



A VISION FOR BLACK LIVES: **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

The Right For Working People to Organize in Public and Private Sectors, Especially in “On Demand Economy” Jobs

What is the problem?

- The right to negotiate collectively in the workplace is a fundamental block to building Black economic power and building strong, stable communities. Research and history show that one of the surest ways for Black folks to climb out of poverty is through joining together in union. In theory, the right to organize is protected by the National Labor Relations Act (NLRA), but in practice the NLRA falls short of many things. In order to build power for Black people and Black communities in the long term, an expanded and enforced right to join together and negotiate collectively is arguably the most fundamental demand that we must make and win.
- Right-to-work laws prohibit unions from collecting dues from members, essentially dampening the power of unions of working people to effectively operate.
- Multi-billion dollar corporations such as Uber and Lyft are profiting in the on-demand economy and exploiting working people by avoiding the core responsibilities that companies have to workers.
- The way the NLRA is interpreted and enforced, does little to deter firms from abusing working people who try to organize.
- The laws that are currently on the books are also poorly enforced.

What does this solution do?

- Allows all working people the freedom to join together to negotiate for a fair return on their work .
- Allows mandated payroll deduction.
- Prohibits states from passing “right-to-work” laws and repeals all existing right-to-work laws.

Federal action:

- Target: U.S. Congress, large employers of Black workers (i.e. Walmart, McDonalds) and industry actors in sectors with dense Black employment (i.e. National Restaurant Association, National Retail Federation)
- This demand must be fought for both at the federal level, because the NLRA — which governs who has the right to organize and who doesn't — is a federal law that preempts most state and local efforts at securing the right to organize, as well as within the national footprint of targeted employers and industry actors.
- In addition, to ensure that Black people and others who are traditionally excluded are included in NLRA protections, the legal framework of bargaining must expand far beyond the NLRA to support a climate for fair negotiations and to build our shared power.
- “Since it is sometimes cheaper for employers to violate the law than to obey it, it is necessary to put a greater cost on violators of the law. In theory, the NLRA protects the human rights of workers, but in practice it is set up in an unenforceable way. Section 7

A VISION FOR BLACK LIVES: POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE

needs to be enforced in a way where it is not advantageous for employers to break the rules.”¹

- Misclassification of workers must be fixed. Misclassification results when employers intentionally classifies (or re-classifies) the people who work for them as independent contractors to avoid responsibility or liability for basic legal, employment and civil rights protections.

State Action:

- Most state-level reforms to protect and expand the right of people to come together to negotiate collectively are pre-empted by the NLRA. Jobs With Justice is exploring a local policy initiative that would fine large employers who refuse to offer family sustaining jobs and allow working people to collectively negotiate with the state over how to allocate the proceeds.² They define this as a new approach to bargaining.

How does this solution address the specific needs of some of the most marginalized Black people?

Model Legislation

- [Employee Free Choice Act](#) (failed)
- [Employee Empowerment Act](#) (addresses some of this, but not all)
- [WAGE Act](#)

Organizations Currently Working on Policy:

- AFL-CIO
- Service Employees International Union
- National Employment Law Project
- This list is by no means exhaustive

Authors & Contributors of this Policy Overview

- Erica Smiley, Jobs With Justice
- Steven Pitts, National Black Workers Center
- DeAngelo Bester, Workers Center For Racial Justice
- Karl Kumodzi, Blackbird, Black Youth Project 100

¹Compa, Lance. www.dol.gov/dol/ilab/public/programs/nao/LanceCompa.htm

² <http://portside.org/2015-10-26/fining-mcwalmart-charging-employers-social-costs-poverty-wages>