Paul Brinkmann, “[Disney World Union Seeks to Reopen Wage Negotiations](#),” *Orlando Sentinel*, July 26, 2017.
25. The 10 states that had the least erosion of collective bargaining saw their inflation-adjusted median hourly compensation grow by 23.1 percent from 1979 to 2012. The 10 states that had the most erosion of collective bargaining saw their inflation-adjusted median hourly compensation grow by 5.2 percent. Erosion is measured by the percentage-point decline in the share of workers in the state covered by a collective bargaining contract. See David Cooper and Lawrence Mishel, *The Erosion of Collective Bargaining Has Widened the Gap between Productivity and Pay*, Economic Policy Institute, 2015.
26. See Matt Vidal and David Kusnet, *Organizing Prosperity: Union Effects on Job Quality, Community Betterment, and Industry Standards*, Economic Policy Institute and UCLA Institute for Research on Labor and Employment, 2009; C. Jeffrey Waddoups, “[Wages in Las Vegas and Reno](#):

How Much Difference Do Unions Make in the Hotel, Gaming, and Recreation Industry?" *UNLV Gaming Research & Review Journal* vol. 6, no. 1 (2001).

27. David Cooper, "How We Can Save \$17 Billion in Public Assistance—Annually," *Talk Poverty*, February 18, 2016; Economic Policy Institute, *Why America Needs at \$15 Minimum Wage* [fact sheet], April 26, 2017; Economic Policy Institute, *Minimum Wage Tracker* [online interactive], July 10, 2017.
28. C. Cosner, "Historic Union Contract Signed by FUJ and Sakuma Bros. Berry Farm," *Familias Unidas por La Justicia*, June 17, 2017; Steve Leigh, "Sakuma Workers Win Their First Contract," *Socialistworker.org*, June 20, 2017; "Combative Farm Workers in Only Indigenous-Led US Union Win Labor Rights Defenders Award," *teleSUR*, May 24, 2017.
29. Valerie Wilson and William M. Rodgers III, *Black-White Wage Gaps Expand with Rising Wage Inequality*, Economic Policy Institute, September 20, 2016.
30. The wage gap is adjusted and is as of 2016; it comes from Economic Policy Institute, *State of Working America Data Library*, "Wage Gaps: Black-White Wage Gap," last updated February 13, 2017.
31. The regression analysis producing this estimate controlled for education, experience, race, citizenship status, geographic division, industry, and occupation. (Source: "Union Wage Premium by Demographic Group, 2011," Table 4.33 in *The State of Working America, 12th Edition*, an Economic Policy Institute book [Ithaca, N.Y.: Cornell University Press, 2012], updated with 2016 microdata from the Current Population Survey Outgoing Rotation Group microdata.)
32. Data are unadjusted for factors such as demographics and employer size. Data are as of March 2017 and are drawn from EPI analysis of Bureau of Labor Statistics, "Employee Benefits in the United States—March 2017" [news release], U.S. Department of Labor. In 2016, women made up 56.6 percent of those employed in service occupations but only 46.8 percent of all workers employed in 2016 (Bureau of Labor Statistics, "Household Data, Annual Averages" [data table], *Current Population Survey*, 1, 4). Service occupations include protective service, food preparation and serving, healthcare support, building and grounds cleaning and maintenance, and personal care and service.
33. EPI analysis of 2016 microdata from the Current Population Survey finds that hourly wages for black workers represented by unions are 14.7 percent higher than wages paid to their nonunionized counterparts. Hispanic workers represented by unions are paid 21.8 percent more than their nonunionized counterparts. In contrast, non-Hispanic white union workers have a smaller—9.6 percent—wage advantage over nonunionized white workers. The regression analysis producing this estimate controlled for education, experience, gender, race, citizenship status, geographic division, industry, and occupation.
34. Lawrence Mishel, *Diversity in the New York City Union and Nonunion Construction Sectors*, Economic Policy Institute, March 2, 2017.
35. Lawrence Mishel, *Diversity in the New York City Union and Nonunion Construction Sectors*, Economic Policy Institute, March 2, 2017.
36. Richard Trumka, *speech given at the Steelworkers convention*, July 1, 2008.
37. Liz Shuler, *Speech on Women and Work*, posted October 28, 2015; Leslie Tolf, "5 Women Labor Leaders Speak Their Minds on the Future of Labor," *Huffpost* [blog], September 7, 2015; "AFL-CIO Chief Denounces Trump's 'Spirited Defense of Racism and Bigotry,'" CBS News, August 16, 2017;

- “Major ‘I Am 2018’ Initiative Announced to Mark 50th Anniversary of Memphis Sanitation Strike, MLK Assassination,” [press release], June 28, 2017.
38. AFL-CIO, *Death on the Job: The Toll of Neglect 2017*, April 26, 2017.
39. Roberto Cenicerros, “Workplace Safety Is a Major Push for Unions,” *Business Insurance*, February 12, 2012.
40. Benjamin Amick et al., “Protecting Construction Worker Health and Safety in Ontario, Canada: Identifying a Union Safety Effect,” *Journal of Occupational and Environment Medicine* vol. 57, no. 2 (December 2015), 1337–42.
41. Heidi Shierholz and Celine McNicholas, “Understanding the Anti-regulation Agenda: The Basics” [fact sheet], Economic Policy Institute, April 11, 2017; Economic Policy Institute, “The Perkins Project on Worker Rights and Wages.”
42. New York Committee for Occupational Safety and Health, *Deadly Skyline: An Annual Report on Construction Fatalities in New York State*, January 2017.
43. Harry Miller, Tara Hill, Kris Mason, and John S. Gaal, “An Analysis of Safety Culture & Safety Training: Comparing the Impact of Union, Non-Union, and Right to Work Construction Venues,” *Online Journal for Workforce Education and Development* vol. 6, no. 2 (2013).
44. Overall, unionization is associated with a 14 to 32 percent drop in traumatic injuries and a 29 to 83 percent drop in fatalities. See Alison D. Morantz, “Coal Mine Safety: Do Unions Make a Difference?” *ILR Review* vol. 66, no. 1 (January 2013), 88–116.
45. Mike Elk, “Overlooked DC Victory Shows Linking Safety, Labor Rights Is Winning Formula,” *In These Times*, July 12, 2010.
46. Mark Berman, “Former Coal CEO Sentenced to a Year in Prison after 2010 West Virginia Coal Mine Disaster,” *Washington Post*, April 6, 2016.
47. The federal standard would include an assessment of risk factors (such as staffing levels), a post-incident response procedure, employee participation in the creation of a plan, and prohibition on retaliation against an employee who may seek legal assistance after an incident. See Alexia Fernández-Campbell, “Why Violence Against Nurses Has Spiked in the Last Decade,” *The Atlantic*, December 1, 2016 (updated June 19, 2017); “NNU Petitions Violence Prevention in Workplace,” National Nurses United, August 2, 2016. See also a Government Accountability Office report that found that workplace violence is a serious and growing concern for 15 million health care workers and can be prevented through violence prevention programs: U.S. Government Accountability Office, “Additional Efforts Needed to Help Protect Health Care Workers from Workplace Violence,” March 2016.
48. Associated Press, “OSHA Seeks New Limits on Silica Dust,” *Washington Post*, August 23, 2013; “Heeding the Science (Finally) to Fight a Preventable Workplace Killer,” Union of Concerned Scientists, September 2013; Centers for Disease Control and Prevention, “Notes from the Field: Update: Silicosis Mortality—United States, 1999–2013,” *Morbidity and Mortality Weekly Report*, June 19, 2015; Occupational Safety and Health Administration, “OSHA’s Final Rule to Protect Workers from Exposure to Respirable Crystalline Silica,” U.S. Department of Labor (accessed July 26, 2017); United Auto Workers, “New Crystalline Silica Rule Long Overdue,” June 13, 2016; Stan Parker, “Industry, Unions Lock Horns in OSHA Silica Rule Dust-Up” *Law360*, November 21, 2016; James Melius, “Testimony before the U.S. House of Representatives Education and Workforce Committee, Subcommittee on Workforce Protections, Hearing on Reviewing Recent Changes to

OSHA's Silica Standards," April 19, 2016; Alexia Elejalde-Ruiz, "Workers Breathe Easier over Silica Dust Rules as Construction Industry Winces," *Chicago Tribune*, March 24, 2016.

49. "TSAFF Wins Workers' Compensation for Members with PTSD," IAFF FireFighters (accessed July 27, 2017).
50. Anna Brown, "Key Findings about the American Workforce and the Changing Job Market," *Fact Tank* (Pew Research Center), October 6, 2016.
51. Eighty-seven percent of private-sector workers in the highest 10 percent of wage earners have the ability to earn paid sick days, compared with only 27 percent of private-sector workers in the lowest 10 percent. For the average worker who does not have access to paid sick days, if the worker needs to take off three days, the lost wages are equivalent to the household's entire grocery budget for the month. See Elise Gould and Jessica Schieder, *Work Sick or Lose Pay? The High Cost of Being Sick When You Don't Get Paid Sick Days*, Economic Policy Institute, June 28, 2017.
52. Bertil Videt and Danielle de Winter, "Job Insecurity as the Norm: How Labour Market Trends Have Changed the Way We Work," *The Broker*, March 10, 2014. Videt and de Winter cite A. Kalleberg, "Precarious Work, Insecure Workers: Employment Relations in Transition," *American Sociological Review* vol. 74., no. 1 (2009), 2.
53. Unadjusted data (comparisons based just on union status, which include the by-industry comparisons) are as of March 2017 and come from Tables 2 and 6 in Bureau of Labor Statistics, "Employee Benefits in the United States—March 2017" [news release], U.S. Department of Labor, July 21, 2017. Adjusted data are based on analysis of fourth-quarter 1994 Employment Cost Index microdata as presented in Table 4.35 in Lawrence Mishel, Josh Bivens, Elise Gould, and Heidi Shierholz, *The State of Working America, 12th Edition*, an Economic Policy Institute book (Ithaca, N.Y.: Cornell Univ. Press, 2012) and drawn from Brooks Pierce, "Compensation Inequality," U.S. Department of Labor Statistics Working Paper no. 323, 1999.
54. Union–nonunion gaps in access to paid vacation and holidays are much narrower in state and local governments because teachers make up a large portion of state and local government employment and they are not usually offered paid vacation. See Tech Notes on page 3 of Bureau of Labor Statistics, "Employee Benefits in the United States—March 2017" [news release], U.S. Department of Labor, July 21, 2017.
55. EPI analysis of the 2016 General Social Survey Quality of Worklife and Work Orientations supplements. "Union worker" here refers to workers who said they belonged to a union.
56. EPI analysis of the 2016 General Social Survey Quality of Worklife and Work Orientations supplements. Respondents were asked whether they or their spouses belong to a union. The sample excludes all workers who say their schedules never change.
57. 87 percent of private-sector workers in the top 10 percent of wages have the ability to earn paid sick days, compared with only 27 percent of private-sector workers in the bottom 10 percent. Sources: Elise Gould and Jessica Schieder, *Work Sick or Lose Pay? The High Cost of Being Sick When You Don't Get Paid Sick Days*, Economic Policy Institute, June 28, 2017; Justin Miller, "With Oregon's Bill, Paid Sick Leave Gains Momentum," *The American Prospect*, June 16, 2015; "2014: A Banner Year for Workers and Families in Massachusetts," Massachusetts Communities Action Network," November 2014.
58. DB pensions (such as those historically negotiated by unions) provide more secure, adequate, and egalitarian retirement incomes than 401(k)-style DC plans. Workers are automatically enrolled

in traditional pensions and, in the private sector, employer contributions fund the plan, so that the existence of savings does not depend on a worker's ability to set aside wages for retirement; in addition, the amount of retirement income is guaranteed with pensions, not contingent on the state of the stock market at the time when retirees need to access their savings. In contrast, employers that offer 401(k)-style plans typically require workers to contribute to the plans in order to receive an employer match, and these workers shoulder all the investment risk.

59. Monique Morrissey, *The State of American Retirement: How 401(k)s Have Failed Most American Workers*, Economic Policy Institute, March 3, 2016.
60. Data are from Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in the United States, March 2016*, "Table 2. Retirement Benefits: Access, Participation, and Take-up Rates, Civilian Workers, March 2016."
61. Income estimate is for all seniors age 65 and older, whether retired or not. Source: Monique Morrissey, *The State of American Retirement: How 401(k)s Have Failed Most American Workers*, Economic Policy Institute, March 3, 2016.
62. Adjusted data are based on analysis of fourth-quarter 1994 Employment Cost Index microdata as presented in Table 4.35 in Lawrence Mishel, Josh Bivens, Elise Gould and Heidi Shierholz, *The State of Working America, 12th Edition*, an Economic Policy Institute book (Ithaca, N.Y.: Cornell Univ. Press, 2012) and drawn from Brooks Pierce, *Compensation Inequality*, U.S. Department of Labor Statistics Working Paper no. 323, 1999.
63. See "A User's Guide to Peer Assistance and Review," Harvard Graduate School of Education (accessed July 2017); Saul A. Rubinstein and John E. McCarthy, *Collaborating on School Reform: Creating Union-Management Partnerships to Improve Public School Systems*, Rutgers School of Management and Labor Relations, October 2010; "Peer Assistance and Review (PAR) Program," Boston Teachers Union (accessed July 2017).
64. "For Good Jobs, Look Beyond the Rust," *New York Times*, July 23, 2017; *Moving Apprenticeship into Manufacturing's Future: Industrial Manufacturing Technician*, COWS (University of Wisconsin–Madison), February 2017.
65. "Bank Workers Will Protest to Form Their First US Union—and the Whole World is Watching," *Mic.com*, February 17, 2017.
66. Keith Ellison, "John Stumpf's Wells Fargo Racket Shows Why Bank Workers Need a Union," *Daily Beast*, September 28, 2016.
67. In 2012, forty-eight percent of all nonmanagerial workers surveyed by the AFL-CIO Workers' Rights Survey (May 2012 Hart Research Associates poll) said they would "probably" or "definitely" vote to form a labor union if an election were held tomorrow.
68. In a roundtable discussion on *PBS NewsHour*, James Hoffa, president of the International Brotherhood of Teamsters, suggested that "the real reason" political leaders in states such as Indiana, Michigan, Ohio, New Jersey and Michigan have targeted unions is because they are "the backbone of the Democratic Party...the ones that have the boots on the ground" ("**Union Leaders Discuss State of U.S. Labor as Attacks Rise, Membership Goes Down**," *PBS NewsHour*, September 3, 2012).
69. Jacob S. Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer—and Turned Its Back on the Middle Class*, Simon & Schuster, 2010.

70. Colin Gordon, “Right to Work (For Less): By the Numbers,” *Dissent*, May 10, 2016.
71. Gordon Lafer, *The One Percent Solution: How Corporations are Remaking America One State at a Time* (Ithaca, N.Y.: Cornell Univ. Press, 2017), 93.
72. Current membership rates are for 2016 and come from Bureau of Labor Statistics, “[Union Members Summary](#)” [economic news release], U.S. Department of Labor, January 26, 2017; 1950s rates come from John Schmitt, “[Union Membership Trends, 1948–2012](#),” *No Apparent Motive* (blog), January 25, 2013; and 1950s and 1970s rates come from the data appendix for figures that accompanies Barry T. Hirsch, “[Sluggish Institutions in a Dynamic World: Can Unions and Industrial Competition Coexist?](#)” *Journal of Economic Perspectives* vol. 22, no. 1 (2008), 153–76.
73. Employers, where law permits, may voluntarily recognize a union based on a simple showing of majority support from the employees.
74. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009.
75. Penalties may consist of posting a notice, reinstating fired workers, giving back pay to a fired worker, or rerunning an election. There are no punitive damages or criminal charges. The most serious penalty, a bargaining order to work with the union on a first contract, is often ineffectual as the anti-union campaign continues.
76. Marni von Wilpert, “[Comment to the U.S. Department of Labor Opposing the Rescission of the Persuader Rule](#),” Economic Policy Institute, August 9, 2017.
77. A national study of NLRB elections from 1999 to 2003 found that 75 percent of employers used consultants to design and coordinate their anti-union campaigns; see Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009. A 2002 Chicago study found that 82 percent of employers hired anti-union management consultants. See Chirag Mehta and Nik Theodore, *Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns*, a report by the Center for Urban Economic Development at the University of Illinois at Chicago for American Rights at Work, December 2005. A notice of proposed rulemaking from the U.S. Department of Labor cited estimates ranging from 66 percent to 87 percent, see “[Labor-Management Reporting and Disclosure Act; Interpretation of the ‘Advice’ Exemption](#),” *Federal Register*, vol. 76, no. 119, June 21, 2011, p. 36178.
78. Marni von Wilpert, “[Union Busters are More Prevalent than They Seem, and May Soon Even Be at the NLRB](#),” *Working Economics Blog*, Economic Policy Institute, May 1, 2017; Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009; Chirag Mehta and Nik Theodore, *Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns*, a report by the Center for Urban Economic Development at the University of Illinois at Chicago for American Rights at Work, December 2005.
79. Hamilton Nolan, “[The Dismal Thrillist Anti-Union Campaign](#),” *Concourse*, March 10, 2017.
80. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009.
81. John Schmitt and Ben Zipperer, *Dropping the Ax: Illegal Firings During Union Election*

Campaigns, 1951–2007, Center for Economic and Policy Research, March 2009.

82. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009.
83. Annette Bernhardt et al., *Broken Laws, Unprotected Workers: Violations of Labor Laws in America's Cities*, National Employment Law Project (New York City), Center for Urban Economic Development (Chicago), and UCLA Institute for Research on Labor and Employment (Los Angeles), 2009.
84. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009. Another study of 62 union-representation campaigns launched in Chicago in 2002 found that 49 percent of employers threatened to close or relocate all or part of the business if workers elected to form a union. See Chirag Mehta and Nik Theodore, *Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns*, a report by the Center for Urban Economic Development at the University of Illinois at Chicago for American Rights at Work, December 2005.
85. Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009.
86. Testimony of Guerino J. Calemine, III, General Counsel, Communications Workers of America before the U.S. House of Representatives Subcommittee on Health, Labor, Employment, and Pensions, Legislative Hearing on H.R. 2776, 2775, and 2723, June 14, 2017.
87. In the Chicago study, for nearly all of 179 petitions filed with the NLRB to represent previously unorganized workers at workplaces in the Chicago, the majority of workers supported unionization when the petitions were filed, but unions were victorious in only 31 percent of these campaigns. Chirag Mehta and Nik Theodore, *Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns*, a report by the Center for Urban Economic Development at the University of Illinois at Chicago for American Rights at Work, December 2005.
88. Because the law gives employers the right to multiple levels of review (by an administrative law judge, then by the full NLRB, and then by appellate courts), delays between the union election and the final results can last for years. Data come from Kate Bronfenbrenner, *No Holds Barred: The Intensification of Employer Opposition to Organizing*, Economic Policy Institute and American Rights at Work Education Fund, May 20, 2009.
89. David Weil, "Lots of Employees Get Misclassified as Contractors. Here's Why It Matters," *Harvard Business Review*, July 5, 2017.
90. The 1947 Taft–Hartley amendments to the National Labor Relations Act sanctioned a state's right to pass laws that prohibit unions from requiring a worker to pay dues, even when the worker is covered by a union-negotiated collective bargaining agreement.
91. Elise Gould and Will Kimball, *'Right-to-Work' States Still Have Lower Wages*, Economic Policy Institute, April 22, 2015.
92. It is hard to isolate the decision of a state to become RTW from other legislative changes or to separate the RTW effect from the many factors, including recessions, that influence state labor market conditions.

93. Gordon Lafer, *The Legislative Attack on American Wages and Labor Standards, 2011–2012*, Economic Policy Institute, October 31, 2013.
94. Gordon Lafer, *The Legislative Attack on American Wages and Labor Standards, 2011–2012*, Economic Policy Institute, October 31, 2013. According to Lafer’s report, one of the most important organizations facilitating this work is the American Legislative Exchange Council (ALEC), a corporate lobbying group whose model bills (establishing RTW, abolishing minimum wage and prevailing wage statutes, etc.) are the basis for over 100 laws adopted annually. See also “ALEC,” Common Cause website (accessed August 2017).
95. See page 10 of Ozkan Eren and Serkan Ozbeklik, “What Do Right-To-Work Laws Do? Evidence from a Synthetic Control Method Analysis” [author-posted version of article published in *Journal of Policy Analysis and Management*, vol. 35, no. 1 (July 15, 2015), 173–194].
96. Elise Gould and Will Kimball, *‘Right-to-Work’ States Still Have Lower Wages*, Economic Policy Institute, April 22, 2015.
97. The more scholars are able to hold “all other things” equal, the more it becomes clear that these laws have little or no positive impact on a state’s job growth. The most recent and most methodologically rigorous studies conclude that the policy has no statistically significant impact whatsoever. See Gordon Lafer and Sylvia Allegretto, *Does ‘Right-to-Work’ Create Jobs? Answers from Oklahoma*, Economic Policy Institute, March 16, 2011.
98. After a literature review the authors conclude, “Some studies find significant effects of RTW laws on various state outcomes, while others find no effect (see for example, Hirsch 1980, Holmes 1998, Farber 2005, Lafer and Allegretto 2011).” The authors did their own study of Oklahoma and found no effect, at least in the short run, on state outcomes including employment and wages. See Ozkan Eren and Serkan Ozbeklik, “What Do Right-To-Work Laws Do? Evidence from a Synthetic Control Method Analysis,” [author-posted version of article published in *Journal of Policy Analysis and Management*, vol. 35, no. 1 (July 15, 2015), 1].
99. Nathan Newman, “MLK Jr. Died at a Union Picket Line,” *Labor Blog*, January 16, 2006.
100. According to Gordon Lafer in *The One Percent Solution*, the argument that budget deficits were the result of overspending bureaucrats and overly generous union contracts did not fit the facts: there was no statistical correlation between the size of budget deficits and the presence or strength of labor unions. See Gordon Lafer, *The One Percent Solution: How Corporations are Remaking America One State at a Time* (Ithaca, N.Y.: Cornell Univ. Press, 2017).
101. In Wisconsin, for example, half of the tax cuts enacted from 2011 to 2014 went to the richest 20 percent of the state’s population. See chapter 1 in Gordon Lafer, *The One Percent Solution: How Corporations are Remaking America One State at a Time* (Ithaca, N.Y.: Cornell Univ. Press, 2017).
102. Unless otherwise noted, information in these bullets comes from Gordon Lafer, *The One Percent Solution: How Corporations are Remaking America One State at a Time* (Ithaca, N.Y.: Cornell Univ. Press, 2017).
103. Ohio’s law was overturned by citizen referendum and Minnesota’s bill was vetoed by the governor. The other 13 states are Idaho, Illinois, Indiana, Maine, Michigan, Nebraska, New Hampshire, New Jersey, Nevada, Oklahoma, Pennsylvania, Tennessee, and Wisconsin.
104. Alana Semuels, “How to Kill the Middle Class,” *The Atlantic*, December 7, 2016.
105. In the wake of Act 10, Wisconsin enacted a broad rewrite of its civil service law, lengthening the

probationary period for new employees (during which time they can be fired for any reason) and centralizes hiring with the Department of Administration, a highly politicized agency; union representatives fear the law will lead back to a system where political appointees have disproportionate power to reward friends and punish enemies. See Dan Kaufman, “[The Destruction of Progressive Wisconsin](#),” *New York Times*, January 16, 2016; Jason Stein and Patrick Marley, “[Scott Walker Signs Civil Service Overhaul](#),” *Milwaukee Journal-Sentinel*, February 12, 2016.

106. The provision was passed as part of the state budget. See Stephanie Bloomingdale, “[Walker and GOP Just Took Away the Weekend](#),” *Milwaukee Journal-Sentinel*, July 13, 2015.
107. A split decision effectively upholds the ruling of the lower court. 136 S.Ct. 1083 (2016)
108. *Janus v. AFSCME*, (7th Cir.) (Docket No. 16-3638); see Marni von Wilpert, *Testimony for New York City Council Committee on Civil Service and Labor*, April 19, 2017, and “[Janus v. American Federation of State, County, and Municipal Employees, Council 31](#),” *SCOTUSblog* (last accessed August 15, 2017).
109. Jake Rosenfeld finds that unions increase voter turnout, especially in the private sector. Voting rates are “5 percentage points higher than the rates of non-members” (Jake Rosenfeld, *What Unions No Longer Do* [Cambridge, Mass.: Harvard Univ. Press, 2014], 170–171).
110. EPI has researched unpaid internships and part-time work. See for example, Ross Eisenbrey, “[Unpaid Interns Fare Worse in the Job Market](#),” Economic Policy Institute Snapshot, July 6, 2016 and Lonnie Golden, *Still Falling Short on Hours and Pay: Part-time Work Becoming New Normal*, Economic Policy Institute, December 5, 2016. Many news articles have covered the plight of student athletes, who generate substantial sums for their universities but earn no pay themselves. See for example, Taylor Branch, “[The Shame of College Sports](#),” *The Atlantic*, October 2011. Uber drivers have been trying to organize in Seattle but the company is fighting it, requiring its customer service representatives to call drivers with a script arguing that it would be bad for them. See Alison Griswold, “[Uber Is Using Its US Customer Service Reps to Deliver Its Anti-union Message](#),” *Quartz*, February 20, 2016.
111. Kashana Cauley, “[Why Millennials Should Lead the Next Labor Movement](#),” *New York Times*, July 13, 2017.
112. “[Mixed Views of Impact of Long-Term Decline in Union Membership: Public Says Workers in Many Sectors Should Be Able to Unionize](#),” Pew Research Center, April 27, 2015.
113. Elizabeth Bruenig, “[Even Conservative Millennials Support Unions](#),” *New Republic*, May 1, 2015.
114. Kashana Cauley, “[Why Millennials Should Lead the Next Labor Movement](#),” *New York Times*, July 13, 2017.