

“Bargaining for Our Future: The Key to Building Democracy in the Twenty-First Century”

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CHAPTER FOUR

BARGAINING WITH THE ULTIMATE BENEFICIARIES

Attempts to establish shared bargaining units of formal and informal workers in any given sector to increase collective power

Several decades ago, consumers could walk into a large retailer, hotel, hospital, manufacturer or restaurant and assume correctly that most, if not all, of the people working there were in fact employees of the company or brand displayed on the building outside. Under such a framework, the rules of 20th century collective bargaining make sense—direct employees negotiate with their direct employers, often represented by on-site executives and managers accountable to the brand.

Today, a person may walk into the same building as they did 30 years ago, a building with the same logo on the outside and potentially the same people working inside. But very few of the individuals inside would be direct employees of the company or brand listed. As David Weil describes,

*“When most people walk into a Hilton or Marriott, they see the marquee and the brand on the staff uniforms and their hotel room amenities, and they come to the logical conclusion that everyone who works there is a Hilton or Marriott employee. ...Often, most of the work has been parceled out among multiple players. Management service providers may manage the hotel property for a group of investors, who do not represent the brand itself, but could be any number of entities (i.e. private equity) who are smaller players in the hotel industry. That hotel management company will then typically break up the day-to-day work of the hotel among another host of players: the front office work to one company, landscaping to another, restaurant activity to another (hotel restaurants may further “farm out” work to still other food service entities). Though we often think of hotel cleaning staff as providing a service core to the hotel’s business, those services are often carried out by multiple agencies, including temporary agencies or labor brokers. This is emblematic of a fissured workplace: a constellation of different companies delivering what the consumer may think of as simply “the Marriott experience.”—
David Weil Keynote Address to the 2015 John T. Dunlop Memorial Forum.¹*

Trying to insert the voices of working people into governing this type of workplace can be confusing and even disorganizing. Traditional collective bargaining strategies are often stymied by a lack of clarity over who the actual employer is. Who do working people negotiate with? Their direct employer—be it a franchisee or sub-contractor—may not actually have the power to adjust the costs of production—even if they were willing to negotiate with a union of their employees.

Consider the case of the textile industry. Historically, textile manufacturers—such as Cannon Mills from my home state of North Carolina—easily set the terms of production, business practices, and thus the delegate balance between costs of resources (for example, cotton), the costs of labor (wages and benefits) and the costs of the end product (in the case of Cannon Mills, all-purpose fabrics such as sheets and towels) in ways that maximized the profits of company executives and investors. But with the growing influence of a booming retail industry with the ability to buy products from around the globe, the ability of local manufacturers to have control over their business practices shifted away from them and to these new multinational brands. In a detailed case study on workers' organizing efforts at Cannon Mills, Lane Windham wrote

“Though the apparel and textile sectors had long been interdependent, starting in the mid-1980s what had been separate operations were more tightly linked into global supply chains. Now large retailers, not manufacturers, would increasingly determine what products would be produced, what raw materials would be used, and how and when the good would be transported.”²

Even when textile manufacturers ultimately shared interests with the unions of textile workers, the companies made the choice to align with their class interests within the retail industry, and to their own detriment. “When textile employers fought their workers' efforts to form unions and prevented the unions from growing, they weakened the textile labor-management alliance, which had served as a counterweight to these retail interests.”³ As a child in North Carolina, I remember robust textile mills and expos where you could pick up free socks after watching a machine make them in front of your eyes. And yet, “...once the labor movement made a show of force, capitalists responded with a spatial-fix⁴ strategy that accelerated the diffusion of production to new sites”⁵. Most of textile plants—in North Carolina and elsewhere—are now museums, outlet retailers or gone altogether.

Those still working in the textile industry most likely experience a very different employment dynamic, a situation where their direct employer is not fully in control of the terms of production. Workers in this situation have often continued to utilize 20th century practices and laws to form unions and negotiation with these employers. However, factory owners cannot deliver on improved wages and conditions while dependent on multinational brands who can order from anywhere and set prices. Some unions and other organizations quickly realized the difficulty of trying to organize and collectively bargain solely at the factory level. To obtain collective power to govern themselves and their industry, they needed a framework through which to engage the ultimate beneficiary of their labor.

Enter the Asia Floor Wage Alliance (AFWA), an organization that provides a great illustration of the new practices and approaches working people must take to address 21st century employment relations. They seek to create a framework for transnational wage parity that would end the ability of companies to simply abscond from any country in which workers begin to gain power—a practice that has been documented and chronicled for generations⁶. This is what we call bargaining with the ultimate beneficiaries—in this case, the profiteers setting conditions in textile supply and distribution chains.

The Asia Floor Wage Alliance (AFWA) is a network of garment sector unions and other worker organizations from countries throughout Asia as well as in the developed world.⁷ This transnational collaborative effort among unions and worker-based organizations in Asia allows working people to negotiate with their direct employer in textile and apparel factories and undermines the ability of multinational corporations to pit one country's workers off of another in search of the lowest price.

Across Asia, the minimum wage varies as governments try to compete for business. Suppliers are loath to pay more than the minimum, given the pressures from the large multinational brands such as H&M, Walmart, and The Gap to keep costs low. So, in 2005 the AFWA assessed what a living wage would be across Asia—considering the costs of food and basic necessities in each country to establish a universal formula for calculating the livable wage in any Asian country⁸. This calculation establishes a shared, cross-border floor wage, allowing working people in the garment sector to make consistent wage demands and negotiate with large garment suppliers.

Recognizing the suppliers' position within the overall apparel economy, the unions within the AFWA push the garment suppliers to pay the minimum wage—fighting to increase it at the state level when possible—while negotiating other local conditions that they have control over. But they now simultaneously push the multinational brands to pay suppliers enough to pay more—a wage that matches the floor wage calculated for that country.

This approach gets to the heart of 21st-century bargaining in supply chains. It is a tripartite approach allowing garment workers to negotiate with their governments setting the minimum wage, their direct employers in the factories, and the profiteers—the multinational corporations controlling industry wages, all in a transnational collaboration among unions. Since the real power and money does not lie with the individual garment production companies but with the multinational retailers such as Walmart, Gap, H&M, and Adidas who determine the product price from each country based on the national minimum wage, the unions that form the Asia Brand Bargaining Group of the AFWA seek to bargain with those retailers as well as with the garment companies with whom they work, and they seek compensation directly from those retailers. So, if the garment suppliers pay the country's minimum wage, AFWA calls on the multinational brands to make an additional wage contribution to make up the difference between the minimum wage and the floor wage that AFWA has calculated for the relevant country.

Recognizing that they do not exist on an island, they seek to have an equal role in governing the industry as a whole. Rather than allowing suppliers and the ultimate retailer to pit the working people from one country off those of other countries, which would lead to lower wages for workers in all of the countries, working people can therefore negotiate across national boundaries for fair wages. Furthermore, by targeting the large retailers, working people in the global South can expand the social consciousness of consumers and leverage their greater access to U.S. and European public opinion to highlight the unethical conduct on the supply chains and pressure the U.S. and European multinational brands to come to the bargaining table.

Of course, this requires worker leaders to organize across border—building power transnationally. Global brands will not come to the table just because they are asked. Just as working people formed local guilds and regional unions and then transformed those locals into amalgamated unions targeting growing national industries, so to must these institutions re-organize again in order to provide the leverage needed to get these brands into an active and equal negotiation. National unions in international solidarity with each other is no longer enough. This new moment in global capital necessitates intensive collaboration around bargaining demands and organizing goals.

Organizing along commodity supply chains is not the only approach to targeting multinational companies. Some workers have started to organize and attempt to collectively bargain throughout migration corridors—industry-wide patterns of moving people between two or more regions for work, perhaps timed with a specific growing season or retail peak. Migrants, often coming from the global South to the global North to work, face hard conditions and limited protections due to their precarious immigration status, most often controlled by their employer. Company bosses can threaten to shift work between migrants from one community and migrants from another community, or between migrants and native-born workers, as means to suppress wages and heighten workers' economic insecurity. But when working people collaborate across these divisions, setting standards within a migration corridor is possible.

The National Guestworker Alliance first modeled this understanding in 2012 when eleven Louisiana workers were able to obtain a meeting with Walmart. Workers, many from the same community in Mexico, were recruited to work in the US under an H-2B visa. They were often recruited annually to the same company, CJs Seafood. They lived on site at the shrimp processing plant in Breaux Bridge, Louisiana. The managers often locked them into the boiler room, forcing them to work long hours, causing some to faint, and keeping them from using the bathroom. They received well under what was legally required in wages. And when they complained, their families were threatened.⁹

But, instead of targeting their small supplier, a company that could have easily just shut down and reopened under another name, the workers targeted the end of the food chain—Walmart¹⁰. In so doing, they exposed forced labor practices within the companies supply chain, compelled Walmart to end its relationship with CJs Seafood, and workers were eventually granted U-Visas by the U.S. Citizenship and Immigration Services, a classification designed to protect immigrant crime victims and aid criminal investigations.

Workers leading the Familias Unidas por la Justicia campaign against Driscoll's, a major company in the U.S. berry market, present another case study. For years, Driscoll's supplier Sakuma Brothers' berry-growing operation in Washington State employed immigrants and long-term residents from southern Mexico to pick berries and live in company-provided housing during the harvest season.¹¹ The immigrants were largely indigenous people who spoke languages other than Spanish as their first language. In 2013, berry pickers at Sakuma Brothers began protesting low pay and bad working conditions. When the company fired the leaders, many of the other workers began a strike against the company and eventually organized into Familias Unidas por la Justicia to bargain on their behalf. Sakuma Brothers retaliated by greatly expanding their request for H-2A visas, asking the Department of Labor for 479 visas when previously, they had used less than 80 of such visas. At the same time, Sakuma told the people who had engaged in a strike against them that they were terminated, something they could do because the farmworkers were not covered by the National Labor Relations Act.

However, the workers unleashed an even bigger weapon against Sakuma. First, each one of them wrote a letter to the U.S. Department of Labor refuting Sakuma claim that it was unable to find workers in the United States by saying that they themselves were willing to work at Sakuma. Second, they organized a boycott against Driscoll's. The upside of not being covered by the NLRA was that there was nothing to prevent them from organizing a secondary boycott of Driscoll's to win concessions from Sakuma (a powerful tactic banned by the law). Other unions respected the boycott against Driscoll's, including the longshoreman's union, which one day refused to load any Driscoll's berries onto ships. In addition, the union organized student protests and consumer boycotts of Driscoll's. Another key step that they took, which is particularly important for workers these days, especially in a global industry such as agriculture, was that the workers reached out to their counterparts in Mexico, their country of origin, to ask them to

join in the action against Driscoll's. The workers in both countries set up a binational front and began a strike and boycott.

All of this pressure brought Sakuma to the table. Despite the lack of any legal protection for the workers, Sakuma agreed to negotiate with the union in 2016, and in 2017, they agreed to a collective bargaining agreement. And the union has not stopped there. It has plans to start up a union co-op farm, which would allow them to set labor standards for themselves rather than negotiate with growers to obtain fair working conditions.

There are other approaches to bargaining with the ultimate beneficiary beyond supply and migration chains. In 2012, during what was called the 99% Spring of mass shareholder actions around the country, Stephen Lerner and Saket Soni coined the phrase "bargaining with the .01%".¹² In a paper presented to the coalition of groups organizing actions and facilitating trainings that year, Lerner and Soni noted

"Bargaining with the top one-tenth of the one percent that dominates the country is based on a simple idea: if we identify some of the key people and corporations that have power and then map how that power impacts all of our lives—in our neighborhoods, schools and at work—we can develop a multi-level national campaign that offers a vehicle for people and organizations to simultaneously work together on the issues they care most about. We would challenge and expose every level of the corporate hierarchy, from the billionaires at the top, to the corporations they dominate, the supply chain of jobs they control and the communities they impact. We can involve, organize and mobilize people and organizations that haven't always worked together on a scale needed to win."

According to this theory, a coordinated campaign exposing the true wealth of the handful of richest Americans, the companies they own, direct, or manage, the anti-working people organizations to which they or their corporations donate, and the employees they mistreat, working people will be able to gain enough leverage to bargain with the most powerful people in our society and leverage change.

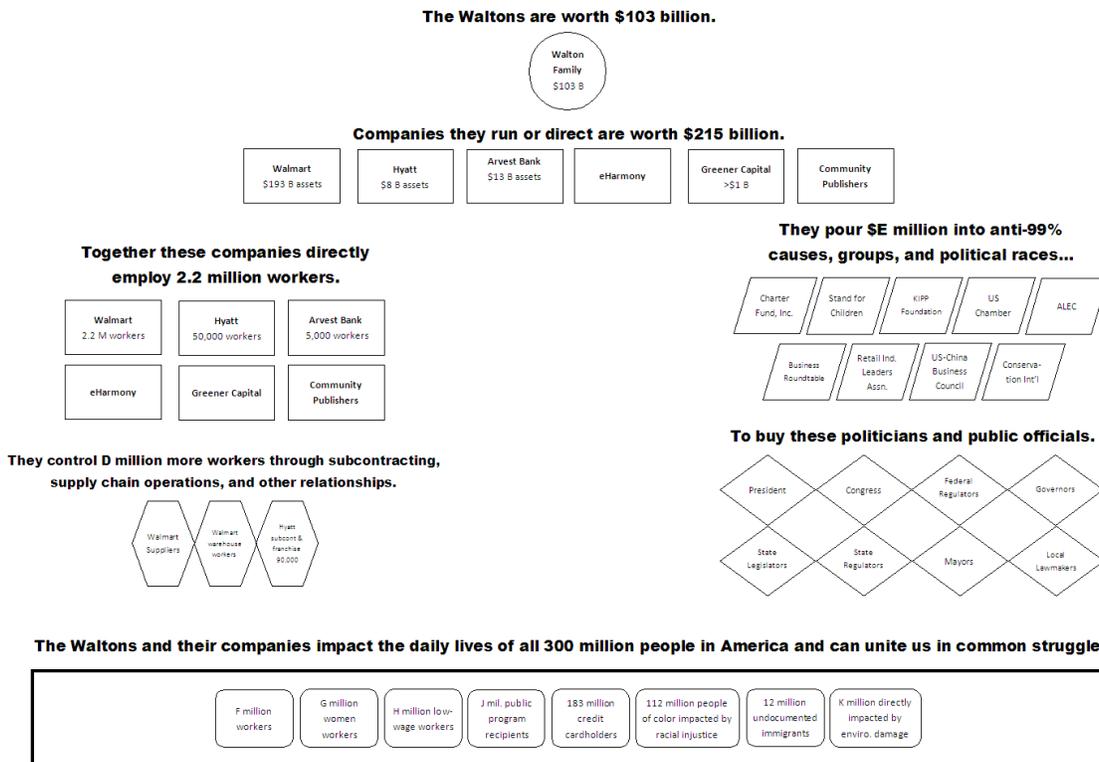
In an interview with *Alter-net*, Lerner suggested that working people spend a lot of time negotiating with "the middleman," such as nominal employers like outsourcing contractors and temp agencies rather than the people who really are in control of the economy.¹³ As an example, he shared his own experience with the *Justice for Janitors* campaign¹⁴. There, he did not target janitorial contractors with the campaigns he organized. Rather, the targets were the large corporations whose offices were being cleaned by the janitors. The low-road janitorial agencies were not big targets, could have declared bankruptcy and reformed under another name, and simply did not have the capital to be effective opponents. The large corporations that benefited from the cleaning services, however, were well-known, unlikely to declare bankruptcy in response to an organizing campaign and definitely had the capital to ensure janitors received better pay.

Returning to the story of the National Guestworker Alliance in Louisiana, their strategy to organize workers throughout a specific migration corridor is also an example of bargaining with the .01%--in their case, the Walton Family.

Walmart directly employs 2.2 million workers, but it also has its tentacles stretched throughout our economy. Consider one Walton in particular, Greg Penner, Walmart's chairman and son-in-law of Rob Walton (grandson-in-law of founder Sam Walton). He has his own investment firm, sits on the boards of Walmart and Hyatt Hotels, and funds anti-public-school initiatives through a set of non-profit organizations. Charting out all the workers he touches, whether or not they are directly employed by one of these companies, we would find Walmart "associates" as well as the Louisiana seafood workers

whose employers supply exclusively to Walmart. The list would also include subcontracted workers at the Hyatt in Los Angeles, workers at the Hyatt in San Francisco, and the temporary construction workers building new Hyatt hotels. It would include the janitors in the Silicon Valley building of Penner’s investment firm and the educators at the charter schools he funds. It would include these workers and many, many others. Together, all of these make up those whose labor ultimately benefits Greg Penner.

See Figure XX¹⁵



So when guest workers at Walmart’s supplier in Breaux Bridge, Louisiana faced abuses not visibly seen in the United States since share-cropping, their power analysis pushed them to go around their apparent “boss” and instead target Greg Penner and his team of Walmart executives. They organized, at great risk to their safety—engaging other guest workers and Walmart associates alike to pressure the company to shift the conditions of their company and other suppliers. And when the NY Times published “Forced Labor on American Shores”, an editorial about Walmart¹⁶, it changed the scale and scope of the fight demanding justice for Walmart workers.

Because they took this approach, these loosely documented workers in Breaux Bridge, Louisiana got Walmart to the table. The company ended its contract with CJs and ultimately revisited its relationship with suppliers and their practices. More still is necessary to push Walmart and other companies to take full responsibility for the workforce throughout their supply chain, labor migration chains, and other employees that are directly impacted by their policies and practices. But the guest workers demonstrated what is possible when modeling this strategic framework.

A bargaining effort aimed at the .01 percent provides framework for a multi-faceted campaign to address the myriad problems caused by the agglomeration of wealth by the super-rich. This tiny club of individuals disproportionately influence our government by accounting for nearly 40 percent of political spending.¹⁷ In addition to skirting responsibility for growing numbers of employees and worksite

conditions, the .01 percent also are responsible—as individuals and through the corporations they control—for donations to organizations that aim to protect property and profits over the basic needs of people... groups such as the American Legislative Exchange Council (ALEC), a conservative group that drafts pro-business, anti-worker bills for state legislators to introduce and support.

Additionally, by targeting the billionaires who are the ultimate beneficiaries of their exploitation, workers who previously did not stand together find that they have a common battle for better wages. Longshore workers, over-the-road truckers, warehouse workers, manufacturing workers, janitors, and delivery workers now join together to confront Amazon CEO Jeff Bezos, demanding better working conditions for those whose labor feeds the company's profits. Working together, they show that Amazon can only deliver low-priced goods to its customers by mistreating those who work directly for Amazon and all the other workers throughout the company's supply and distribution chain, who nominally work for other companies.

In summary, working people now band together not just based on traditional definitions of who is an employer and who an employee, but also in ways that respond to how work is currently organized—across geographies, sectors, subcontractors, temp agencies and recruiters to assert their collective power. And in bargaining with the ultimate beneficiary, working people are able to get at the root of where standards are set, how business practices are established, and eventually including working people as the ones who get to decide.

CHAPTER FIVE

COMMUNITY-DRIVEN BARGAINING

Working people, in their roles as community members, debtors or some other shared constituency are the lead negotiating party with a sector of capital (owners, financiers, developers, etc.) that have direct power over some aspect of their economic sustainability.

[Insert graphic from powerpoint to show who is on each side of the table.]

Workers are whole people. And capital is produced not only at the worksite but in the extreme financialization of the global economy—sucking every dime out of tenants, home-owners, those seeking an education or small business loan, immigration agents and temporary employment agencies, and in many other predatory practices. Therefore, working people must be able to collectively negotiate—and ultimately govern—far beyond their worksites. They must be able to oversee capital in all aspects of their lives where it is limiting their access to a dignified life.

In this approach to bargaining, community groups are at the table with decision makers and are driving this process as the “bargaining unit”. In previously discussed models of expanded bargaining, community interests may be represented at the table but they are not driving what is ultimately a process between a union and an employer. In community-driven bargaining strategies, organizations representing tenants, community and neighborhood residents, worker centers, and sometimes unions as well sit across from landlords and building owners, government agencies, developers, and others. And the result is still an enforceable agreement, though not necessarily a collective bargaining agreement in the traditional sense.

Community-driven strategies to bargain collectively are not a new phenomenon. However, the nature of the agreements continues to sharpen, thus creating a framework that shifts the long-term relations of power in ways that include those impacted as a part of on-going decision-making as time goes on. In short, these are no longer one-off agreements with developers or government agents but rather initial baseline standards that can shift and be re-negotiated as conditions change.

DECISION-MAKING COMMUNITY BOARDS

One model of community-driven bargaining centers on the creation and administration of a trust board that governs a public fund advancing community interests. In this model, representatives from the community, a particular workforce, government, and the private sector sit on the board. The approach derives from the Center for Community Change's Housing Trust Funds, which involve housing advocates and low-income residents in decisions about affordable housing. These funds aggregate streams of public and private revenue for affordable housing, which a board oversees and negotiates over the funds. A board holds regular meetings, often open to the public. Through their representatives on the board, community members thus have a voice in determining fund spending.¹⁸

[Insert black/white photo of Maine UFCJ]

The Maine People's Alliance and Caring Across Generations—a joint national campaign of Jobs With Justice and the National Domestic Workers Alliance—seek to employ this strategy in the care sector. The groups are campaigning for the passage of Universal Family Care legislation to improve wages and working conditions for family and professional caregivers and allow families to have affordable access to care.¹⁹ Universal Family Care could address both child care and elder care needs, although, in Maine, the campaign may focus on care for the elderly and people with disabilities. Their proposal would create a dedicated funding stream, likely through a tax on income from wealthy individuals that is not subject to Medicare and Social Security taxes.

Instead of directing government agencies to oversee enrollment targets, set standards that employers of care workers must meet, and otherwise oversee implementation, the campaign purposely rests power and decision making with a governing board comprised of stakeholders elected by the constituencies they represent. The tripartite board would include care workers, families using the care benefit, and industry representatives. Thus, working people can more directly bargain for both improvements in the workplace and better access to care rather than trying to pressure government officials to represent their needs.

Similarly the Bad Business Fee, a policy approach conceptualized by Jobs With Justice, Peoples Action and SEIU, attempts to consolidate the voice of impacted workers and community members in on-going negotiations over their economic sustainability. The bad business fee essentially works like this.

First, workers identify which of their large, high-profit, low-wage employers to target based on the gap between their current wage levels and what worker and industry standards determine sustainable. These companies, able to pay a fair wage and afford necessary benefits such as healthcare, childcare, and retirement choose not to in the interest of higher corporate profits and salaries for top executives. As a result, workers are dependent on services like food stamps and other public assistance programs to survive. To make matters worse, these employers commonly offer erratic work schedules which make securing second jobs difficult. And the wages they pay make the basic supplies of life...food, electricity, housing, and so on, nearly unaffordable.

Second, worker organizations measure the companies' cost to taxpayers and the community—including those related to the unmet basic needs of low-wage workers themselves—who are put in the position to essentially subsidize the wages and benefits that should be but are not provided by these companies. This cost creates the basis for setting the fee low-wage employers would then pay.

Third, a fund is created specifically for the purposes of supporting the outlined needs of low-wage workers in the area. It is *not* allocated to a state's general budget, but rather to a dedicated funding stream for the sole purpose of offsetting the local costs that poverty wages exact on workers and society. Last, and maybe most importantly, a committee or council of workers—including those who would benefit from the fee as well as those who might implement programs that would be funded by it—is created to oversee the fee. Thus, impacted workers have decision-making power over the revenue generated. Ideally, this grouping is democratically elected by and accountable to workers within related industries and has decision-making authority. And through that authority, the board can facilitate company appeals and support workers negotiating directly with their employers over similar practices and standards. Even the establishment of an advisory committee can increase workers' voice in setting better standards in chronically low-wage sectors.

Once such a fee is implemented, “bad” employers can either negotiate directly with workers over wages and conditions of the industry, or they can pay the low-wage employer fee that workers will appropriately allocate to subsidize the community's assumed costs of low-wage work. How they pay the fee, and how often, would be set based on the local context—either in a lump sum or in intervals throughout the year.

These approaches are not just about generating new revenue to fill budget gaps. These funds would directly benefit workers of those bad businesses—whether in the form of wages, services, or other compensation. And in the ideal scenario, this approach would expand workers' access to “bargain”, to negotiate over their workplace conditions and benefits, around the employer. In this case, a state mechanism would be established to allow workers to collectively negotiate over what the funds are used for. These “bargaining units” could be established not only by employer, but by neighborhood, industry/sector, municipal district, or however is useful for workers to organize in any given area—creating new channels for workers to take collective action and self-determine their futures with dignity.

[Insert black/white photo of Connecticut coalition]

In the state of Connecticut back in 2015, a coalition of care workers along with childcare and senior care consumers established the Connecticut Campaign for Worthy Wages. The campaign aimed to encourage policymakers to consider a “McWalmart Fee” that would have redirected the hefty price tag of public care services to large, low-wage corporations that operate in the area. They defined this as companies who employed more than 500 people in the state of Connecticut, and the fee was calculated for every work hour that anyone was paid less than \$15. Many of Connecticut's largest low-wage employers mirror the national list, with Walmart and McDonalds right at the top. But other lesser profiled companies would have also been impacted, including Stop and Shop and Cigna²⁰.

It was estimated at the time that low-wage work was costing Connecticut approximately \$486 million in public assistance related expenses a year.²¹ Connecticut care workers had actively fought to fund state programs like Medicaid/CHIP and TANF and improve overall standards.²² But with no consistent revenue stream, they were vulnerable to the state budget's ebbs and flows, often in competition with other important communities over pennies in the budget process. That year alone, Connecticut Governor Dan Malloy implemented mid-year budget cuts impacting this sector, and others. “The largest cuts are \$5.8 million from the Office of Early Childhood for child care services, \$2 million from the

University of Connecticut's operating expenses, and \$1 million from the UConn Health Center in Farmington.”²³ Meanwhile, care consumers, often low-wage workers themselves, were left without the services they needed.

The McWalmart Fee aimed to fix this, generating revenue for a service, senior care and childcare, needed by many McDonalds, Walmart and other low-wage workers who are unable to afford it. In a poll conducted by Abacus Associates, “By a margin of nearly 3-to-1 (71% to 25%), voters want the Governor and the State Legislature to find ways to address the issue of “big, profitable corporations that pay low wages. The low wages result in employees relying on Connecticut taxpayer funded programs to meet the basics like food, housing, and health care for their families.”²⁴ While the Connecticut fee did not pass, it represented a game-changing fight that exposed the true benefactors of austerity.

To avoid paying the fee, companies needed only work with their own employees to improve wages and standards at or above what workers are asking for. They could simply follow the advice of the Ken Jacobs and the other authors of *The High Public Costs of Low Wages* and increase wages and benefits. In fact, one Connecticut based company demonstrated some leadership and did just this. The insurance giant Aetna, based in Connecticut, announced that it would raise its own starting wage up to \$16 an hour²⁵. Aetna also announced that it would reduce the out-of-pocket healthcare expenses for its lowest-paid employees. The presence of a bad business fee could encourage more Connecticut companies to make similar choices in addressing the needs of their low-wage workforce.

Workers organized at their worksites aren't the only ones who have attempted such an approach. Community leaders who were a part of the Illinois and Indian Regional Organizing Network (IIRON) in Cook County, Illinois crafted the “Responsible Business Act” in 2016 which would have allowed a similar fund to be spread out over several programs to support housing assistance, unreimbursed healthcare costs, and even grants to non-profits providing direct support to low-wage workers such as heating and nutrition assistance. Under this model, people in low-wage jobs were organized as members of a local community group, and in the process, were given both a powerful voice over how fees would have been allocated, as well as some resources to better monitor the program which in itself builds organization.

In the approaches noted, the campaigns positioned working people in direct, decision-making position to hold their employers and other bad economic actors accountable. If successful, strategies like this would yield on-going authority, beyond a one-time agreement, including the potential to attach enforceable provisions to the funding in the future, such as a minimum wage rate for state-funded care providers. And in the spirit of expanding democracy and shared governance, such boards often institutionalize the practice of opening their proceedings for public input, creating additional opportunities for organizing more people.

Imagine how this approach might be expanded to other issues our communities face. The possibilities are expansive in relationship to police review boards, ICE accountability, the involvement of parents, teachers and students in decision-making of local school systems, and all other attempts to insert the voices and authority of community members into economic health and safety of our communities.

CO-ENFORCEMENT

Working people and their advocates can also look to legislative and regulatory policies as a tool to improve conditions for organizing, and eventually expand bargaining opportunities for those workers. By working in partnership with government enforcement agencies, worker organizations can broaden the base of people able to engage in collective bargaining by using the leverage of labor law enforcement to

contact more and more working people in particularly exploitative industries or jobs. In 2014 Jobs With Justice San Francisco led a successful campaign to have the city enact the first set of laws in the nation ensuring more predictable and fair workplace schedules for nearly 40,000 people who work in retail and restaurants in San Francisco. Armed with the leverage of the scheduling ordinances, women and men who work Macy's in the Bay Area could re-negotiate a better contract. Beyond these individuals, the coalition had to navigate how to maximize the policy's implementation to create new channels for organizing.

As we know, laws—while enforceable—are often easily overturned, repealed, watered down, or ignored. And while labor and employment laws on the books may technically grant working people more protection—those who have a union worksite are in the best position to maintain standards. Therefore, organization is key to enforcement, to holding employers accountable, and keeping working people's concerns and voices heard long after the initial legislative lobbying and victory phase.

In a union worksite, this problem is solved through a grievance process. Worker leaders collaborate with union staff to file complaints directly with their employer, and in some instances outside mediators. But when a union is not present, as in most worksites, a different infrastructure must be in place. One such structure is co-enforcement.

Co-enforcement is an approach in which worker organizations broaden the scope of bargaining by negotiating with government or private actors to play a greater role in enforcing labor and employment laws. Through co-enforcement, working people then have a forum for building their collective power. The model arose because U.S. companies have been engaging in massive violations of laws protecting working people²⁶, but government officials at both the federal and state and local levels do not have the resources to force compliance²⁷ and the courts are often inaccessible to working people.²⁸ This crisis is even worse for people of color, women, young people, and immigrants, all groups to whom the government has a particularly difficult time reaching out.²⁹

Government officials have always informally relied on worker organizations to flag problematic employers by filing complaints against them. In response to widespread lawlessness and as a method of building collective power, worker organizations have sought to bargain for a greater role in the enforcement of workplace standards—or to create them where sufficient statutory standards don't exist. Worker organizations can organize a pressure campaign to stop exploitation of working people as the Coalition of Immokalee Workers (CIW) did for tomato growers that supplied some of the nation's largest chain restaurants. Alternatively, worker organizations can enter into a formal relationship with government regulators as several organizations did with the City of Seattle to ensure that hard-to-reach working people were aware of their rights and had a safe way to report exploitation.

Janice Fine, the leading thinker on co-enforcement, has documented how CIW was able to negotiate an enforceable set of standards for tomato farmworkers, even though these workers are excluded from the protections of both the National Labor Relations Act and the Fair Labor Standards Act.³⁰ CIW publicized the fact that growers who sold their tomatoes to top restaurant chains such as Taco Bell, McDonald's and Burger King were abusing their farmworkers with brutal hours, extremely low pay, and even slave labor. Through a publicity campaign and boycott of Taco Bell and related restaurants owned by Yum Foods, CIW was able to win an agreement creating the very type of enforceable standards that did not exist in federal law, such as wage and hour protections.³¹ The agreement also gave CIW the power to investigate growers, where those found to be out of compliance could no longer sell to Yum Foods. CIW faced a backlash from Burger King and from the tomato-growing industry who threatened to fine growers who cooperated with CIW.³² But the collective power CIW built was strong enough that it eventually forced Burger King to enter into the agreement as well, taking away the leverage the tomato-

grower group had to threaten fines.³³ Today, CIW continues to enforce the agreement as well as work to expand justice for farmworkers with campaigns involving Publix Super Markets, Wendy's, and other large produce buyers.

Another example of co-enforcement involves more formal cooperation between government regulators and worker advocates. In both San Francisco and Seattle, municipal agencies that enforce labor standards have given grants to worker organizations to help them enforce labor laws. After advocacy by worker organizations, the Seattle Office of Labor Standards awarded more than \$3 million in grants to worker, community, and civil rights organizations and partnerships to help enforce the statutes for which the agency is responsible, including Seattle's minimum wage law, paid sick leave, scheduling ordinances and other laws. The organizations focused their advocacy on communities that are unlikely to complain to government officials, including people of color, immigrants, and returning citizens. The organizations agreed to do door-to-door outreach, host trainings for working people and other organizations, and do intake of complaints, engage in complaint resolution, and make referrals in cases of unresolvable alleged labor law violations.³⁴

As Fine notes, similarly in San Francisco, the City Council mandated that the city's Office of Labor Standards Enforcement establish and fund a community-based outreach program to make sure that San Francisco working people know their rights and have the power to enforce those rights. Grantee organizations are required to engage in one-on-one counseling with working people, do complaint intake, mediate complaints, and refer violators to the government for enforcement action.

By winning this role as co-enforcer, the worker organizations can both curb abuses by unscrupulous businesses and build collective worker power. The grantees who work with working people in the community can simultaneously educate workers, helping them understand their rights and the power they have if they act collectively—whether by formally organizing into unions, joining non-union worker organizations, or otherwise building their collective strength. The worker organizations, through their deeper engagement of working people in the community, can better understand and respond to workplace misconduct, and even identify problems that are not necessarily covered under existing laws.

Digging in deeper on the San Francisco example, in 2014, Jobs With Justice San Francisco led a successful campaign to have the city enact the first set of laws in the nation ensuring more predictable and fair workplace schedules for nearly 40,000 people who work in retail and restaurants in the city. The campaign ignited several similar municipal and state efforts, including the recent Fair Workweek win in Oregon.

[Insert black/white photo of RWBOR in SF]

Those who have a union worksite are in the best position to maintain standards won by the San Francisco legislation. For instance, the victory helped employees at Macy's get back to the table with the company to re-negotiate a better contract given new leverage from the policy. But beyond these individuals, the coalition had to navigate how to maximize the policy's implementation to create new channels for organizing.

Luckily, the Office of Labor Standards and Enforcement, the San Francisco agency charged with enforcing the scheduling statutes, values co-production/co-enforcement practices. This agency granted \$250,000 to local worker-led organizations to organize the people affected by the San Francisco ordinance to increase compliance with the law and make sure that workers' rights are respected.

[Pending current 2018 OLSE proposal, insert specific groups.] Doing so will allow retail workers who pushed for the law to now monitor implementation store-by-store, legitimized by the local government,

setting them up to organize and talk to others in those same stores—ultimately outlining shared interests and goals among all retail workers in the city (about 114,000) that could lead to a more collective engagement of the retail industry in San Francisco.

Ultimately, through co-enforcement community-based organizations are able to directly organize working people through outreach and education grants, allowing them to understand the problems that working people face. This allows workers themselves to have a better understanding of issues in need of reform and the best allocation of government enforcement resources. And in some instances, the outreach can improve the landscape for more formal union organization.

PROCUREMENT STRATEGIES

When state, local, and federal governments ask the private sector to bid on projects, they have the right to require contractors to meet a set of more socially-oriented goals in addition to providing the service or constructing the project requested. Procurement-based bargaining is based on the premise that it is a basic requirement of democratic governance that communities, workers' rights groups, and unions—rather than the richest corporations—should be the ones in control of how government spends the money entrusted to it.

There is a long history of using government procurement to move toward social justice, beginning, perhaps, with prevailing wage laws that passed several states beginning in the 19th Century and culminated on the federal level with worker advocates pushing Congress to enact the Davis-Bacon Act of 1931³⁵, which required contractors and subcontractors on public works projects that received federal funds to pay the people who worked on the project the local prevailing wage. The purpose of these laws was to ensure that government funds were not given to companies whose business models relied on undercutting competitors by paying low wages to their workers.

Government procurement later moved beyond ensuring economic justice and into the realm of social justice when labor and civil rights leaders such as Brotherhood of Sleeping Car Porters founder A. Philip Randolph pushed President Franklin Roosevelt to ban companies that discriminated against based on race from receiving defense contracts. Randolph threatened a march on Washington to pressure the government at a time when Nazi forces were rampaging through Europe and the United States was increasingly on a war footing and called off the march only when Roosevelt signed agreed to ban discrimination by defense contractors.³⁶

Today, procurement-based bargaining is a keystone bargaining approach used whenever public assistance—whether in the form of direct payment, tax abatements, zoning variances, or other assistance—is used on a project. These bargaining strategies are used when significant public resources are used to fund major building projects, like stadiums, highways, expanded transit systems and large corporate headquarters.

The procurement process often provides the leverage needed to make many of the other bargaining strategies described in this report work.

Jobs to Move America (JMA) is a campaign that has employed the model of procurement bargaining for the public transportation sector. Cities spend more than \$5 billion a year on buses and train cars. Much of this money currently either goes to overseas manufacturers or goes to manufacturers that create temporary jobs for specific projects. The Jobs to Move America model of “Inclusive Public Procurement” calls on local and state governments to leverage their transit procurement money to help communities

that are underserved by public transit by building clean, non-polluting, efficient public transportation options while at the same time creating good, permanent jobs for the same communities. The model calls on procurement agencies to require bidders on transit projects to include the U.S. employment plan as a mandatory part of their bids. This plan requires the bidders to project the number of local jobs they will create as a result of being awarded the contract, the projected salaries of those jobs, and the outreach they will do to ensure that disadvantaged groups obtain some of the jobs. The request for proposals in such a case will explicitly say that the procurement agency is less interested in the lowest bid than in evaluating the entire project, with special emphasis on the U.S. employment plan submitted by bidders. The request for proposals also specifies that the winning bidder will be subject to oversight to enforce the promises made in the U.S. employment plan.

[Insert black/white photo of Chicago JMA victory/tape-cutting]

The JMA theory is that winning bidders will do more than simply fill out forms predicting employment, but that they will act—including working with unions, seeking out community leaders and organizations to recruit disadvantaged workers, and negotiating a community benefits agreement, and allowing workers' rights organizations to audit them to ensure compliance with the U.S. employment plan the bidder submitted.

JMA does not suggest that procurement agencies directly include these additional issues in its RFP. That is because federal law—which applies to almost all public transportation projects because such projects invariably receive federal funding via the U.S. Department of Transportation—requires state and local agencies not to add restrictions that limit competition between bidders.³⁷ Therefore, state and local government cannot add requirements such as local hiring or creation of a certain number of local jobs or negotiation of a community benefits agreement as a prerequisite to bidding on a contract.

The Department of Transportation under President Obama interpreted the open-competition requirement to allow state and local procurement authorities to require that bidders submit a U.S. employment plan, since that requirement itself does not shut out any bidders. However, the Department of Transportation has not reaffirmed this position since Donald Trump entered the White House.

The JMA strategy was successfully used in both Chicago and Los Angeles, leading to the creation of family supporting jobs in manufacturing for those communities. At a time when other government funding may be shrinking, both parties have infrastructure spending programs, so it is *possible* that additional transit funding will come from the federal government, giving additional options to put the JMA strategy into effect.

However, even when generously interpreted, federal regulations do not allow state and local procurement authorities to disqualify bids from bad employers solely based on a contractor's U.S. employment plan submission. Therefore, even if a low-road employer submits a U.S. employment plan that clearly notes how the contractor is not emphasizing fair wages, local hiring, or any of the other worker and community benefits they are required to speak to in their bids, the state and local procurement authorities would not be able to deny them the contract based on this alone. If more emphasis is given to the cheapest bidder, for example, then a bad employer could still easily be awarded a contract.

In summary, procurement strategies enable working people, through their unions or community-based organizations, to have a seat at the table with both government and government contractors. The contract between the government and the contractor is enforceable by the government, though it is not

enforceable by anyone else unless stipulated. Thus, a successful procurement-based strategy that seeks to include working people in a position to enforce the agreements they win would have to include writing in worker-led enforcement mechanisms and oversight into the procurement contract. Such an approach could create conditions through which workers can build collective power, as well as ensuring long-term benefits to others in the community through such programs as providing incentives for local hiring.

COMMUNITY BENEFITS AGREEMENTS, THE OTHER CBAs

Community Benefits Agreements are a family of bargaining approaches that came into play within the last 20 years and soon became a key tool in the arsenal of working people—led in large part by Partnerships for Working Families. Community Benefits Agreements are agreements between a developer or other company, a coalition of community partners, and most often a governmental entity to address the needs of those living in an area that have experienced or could soon experience new, large scale development of nearby land and facilities. Developing any property requires license, investments and other permissions, and it is this process that working people leverage to ensure their economic well-being from the project.

The original impetus for these agreements was the gentrification that surfaced when cities that had been losing population and wealth for decades began to revitalize their image in the 1990s, often with the help of large-scale public investments in development projects.³⁸ The problem was that when private companies invested in urban areas, particularly poor areas and areas with significant populations of people of color, the costs of rent and housing increased. Rather than benefiting the existing population, who were often displaced, this urban development benefited large property owners, who often did not live in the community, real estate speculators, and later the upper middle-class people who moved into the new housing. Thus, it was necessary for community organizations and worker advocates to convince elected leaders that simply supporting private urban development was not alone sufficient to help their constituents.

Community defined benefits can be as broad or as narrow as the negotiators are able to agree on. From the perspective of the people who are or would be working in and around the development project, agreements might include some combination of a promise of hiring some percentage of local residents, payment of prevailing and living wages, local sourcing for products, employer neutrality regarding union organizing campaigns, and targeted hiring to ensure that jobs go to the disadvantaged communities that requested them.

Additionally, specific benefits are often defined in direct relationship to the neighborhoods surrounding the project. In Milwaukee, for example, community leaders sought requirements for developers to provide affordable housing to ensure that community members did not become priced out of their neighborhood by the development³⁹. The Northwest Bronx Community and Clergy Coalition worked with others in New York to negotiate an agreement with the developers of the Kingsbridge Armory to guarantee funding for community organizations who would essentially monitor the impact of the development on the neighborhood long-term and campaign for improvements and adjustments as needed⁴⁰. Other groups have included environmental justice initiatives⁴¹, requirements that developers build recreational facilities such as parks and playgrounds that benefit the community⁴², and funding for job training programs for local residents⁴³ in their community benefits agreements.

Unions engage in Community Benefits Agreements negotiations in different ways as well. First, unions are often part of the coalition negotiating the agreement. Unions played a key role in negotiating one of

the original Community Benefits Agreements, negotiated with the developer of the Staples Center project in Los Angeles, winning provisions that made it easier for workers to form unions⁴⁴. Unions may also often win the power and responsibility to enforce the agreement along with community partners⁴⁵. Unions have also included negotiations for Community Benefits Agreements as part of their goal in bargaining with employers alongside traditional collective bargaining agreements. For instance, the California High-Speed Rail Authority signed a community benefits agreement that required that 30 percent of the work on the project be performed by people from economically depressed areas along with a requirement that 10 percent of the work be performed by someone who is disadvantaged because he or she is a veteran, is homeless, is a custodial single parent, has a criminal record, or meets other criteria. The contract provides that, although the project will normally hire workers through union hiring halls, if the union is unable to produce workers meeting the disadvantaged worker hiring standards, the contractors can hire such workers from any source.⁴⁶

While community benefits agreements have traditionally been negotiated with developers or companies that are moving into an area, there is no reason they need to be so limited. CBAs could be negotiated with any entity that affects the community, such as existing retailers, banks, any other type of company, or the government. Since these entities rely on the community for their power or wealth, the community could uncover leverage to bring them to the bargaining table.

Additionally, these agreements could be made even more effective if combined with some form of long-term oversight led by community leaders. It's not enough for the agreement to be enforceable. It must also provide working people with the opportunity to renegotiate and make adjustments based on changing conditions.

Like all strategies, working people should be wary of the ways in which companies will use these frameworks to limit the participation of impacted communities. Just as company-sponsored unions confuse workers, Partnership for Working Families identified problematic, or even sham, community benefits agreements. In one example, developers hand-picked the community organizations with which they negotiated the agreement, rather than impacted communities and working people choosing their own advocates. In another, the developers only signed a sort of "gentlemen's agreement" that did not include enforceable commitments.⁴⁷ Such problematic agreements were then used as public relations devices to convince elected officials, the media, the community in which the development is sited, and the general public that the developer had community support and is a responsible business.

BARGAINING OVER RENTS, NOT WAGES

While workers who organize are under the constant threat of being fired and having their wages/hours cut, many tenants live in fear of increasing rents and eviction. To address this, many residents have joined together to assert their rights as renters. Some cities have passed theoretical rights for tenants, including rent stabilization, building codes, housing codes, rights for tenants to withhold rent if an apartment or the building needs repairs. But these rights have often been impossible to enforce. In fact, the knowledge of such provisions is held more by lawyers and government officials than they are held by tenants who are likely to be low-income, have limited English proficiency, work multiple jobs, juggle childcare, and not have the time or financial resources to take on a building owner and his attorneys.

As a result, tenants have come together in unions to borrow many bargaining techniques traditionally used in a worksite to win the basic right to safe and habitable housing that is promised to them by the law. The Crown Heights Tenants Union, comprised of tenants residing in a number of buildings in Brooklyn, New York, joined together to negotiate collective bargaining agreements with the landlords

that would allow them to more easily vindicate their housing rights.⁴⁸ As a stick to make the landlords negotiate, the tenants' union filed complaints with city housing inspectors and defended a rent strike, among offering other resources and supports.

[Insert black/white photo of Brooklyn or Boston tenants action]

According to the tenants' union organizer [insert whether this was Joel or one of the other leaders], the ultimate goal is not only to sign collective bargaining agreements but to use such agreements in the fight against gentrification and other attacks on affordable housing. Otherwise, landlords could just use the fight to create better living conditions to increase rents and therefore price the tenants out of their homes. The Crown Heights Tenants Union is seeking to get landlords to agree that any buyouts that they give to renters to get them to leave their apartments and then increase the rent must be worth at least five years' rent for the tenant's apartment after renovation at the current market rate.⁴⁹

This model is alive in other cities, including Boston where City Life/Vida Urbana, a Boston-area housing organization, says that its goal for renters is to "build strong tenants associations that work together to bargain collectively with corporate landlords and to demand policy change."⁵⁰ The Autonomous Tenants Union of Chicago says on its Facebook page that it provides members with a "[c]ollective bargaining strategy, which include but are not limited to, collective delivery of demand letter, call-in campaigns, caravans, collective protests, and/or collective demonstrations."⁵¹ There is also at least one statewide tenants union in Washington State,⁵² which has not only won benefits directly from landlords, but has also won a number of legislative victories in Seattle, including a Just Cause ordinance requiring landlords to demonstrate just cause before terminating a lease and a right for tenants to organize without fear of retaliation or eviction by the landlord, highlighting the similarities between tenant organizing and workplace organizing.⁵³ Tenant organizations have been building power in cities and states throughout the country⁵⁴ in ways that use both political efforts and collective bargaining as pathways for tenants to be able to govern themselves and their conditions.

Similar strategies are now being explored by home-owners seeking to negotiate with the banks or hedge funds holding their mortgages and who manipulate the value of their houses. Student debtors have also joined together in various ways seeking to negotiate with the financial institutions holding their loans. Debtors in general are seeking to come out of isolation and band together to understand and attack the structures that put them in such a precarious situation.⁵⁵ Through community-driven organizing and collective bargaining strategies, working people can join together in so many ways—in addition to their roles as employees—to negotiate with the economic actors impacting their lives and ultimately have the ability to more directly govern their economic conditions.

¹ David Weil. "Strategic Enforcement in the Fissured Workplace." Remarks at the John T. Dunlop Memorial Forum. The Labor and Worklife Program at Harvard Law School. Boston, MA. February 12, 2015.

² Lane Windham. *Knocking on Labor's Door: Union Organizing in the 1970s and the Roots of a New Economic Divide*. University of North Carolina Press (2017) Chapter 5, p 123

³ Lane Windham. *Knocking on Labor's Door*. p 124

⁴ Spatial fix describes an industry's effort to avoid labor militancy and power by relocating sites of production. See Beverly Silver. *Forces of Labor*. The Introduction distinguishes between a spatial fix, a technological fix, and a product fix.

⁵ Beverly Silver. *Forces of Labor: Workers' Movements and Globalization since 1870*. Cambridge University Press (2003) Chapter 3, p 85.

⁶ Beverly Silver. *Forces of Labor*. Chapter 3 chronicles the movement of the textile industry since 1870

⁷ A list of members can be found here: <https://asia.floorwage.org/about/members>

⁸ For specifics on how to calculate the Asia Floor Wage, see <https://asia.floorwage.org/calculating-a-living-wage>

⁹ For more on this campaign, see <https://www.nytimes.com/2012/06/30/business/wal-mart-suspends-seafood-supplier-over-work-conditions.html> and <http://www.guestworkeralliance.org/tag/c-j-s-seafood/> and <https://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html>

¹⁰ http://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html?_r=0

¹¹ The history of the Driscoll dispute can be found in David Bacon, Indigenous Oaxacan Farm Workers Win Themselves a Union in the Pacific Northwest, *American Prospect* (June 26, 2017) and Don McIntosh, Farmworkers at Sakuma Ratify Historic First Union Contract, *NWLaborPress.org* (June 16, 2017).

¹² Stephen Lerner and Saket Soni. "Bargaining with the Top One-Tenth of the One Percent". April 2012 Discussion Paper for the 99% Spring Leadership Team

¹³ Sarah Jaffe, The 99% Versus Wall Street: Stephen Lerner on How We Can Mobilize To Be the Greedy 1%'s Worst Nightmare, *AlterNet* (December 22, 2011).

¹⁴ For a deeper dive on the Justice for Janitors campaign, see <https://www.thenation.com/article/25-years-later-lessons-from-the-organizers-of-justice-for-janitors/>

¹⁵ Chart taken from: Stephen Lerner and Saket Soni. "Bargaining with the Top One-Tenth of the One Percent". April 2012 Discussion Paper for the 99% Spring Leadership Team

¹⁶ <http://www.nytimes.com/2012/07/09/opinion/forced-labor-on-american-shores.html>

¹⁷ Adam Bonica, *et al.*, Why Hasn't Democracy Slowed Rising Inequality? *27 Journal of Economic Perspectives* 103 (2013).

¹⁸ For more info, see here: <https://housingtrustfundproject.org/>.

¹⁹ See Ben Chin, Universal Family Care: A Plan for Maine, Maine People's Alliance (February 2017) (available at <https://caringacross.org/wp-content/uploads/2017/03/CAG-and-MPA-Universal-Family-Care-report-1.pdf>) for more details on this campaign.

²⁰ "Largest Employers" Hartford Courant: MHC Market Section July 2006, <http://www.courant.com/mhc-market-employers-htmlstory.html>

²¹ Daniel Kennedy, Stan McMillen and Louise Simmons, "The Economic and Fiscal Impact of Low-wage Work in Connecticut" (April 2015).

²² Daniel Kennedy, Stan McMillen and Louise Simmons, "The Economic and Fiscal Impact of Low-wage Work in Connecticut" (April 2015).

²³ Christopher Keating, "Comptroller: State Deficit Increases to Nearly \$173 Million", *Hartford Courant*, April 1, 2015, <http://www.courant.com/politics/capitol-watch/hc-comptroller-state-deficit-increases-to-nearly-173-million-20150401-story.html#page=1>

²⁴ Mark Watts, "Strong support and clear direction for low wage employer fee in Connecticut", *Abacus Associates*, March 9, 2015

²⁵ "Aetna announces changes that will improve wages and medical benefits for thousands of its employees" Aetna: Health Section January 12, 2015, <https://news.aetna.com/news-releases/fact-sheet-aetna-announces-changes-will-improve-wages-medical-benefits-thousands-employees/>

²⁶ See Bernhardt, *et al.*, "Broken Laws, Unprotected Workers Violations of Employment and Labor Laws in America's Cities," National Employment Law Project (2009) (available at <http://www.nelp.org/content/uploads/2015/03/BrokenLawsReport2009.pdf>).

²⁷ See John W. Schoen, States in crisis: Embroiled in the worst budget battles since the Great Recession, *CNBC.com* (July 11, 2017) (available at <https://www.cNBC.com/2017/07/11/states-in-crisis-the-worst-budget-battles-since-the-great-recession.html>).

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- ²⁸ See Lewis Creekmore, *et al.*, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans, Legal Services Corp. (June 2017) (available at <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>).
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- ³² Steven Greenhouse, Tomato Pickers' Wages Fight Faces Obstacles, *New York Times*, (December 24, 2007).
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- ³⁷ See 49 U.S.C. § 5325.
- ³⁸ See generally, Julian Gross, *et al.* Community Benefits Agreements: Making Development Projects Accountable (2005) (available at <http://www.goodjobsfirst.org/sites/default/files/docs/pdf/cba2005final.pdf>).
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⁵² The Washington State Tenants Union’s Principles of Unity states that “[w]e believe that all tenants have the right to organize and determine the rules and conditions of their tenancy through collective bargaining and other means.” See <http://www.tenantsunion.org/en/about/principles-of-unity>.

⁵³ The Washington State Tenants Union catalogues its victories and losses on the history page of its website. See <http://www.tenantsunion.org/en/about/tu-history>.

⁵⁴ The Los Angeles Tenants Union says on its website that its goal is to “mobilize tenants in a city as diverse and expansive as Los Angeles, the LA Tenants Union is establishing local chapters. Locals organize around neighborhood issues and help link neighborhood struggles to the larger movement for housing justice.” <https://latenantsunion.org/en/>.

⁵⁵ <https://www.huffingtonpost.com/topic/strike-debt>