In her very thoughtful essay, “Imminent Hanging,” Washington University Law Professor Marion Crain discusses the fact that the National Labor Relations Act (NLRA) has been critiqued extensively, prompting workers to find new ways of organizing. Crain writes, “The possibilities for [reforming the National Labor Relations Act] are politically charged, and some seem paramount to rearranging deck chairs on the Titanic.” She quotes a striking West Virginia coal miner who says, “We have plenty of law, but not enough justice” and points out that “Social change movements are both constituted by and constitutive of the law. When one ossifies so does the other...It thus seems far from coincidental that the most vibrant and successful worker organizing and activism efforts are occurring outside the NLRA framework....consider the dramatic growth of public sector labor unionism, where unions must first organize supporters and lobby for legislation, making the case to the public that union representation will serve the public good.”

U.S. union membership has been on the decline over the past several years. The Bureau of Labor Statistics revealed that union membership in 2012 rested at 11.3 percent, declining half a percent since 2011; overall union membership has declined 3 percent since 1999, is nearly half of what it was in 1983. In 1955, 24 percent of the workforce belonged to a union. Recent years have also brought a number of attacks on secure, reliable public sector collective bargaining. In
2011 Governor Scott Walker of Wisconsin launched a concerted effort in 2011 to limit the collective bargaining rights of public employees, particularly teachers, nurses, child care providers, and other female-dominated professions. Women represent most of state and local government employees, and collective bargaining can help achieve economic security for these workers. Other states proposed similar legislation: Tennessee restricted teacher collective bargaining. In Ohio, a similar law was repealed in 2011. And in Michigan, Governor Rick Snyder stripped collective bargaining rights of home-based care workers in 2011. The vast majority – 94 percent – of all care workers are women.

Despite this national climate, public sector home care workers – that is, domestic workers who are paid by Medicaid, Medicare or other pools of public money to care for people who are low income and young, disabled, ill or elderly – have secured collective bargaining rights via state legislation, consistent with Crain’s observation. This chapter examines ways in which the domestic workers’ movement is applying the tools of “traditional” labor, primarily through experimenting with collective bargaining, as well as ways in which the movement is collaborating with other worker groups to build new infrastructure and organizing practices to advocate for workers’ rights.

Home Care Workers and State Collective Bargaining Law

According to Eileen Boris and Jennifer Klein, the insecurity of home care work compelled home care workers to begin unionization campaigns as early as the 1970s and 1980s, about a decade before deeper awareness around privately-employed domestic workers began to rise. Boris and Klein have noted that “Tens of thousands of home care workers began to win some of the standard features of employment most Americans take for granted: a regular paycheck, workers’ compensation, and grievance procedures.” Currently, two labor unions, the American Federation of State, County and Municipal Employees (AFSCME) and the Service Employees International Union (SEIU) have been working hard to achieve these state laws. Even though these’ workers pay comes from public funds, they are often independent contractors with no benefits. Strictly for the purpose of collective bargaining, however, several state laws establish an employment relationship between these home care providers and the states where they work.

The first major success was in California, where in 1992 the SEIU collaborated with consumer advocacy groups, the California Senior Legislature, the California Foundation for Independent Living Centers, the Congress of California Seniors, and In Home Health Care (IHSS) participants. These unions won public authority legislation that established a legal employment relationship between home care workers and the public authority for the purpose of collective bargaining, enabling SEIU to move forward with organizing drives. United under the slogan “Keep what works, fix what’s wrong and fund!” this coalition won passage of a law in 1992 that established county-level public authorities to oversee home health service delivery.

In a matter of years this legislation helped reduce the poverty rate and improved the job retention of home care workers.\textsuperscript{5} Economist Candace Howes evaluated the economic impact of increasing these workers’ wages in San Francisco County, finding that raising wages for home care workers reduced San Francisco’s overall poverty rate by 16%.\textsuperscript{12} She also found that IHSS jobs represented eight percent of all low-wage jobs, sixteen percent of low-wage jobs available to women, and a quarter of all low-wage jobs available to immigrant women without English language proficiency in San Francisco County. As wages increased, the retention rate of all home care workers in San Francisco rose by 9 percent and the retention rate for new home care workers rose by 89 percent.\textsuperscript{13} Seventy-seven percent of IHSS home care workers are women;
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half are between the ages of 41 and 60; most work part time. Almost 40% are relatives paid to care for parents, spouses, and other family members. These collective bargaining rights are critical for both workers and the recipients of care. None of the state laws that have thus far established collective bargaining rights for these workers allow workers to strike. This exclusion is to protect recipients of care to continue receiving vital services without interruption. The movement for publicly-paid home care workers to receive collective bargaining rights is happening alongside the movement for increased labor protections for privately-hired domestic workers, and reflect very similar demographics. David Rolf, a home-care worker organizer in Los Angeles, told the New York Times after California’s legislation passed that the effort “reached out to low-income, women workers, workers of color, and immigrant workers. If you look at the demographic changes in Southern California, the labor movement has to figure out how to bring these workers in because they are the backbone of the new, low-wage service-sector economy.”

In May 2013 Vermont became the latest state to codify collective bargaining rights for home care workers. Janelle Blake has been a home care worker in Vermont for more than ten years. She supports the Vermont collective bargaining legislation. “I don't even know my colleagues. We are all spread out in state of Vermont, we don’t know each other. And that's why it's so great to form a union. When we come together we can get more done.”

As part of Vermont’s Medicaid-funded home care program, Janelle earns $9.78 per hour. She works a total of 68 hours per week – full time for a single disabled woman, and part time for a disabled young boy. Janelle started her career as home care provider for a man with Alzheimer’s, and she then worked as a special education teacher. Along with her husband, a convenience store manager, Janelle has raised three adult children working in the care sector. “I almost came to the point of losing our condo because things were getting so expensive,” Blake said. “It got really scary, that's why I'm working so hard. We’ve very hard for everything we have, we started on food stamps came up from there.”

Boris and Klein’s research is consistent with Blake’s experience. The Great Recession, they write, has been a “triple whammy” for home care workers. “The housing and mortgage crisis threatened their very workplace—their homes or the homes of those they cared for; the fiscal crisis of the state led to cuts in funds that paid their wages through long-term care programs; and the conservative political backlash and Republican ascent of 2010 opened an assault on their hard-won collective bargaining rights, wage increases, and recognition as "workers.”

The vast majority – over 90 percent -- of all home care workers are women. One-third are African American, one-fifth are Hispanic, and one-fifth are immigrants. Twenty-five percent of home care workers are unmarried women with young children. An estimated 600,000 earn wages below the poverty line, according to the Service Employees International Union (SEIU). As Jennifer Klein pointed out while speaking on a 2013 panel about feminist labor movements, “Home care workers too often thought of as barriers to “good care” for others, not a workforce facing their own barriers.”

For the purposes of collective bargaining, Vermont’s law will make Janelle, Heather and other home care workers state employees. In May 2013 the legislation has passed both houses so any objections have been made and addressed. Governor Peter Shumlin, a Democrat, signed the legislation in June 2013. Even while publicly-paid Vermont home care workers secured collective bargaining rights, a similar law in Vermont that would have extended collective bargaining rights to child care workers was struck down.
organizing and claiming rights through state legislation and law suits -- primarily outside of traditional union structures. Formal union recognition has largely not been achieved.\textsuperscript{xxvi}

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Aside from these select states, domestic workers are still not included within collective bargaining statutes at the federal level nor are they included in most state collective bargaining statutes. There are still so many people who labor in the care sector who continue to be excluded from any collective bargaining structure.\textsuperscript{xxvii}

Yet there is debate within the movement about whether collective bargaining is necessarily the best option for all care workers, and there are attempts to develop new strategies for what works best for domestic workers and other workers who are organizing today. The New York domestic workers’ bill of rights directed the New York State Department of Labor to examine whether collective bargaining could be feasible for domestic workers; the New York’s Labor Department’s feasibility study into the likelihood that domestic workers could collectively bargain pointed out a number of challenges domestic workers may face in attempting to collectively bargain, including the fact that workers are so decentralized within communities and often employers only hire one worker.\textsuperscript{xxviii} The feasibility study also pointed out that collective bargaining would require a significant paradigm shift in how employers view their domestic workers. Unlike the public sphere workforce, employers of domestic workers may be feel uncomfortable treating domestic workers as employees or discussing employment terms and conditions. They may not think of their home as a workplace. Domestic workers, because they work in their employers’ homes, are sometimes privy to personal and intimate information about the employers. \textit{There are also likely to be greater emotional attachments arising within domestic labor relations than may be typical in an industrial or service context.}”

However, Domestic Workers United, the NDWA and CAAAV published their own report advocating for immediate inclusion of domestic workers within the New York State collective bargaining legislation – also known as the “State Employment Relations Act,” this statute primarily applies to private-sector workers who are not covered by the National Labor Relations Act, such as those who work for very small companies or who have no or very few coworkers. The SLRA is the private-sector analog to New York State’s Taylor Act, which covers certain public-sector workers. Unfortunately, domestic workers and farm workers are not covered by the SLRA. The SLRA protects workers’ right to collectively bargain with their employers and prohibits employers from engaging in “unfair labor practices,” such as interfering with unionization, blacklisting, or monitoring workers who organize together. It is governed by the Public Employment Relations Board (PERB), which also handles private-sector matters. The PERB is responsible for mediating and arbitrating labor disputes and overseeing the union-recognition process, for example, through elections and card-checks.

Even as movement activists advocate for inclusion within collective bargaining statutes, there is some hesitation about whether expending movement resources and political capital on inclusion in collective bargaining is necessarily the best strategy for what domestic workers aim to achieve. “The reality is that the traditional model of collective bargaining under the National Labor Relations Act framework doesn’t quite fit for our workforce,” Ai-jen Poo told \textit{In These Times}. “Even if we weren’t excluded from the NLRA, there’s no collective, and there’s no one to bargain with—none of the traditional kinds of assumptions are there.
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“In the 90s, when I first started organizing with domestic workers, it was seen as a shadow, marginal workforce. But as we look around, more and more of the American workforce is dealing with some of the very same dynamics: isolation, part-time and contingent work, vulnerability and job insecurity. And so if we can figure out the models that work for domestic workers, we can contribute that to a broader conversation about reinventing the labor movement for the 21st century. Building infrastructure and worker resources are an important piece of ensuring rights for all workers.”

Non-traditional, non-union organizing forces

One reason the domestic workers’ movement is resonating with more people today is how because it exemplifies the economic reality so many American workers, both women and men, face. The narrative of the average American worker today, and by extension many women’s economic status, continues to take a troubling turn in the United States, with the decline of stable public-sector positions as well as weakening labor unions and an uptick in low-wage private sector positions. Trends in women’s union membership reveal this: in January 2013 the Bureau of Labor Statistics released their annual union membership summary, revealing an overall decline in the number of workers who belong to unions in 2012: in 2011 the total U.S. union membership was 11.8 percent and in 2012 that number rested at 11.3 percent. Of that half a percent fewer union members, women dominate. According to the National Women’s Law Center women represent 72 percent of all the former union members.

Simultaneously, public sector union membership also declined by a full percent. NWLC posits that these trends are related. “The best we can tell, public sector jobs have been shed recently, and women bore the brunt of that loss,” said Emily Martin, Vice President and General Counsel of the National Women’s Law Center. “I think what that means among other things is that women who hold steady unionized jobs were losing their jobs. Teaching, public administration, librarians – that’s where biggest declines were found.”

Beyond the weakening of unions in numerous states -- and at the federal level as well -- the number of public sector positions is decreasing, while job opportunities in the low-wage private sector -- a sector with relatively weak union power -- are increasing. “In the recession recovery what we have seen is loss of good unionized middle class jobs like teaching and nursing, where women tend to dominate,” Emily Martin said. “And we see increase in jobs in retail, food prep, places where there are very low rates of unionization in general, and there are often other job quality issues associated.” As Michael Grabell wrote for ProPublica in June 2013, there are now more temp workers in the United States than ever before – 2.7 million – who are mostly Latino workers laboring on the supply chains of behemoth companies like WalMart, Nike, Macy’s and Frito Lay.

Another proof point of this trend: UNITE HERE, a union representing hotel, restaurant, textile, laundry and other private-sector workers, have seen an uptick in women members, according to UNITE HERE Communications Director Brenda Carter.

“The industries that we organize are dominated by women, and anytime a new worker joins, it’s likely going to be a women,” Carter said. “If 200 workers from a hotel join our union, the largest department is usually housekeeping -- which is almost always all women.” Continued state and federal weakening of unions, combined with the decline in public sector union members indicate that secure, stable public sector jobs -- many of which are female dominated -- may continue to decline, while lower-wage, service-industry positions in the private-sector are seeing an increase in women employees. The minimum wage in some of these sectors such as
waiting tables is as low as $2.13 per hour. And low-wage private-sector workers can’t always expect the most basic standards, like humane working conditions: in early 2013 Minnesota Target employees have told the Occupational Safety and Health Administration (OSHA) that their employer locks them in overnight.

Workers’ rights activists continue to pound the pavement, but a transformative economic justice effort is past due. According to Martin, in the absence of strong unions, “antidiscrimination laws, family medical leave, wage and hour protections need to be stronger and aggressively enforced so there are baseline protections for all workers” but many of these, particularly paid leave, are not available to most workers. Union membership trends are part of a larger narrative, one that systemically weakens the economic prospects of working women and their families.

If anything, exclusion from the NLRA, state collective bargaining legislation and other labor protections, combined with the economic crisis of 2007 and the challenges it has presented, organizing has not subsided. In fact, these challenges may have inspired greater activism by non-union groups. In addition to the policies Martin mentions, the presence of non-union groups who organize workers has become increasingly critical. Many of these national groups, who are a blend of immigrant rights groups and worker organizing groups, such as NDWA, Restaurant Opportunities Centers United (ROC), the National Guestworker Alliance, the National Taxi Workers Alliance, the Coalition of Imokalee Workers, Mujeres Unidas y Activas in San Francisco and Oakland; Casa de Maryland in Baltimore; the Chinese Progressive Association in San Francisco; and other local groups organize immigrant laborers who toil in a variety of sectors but are often excluded from labor regulations – either explicitly or de facto because of their fear of deportation, economic constraints and in general feeling intimidated by management.

In his 2013 essay “Guest Workers as Bellwether,” Josh Eidelson wrote about these new groups organizing and striking even as unions are weakening. In particular, guest workers who come into the United States for brief periods of time can be subject to unspeakable conditions. Eidelson reported that workers at CJ’s Seafood in Louisiana were sometimes required to be on the job 18-24 hours per day, were subject to surveillance by management even outside of work, and regularly faced threats from management if they chose to leave. The Workers’ Rights Consortium, an international labor monitoring group, investigated and confirmed the allegations of forced labor and threats. Eight CJ’s workers went on strike in 2011 a seemingly feeble attempt to escape a horrifically abusive boss. “The CJ’s workers settled on a plan to approach their boss as a group with a list of modest demands: providing a full lunch break, turning off some of the cameras, and firing the supervisor who kept threatening to beat them with shovels. LeBlanc rebuffed them, and they told him they were on strike. “He didn’t believe it,” said Uvalle. “He couldn’t get it into his head. He said you have to go back to work . . . . And we said no.” They went through the plant asking co-workers to join them. None did; instead, two of the workers who’d been involved got cold feet. That left eight workers on strike. “Everyone was too afraid,” said Uvalle. “They thought we were crazy.” The eight strikers did not achieve collective bargaining rights or shut down their workplace, but they did gain national media attention and built public support for reforms. “In other words,” Eidelson wrote “they used the kinds of comprehensive campaign tactics that have increasingly come to typify successful labor struggles in the United States: a blend of workplace activism and media, consumer, legal, and political pressure…As pseudo-stateless workers, guest workers face all of the obstacles confronting any U.S. workers who try to organize, and then some.”
Another such non-profit non-union groups is the Restaurant Opportunities Centers United (ROC), based in New York and Oakland, and is led by Saru Jayaraman. “Collective bargaining not always best model for everyone. We are not engaged in collective bargaining, we are organizing multiple stakeholders,” said Saru Jayaraman, Director of the Restaurant Opportunities Centers United (ROC), a 501(c)3 that organizes restaurant workers as well as sympathetic employers. Like NDWA, ROC has found success through organizing employers to become advocates for the cause of restaurant workers’ rights. According to Jayaraman, Director of the Food and Labor Research Center, low wages for restaurant workers is the biggest legacy of former Republican presidential candidate Herman Cain, who served as head of the National Restaurant Association (NRA). The NRA, one of the most powerful lobbies in the United States, worked hard during Cain’s tenure to keep the cost of labor low in its sector. Jayaraman also points out that women constitute at least half of people in the restaurant sector. Like NDWA, Jayaraman and her colleagues at ROC have been able to tap and begin building a brain trust of people in the restaurant business who seek to improve practices. For example, Zingerman’s Community of Businesses (Zingerman’s), made up of 18 partners and several different enterprises including a restaurant called Zingerman’s Roadhouse, are based in Michigan and are known for having built their enterprises based on how they can “enhance the lives of as many people as [they] possibly can.” In practice this means offering all their employees—part time and full time—health and dental benefits, and paid time off. After they work at Zingerman’s for a year, employees are eligible for 401(k)s. Tabitha Mason, who built her career in the restaurant industry, is the manager of Zingerman’s Roadhouse. “Early in my career at a different restaurant, I probably made $20,000 per year. That was a more traditional restaurant, where servers were viewed as disposable,” Mason told RH Reality Check. “And previous restaurants I worked at would try hard to restrict who could receive benefits—like it was an exclusive club.”

While Zingerman’s Roadhouse pays its staff just a smidge over the federal restaurant workers’ minimum wage, their staff earn $21 per hour. Management monitors tips to ensure this, according to Mason. And last year, Zingerman’s partners began cultivating a new dimension of their focus on employee-centered business: the concept of a “thriveable wage.” We’ve heard of the minimum wage, described above, which offers a floor for what a worker can legally earn in a given sector. And we’ve heard of a “living wage,” which ensures a worker can earn what is necessary to survive.

Moving to a “thriveable wage” is part of Zingerman’s deeper commitment to, along with ROC, improve the lives of restaurant workers. It reflects an understanding that, as an employer, they’re part of a larger ecosystem of workers, their families, and their communities, not just partners and shareholders. At a retreat last year, Zingerman’s partners began toying with the concept of a thriveable wage, drafting a vision statement that includes the following:

We [are raising] wages to a “thrive-able” level throughout the organization and there is a powerful multiplier effect going on. Higher wages lead to higher morale and is the engine that keeps everything spiraling upward. In many cases, productivity increases due to lowered stress levels in the lives of the people in our organization because of assurance that their financial needs are covered…We have less people needing to rely on forms of public assistance like SNAP card benefits and the Washtenaw Health Plan. We maintain the offering of assistance from our Community Chest because it serves as the safety net for employees
without personal networks of support or who face disastrous emergencies outside of their control.

The thriveable wage vision statement, still in draft form, cites lower employee attrition as a result of higher wages. It also includes plans to move in a “books wide open” direction, enabling employees to help define what a thriveable wage actually means in practice, and promising transparency in pay scales and wage information. “Just as an ideal democracy does the work of teaching everyone how to vote responsibly, we as a business give to all our members an understanding of finance as a fundamental tool,” says the draft vision statement.

The Chinese Progressive Association based in San Francisco, has been organizing the local Chinese community since 1972. In 2001, the group began its Worker Organizing Center to address issues faced by Chinese immigrant restaurant workers and domestic workers. According to CPA’s executive director, Alex Tom, the decline of the garment industry forced many of the women CPA serves into underemployment in lower wage sectors including care work and restaurant work. “They are basically doing jobs that are highly underemployed even if they’re home care worker they may only get 5-10 hours per week,” he said. “And patriarchy cuts into this, too. Chinese immigrant women are expected to provide child care for their own children at the same time. So sometimes they’re not able to find full employment.”

CPA, like MUA and many other groups, has a job training program that aims to help Chinese immigrant women find stable jobs. “It’s a complex web of issues. Women in the Chinese immigrant community take the brunt of everything. Immigrant men that come to this country are used to being breadwinner in China or home country and lot of pressure when they get here so they feel challenged when their wives earn. Chinese immigrant men take out exploitation they experience in the workforce on their family. It is about wage exploitation, how capitalism is rearing its ugliest impacts on society right now.”

CPA, like ROC, MUA and other groups, pursued local and state initiatives to help secure more labor protections for their members. For example, CPA worked to secure San Francisco’s paid sick leave ordinance and minimum wage ordinance. Like ROC and NGA, CPA is a 501(c)3 not-for-profit organization. CPA has been a supporter of the California domestic workers’ legislation. “A domestic workers’ bill of rights will be huge advance for all people including people in the Chinese community,” Tom said. “Lots of single elder Chinese women work as nannies.”

A critical success story of a non-union workers’ organization is found in the Coalition of Imokalee Workers and the Fair Food Program in Florida – and also reflects success in the ability to organize sympathetic employers. As described in the discussion of New York and California’s domestic workers’ legislation, employers have been crucial the modern domestic workers’ movement. Similarly, ROC has engaged multiple employers who are committed to improving conditions for their workers.

In addition, women tomato farm workers -- who have faced endemic sexual harassment at the hands of their supervisors -- are now covered by the Fair Food Standards Council, is a
501(c)3 nonprofit that enforces the state’s Fair Food Program. The program applies to both women and men agricultural workers but in terms of preventing sexual harassment, it disproportionately benefits women in this sector. The Fair Food Program is a collaboration with the state’s tomato farmers devoted to improving working conditions for all to help enforce the fair food code of conduct which prohibits discrimination, sexual abuse and harassment, among other provisions. (The code of conduct also works with tomato farmers to raise wages for agricultural workers in the state.) As of 2010, 90 percent of all Florida tomato growers and buyers have signed on to the program -- and any tomato grower who fails to abide by the code of conduct is then barred from selling to a tomato buyer in the state. The program may be replicated in other states and among other types of agricultural crops. Similar in timing to the rise of the domestic workers’ movement, this program is a result of a campaign that began heating up in the late 1990s and launched in 2000.

“There is a powerful market consequence that gives this program teeth,” said Judge Laura Safer Espinoza, a former New York State Supreme Court judge who is now Director of the Fair Food Standards Council. “It is a privilege to be involved in a program that goes beyond the legal system in terms of its capacity for transformational change.”

Unlike the adversarial nature of litigation, the Fair Food Program is a partnership through which growers, buyers and workers all seek to prevent abuse. Field-level supervisors have the responsibility to discourage abuse. There have been roughly x instances in which buyers have cut ties with growers who have not abided by the code.

Ten professional FFSC monitors conduct announced and unannounced audits of the state’s tomato farms which involve intensive worker interviews. “We assess whether a company has systems in place that can comply with fair food code of conduct and then whether in fact they're being implemented at field level. If violations are found, growers are given an opportunity to correct them through a corrective action plan. If they fail to do so, they can be suspended from the program,” Judge Espinoza said.

Internet usage statistics show the extent of this transformation. In 2007, more than seventy percent of Americans used the Internet. As of 2003, an estimated forty percent of all workers used the Internet or e-mail at work. Those numbers have only risen in the last decade. The prevalence of the Internet helps unions organize and communicate with employees, especially those who are difficult to reach through traditional means, including, to a limited extent domestic workers. When organizing workers in Vermont, Karen Connor of AFSCME said, “We make efforts to get workers together including through our website. We also have some local organizing meetings that help workers connect. But mostly, it’s door to door. We’ve gone to thousands of doors. There's no shop floor here. Home care workers don't necessarily have a cell phone or email.” Rocio Avila, an attorney who represents domestic workers in California, also noted that resources online have helped domestic workers seek help.

So addition to the increase of non-union worker organizations, enhanced infrastructure, especially web-based communication, for even nascent worker alliances to organize more effectively can help all workers. Since 2012, a fledgling online platform called Coworker.org has emerged to try to fill that gap, aiding workers who are seeking to change an employer’s policy. Unlike other online platforms like Facebook, Coworker.org is focused exclusively on organizing workers.
The employees of Juicy Couture retail store are among the first three groups to create a campaign using Coworker.org. In 2013 Juicy management allegedly cut worker hours in order to avoid implementing the Affordable Care Act (ACA), making Juicy one of the latest employers to contribute to the “part-timeification” trend now popular in the restaurant, retail, and other sectors, a trend that disproportionately affects women. In response to this trend, employees are turning to new online tools to organize and fight for better benefits.

And across the country, employers are choosing to cut worker hours in order to save money and dodge requirements in the ACA. The New York Times reported late last year about the “part-time life” that an increasing number of employees are living. In retail specifically, over the past two decades, many major retailers went from 70 to 80 percent of staff members being employed full-time to 70 percent being employed part-time. Just 21 percent of part-time workers in the industry are likely to receive benefits, compared to 65 percent of full-time workers.

Coworker.org’s founders, Jess Kutch and Michelle Miller, have an infrastructure-building focus in mind. Both are former union organizers who also worked on economic justice campaigns at Change.org, and they have ambitious goals. “We realized there weren’t spaces online for workers to learn from each other. Imagine if there’s a place online where you can see every active paid maternity leave campaign in the country,” Kutch said. “We’re in very early stages of this, but as we get to scale we’re going to have awesome opportunities to connect dots for people and to link them to experienced workplace activists. This is not just about workers influencing their employers, but it’s also about being able to see what other groups of workers are doing.”

The platform feels similar to Change.org’s petition platform, but for its exclusive focus on workers. During the process of creating a petition, the site offers workers tips, encouraging them to avoid creating petitions at work and to be sure not to use work computers so that they don’t become vulnerable to retaliation.

“There are communities online that have evolved organically that regularly talk to each other, but without organizers behind the scenes figuring out ways to grow those communities and win battles over time, you’re just going to have disparate communities never building toward something,” said Kutch, adding that she and Miller hope to engage a network of workers’ rights attorneys to assist employees who are facing retaliation.

Expanding infrastructure for workers’ rights is ultimately about addressing economic justice for women. Women are far more likely than men to work in part-time positions, according to the Bureau of Labor Statistics. The Retail Action Project, which is partnering with Coworker.org on the campaign, argue in their advocacy materials that there is “a significant gender gap in wages in an industry that employs millions of women in America, where women are less likely to receive benefits or promotions” as average and median hourly wages are significantly higher for men than women.” At Juicy’s flagship store in Manhattan, there are 71 female and 51 male employees.

Ali, a 22-year-old college student who asked that I not reveal her last name, used to work at Juicy Couture’s flagship location. She was first hired during the holiday season to work 30 to 35 hours per week. After the holiday season, her hours were cut in half, but she and her colleagues were only notified of the cuts when a new work schedule was circulated. Ali complained about the cuts in hours. She was terminated last month for tardiness.

“Being late was a legitimate reason to fire me, but it’s also possible they fired me because I was outspoken about the hours issue,” Ali said. “I spoke with every manager in the store about it.” (A representative for Juicy Couture said that “while we do not share specific details about our associates, we would not fire an employee for speaking their mind.”)
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When there is strong organizing around policies like Juicy’s, dramatic change is possible through appealing to the public: In late 2012, Darden Restaurants—the company that owns Olive Garden, Red Lobster, and a handful of other restaurants—famously cut worker hours in an effort to skirt rules about employee insurance coverage under the Affordable Care Act, but the public reacted with outrage, and Darden’s profits plunged. As the modern labor movement evolves away from arcane collective bargaining structures, attempts at innovation like Coworker.org will become an important part of the workers’ rights landscape.

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xv Interview, Matt Mayers, May 17, 2013.

xvi Interview, Matt Mayers, May 17, 2013.


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xxvi Rebecca Burns, “Domestic Insurgents.” In These Times, April 1, 2013.


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xxxix Interview, Saru Jayaraman, February 23, 2013.


xliii Interview, Jess Kutch, April 10, 2013.

xl A representative from Juicy Couture said via email on April 15, 2013 that the company has “no such policy with regard to employee hours nor have any decisions been made about how to best manage ACA requirements” and that it is “still reviewing the ACA’s impact and how to best continue to provide meaningful benefits options to our managers and associates.”

xlv Interview, Jess Kutch, April 10, 2013.

xlvi Email from Juicy Couture representative, April 15, 2013.