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Is There Any Future for a US Labor Movement?

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Almost 15 years ago, a previous *Journal of Economic Perspectives* article on American unions (Hirsch 2008) argued that due to increased competition and dynamism in the US economy, the unions created and sustained by the National Labor Relations Act were sclerotic dinosaurs to be replaced, if at all, by new institutions of worker voice that "must flourish in the US economic environment of open, competitive, and dynamic markets." Today, this view of the overall American economic environment looks sanguine; noncompetitive labor and product markets in the last 40 years are now well-documented (Philippon 2019; Naidu, Posner, and Weyl 2018), and the associated rise in inequality, both across workers and between capital and labor, is now a much larger concern.

At the same time, there has been both a resurgence of public interest in unions as well as policy interest from both conservatives and liberals in the United States. Even as private sector union density has continued to decline to around 6 percent of employment, COVID-19 and the subsequent labor shortage generated a spate of prominent examples of collective action among food, retail, and health care workers. I write this paper in fall 2022 during a wave of Starbucks union petitions, with over 5,000 workers having won union elections in the last six months. There is a recent and remarkable win by an independent union at a Staten Island Amazon Warehouse in New York City. This flurry of activity was preceded by "Striketober 2021," with over 100,000 private sector workers (including graduate students at my university) having authorized strike votes, the most in decades. That said, these are

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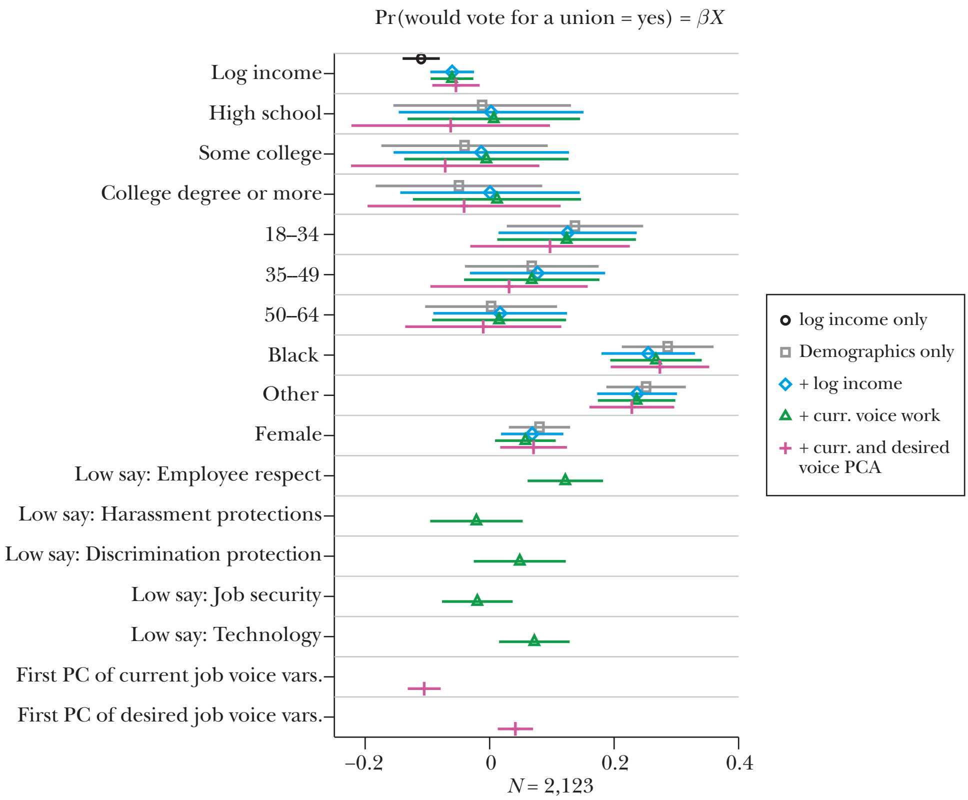
all drops in the bucket of the overall American labor market, and may or may not be harbingers of a resurgent unionism. What future is there for the labor movement in the United States?

A union weaves workplace ties between coworkers together into organizations capable of coordinating collective action sufficient to force a binding bargain with a large firm, a whole sector, or to influence politics. Unions are independent organizations aggregating and representing the interests of workers, and thus have no substitute in the form of government wage mandates or employment regulation. The primary obstacle to widespread unionization in the United States is that labor law and employer opposition requires a high level of workplace social capital to win union recognition, and even more to win a collective bargaining agreement. This slow and costly process has struggled to outpace the exit and downsizing of already-unionized firms. Between the employer-side advantages given by US labor law and diminished workplace social capital, it is difficult to see a path to a persistent increase in union density that is not concomitant with a rewiring of workplace networks and a transformation of American labor law. Nevertheless, COVID-19 and its aftermath may have precipitated the required rewiring, with younger workers transmitting their desire for unions to other segments of the labor market, aided by a sympathetic federal government and exceptionally tight labor markets.

Unions remain very popular. Over 70 percent of Americans approve of unions in recent Gallup polls (McCarthy 2022). Surveys since the 1970s have also asked: "Would you vote for a union if an election were held tomorrow?" Figure 1 shows coefficients from a regression trying to explain variation in responses to this question for nonunion private sector workers, as asked by Hertel-Fernandez, Kimball, and Kochan (2022). Income, race, youth, and gender remain strong predictors of union support, along with those who have experienced low respect (Dube, Naidu, and Reich 2021) and those with low input into technology use in their workplace. Workers experiencing more voice at work are less willing to unionize, while workers who desire more voice are more willing. Yet, as Farber et al. (2021) shows, union density has fallen most in the low end of the unionized educational distribution and among nonwhite workers, arguably the segments with the highest latent demand. This pattern suggests some institutional friction hindering unionization among those with high stated demand. Leading candidate explanations include employer opposition, which can be blunted by policy and market conditions, as well as inherent difficulties in generating the collective action necessary to overcome the barriers imposed by US labor law.

The traditional economic analysis of unions shows that in laissez-faire labor markets, unions are purely distortionary, analogous to a minimum wage or a monopoly pushing employers to hire only insiders, at higher wages, at the expense of outsiders, efficiency, and profits. In models of the labor market with incomplete contracts (Grout 1984; Acemoglu and Pischke 1998) or imperfect competition (Dodini, Salvanes, and Willén 2021; Manning 2013, ch. 12), however, unions can raise both wages and employment, and even improve productivity. Empirically,

Figure 1
Willingness to Vote for a Union by Demographics, Income, and Demand for Amenities



Source: Author's analysis of data from Hertel-Fernandez, Kimball, and Kochan (2022).
Note: Analysis of 2,508 responses to a survey conducted in 2017 from Hertel-Fernandez, Kimball, and Kochan (2022). Mean of the dependent variable is 0.47. Restricted to private sector non-union workers (with > 20 hours of work). Each set of coefficients are from a separate regression each, weighted and with robust 95% confidence intervals shown by the bars, and should be interpreted relative to a constant term not shown. PCA is the standardized first principal component of 16 dimensions of experienced or desired worker voice.

generations of economists have traditionally focused on the wage and employment effects of unions and labor conflict along with productivity and profitability effects. A more recent literature has discussed political effects, internal politics, and policy determinants of unions (Kremer and Olken 2009; Downey, forthcoming; Feigenbaum, Hertel-Fernandez, and Williamson 2018). Comparatively little work in economics has focused on the social networks, workplace conflict, and dynamics of collective action that characterize US labor organizations.

A Background on American Collective Bargaining Institutions

US Unions in Comparative Perspective

Traditional unions bundle two different services: (1) taking wages and working conditions out of the hands of firms and markets and into a collective bargaining process; and (2) building political and economic power by connecting and mobilizing social networks and identities generated via shared experiences of work. In the traditional American unionized industry, these two functions are expressed by the same organization: a labor union that negotiates a legally binding collective bargaining agreement on behalf of the workers covered by it and then bargains over and enforces that agreement using the collective action capacity of its members.[1]

In other countries, these two functions have been disaggregated in different ways. In some, government policies or centralized contracts set wages throughout the distribution, ranging from minimum wages to wage boards to sectoral bargaining and contract extension to nonunion employers. Other countries have also preserved independent membership-based labor organizations, which may provide members with valuable services (for example, unions supply unemployment insurance to their members in traditional "Ghent" systems in a number of European countries) as well as exercise economic and political power with the capacity to strike, educate, and mobilize workers where they work.

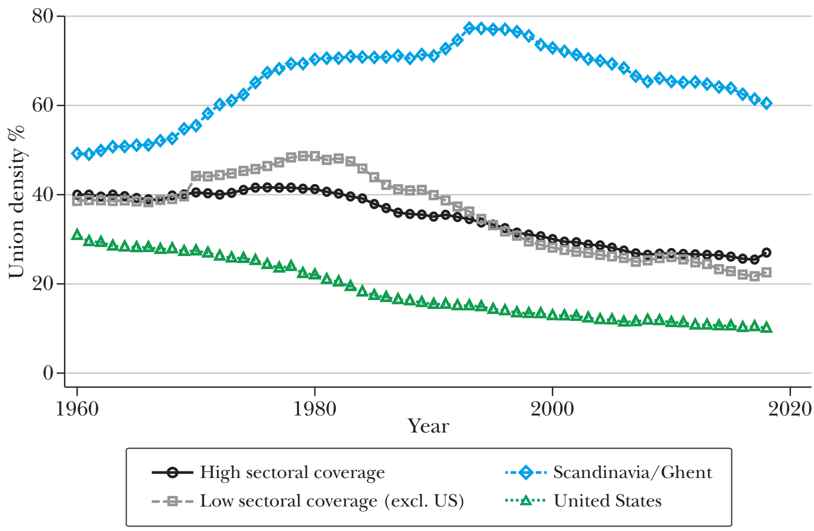
Figure 2 shows patterns of union density across different institutional arrangements in the advanced democracies. Union density has remained highest in countries that have maintained both sectoral coverage of union contracts, where union contracts are extended to all employers in a sector, as well as Ghent-style selective benefits. While some claim that sectoral coverage would make organizing new members easier (for example, Madland 2021), sectoral coverage alone has only preserved union density a little bit more across countries: there is little incentive for nonunion workers not to free-ride on the contract negotiated by the union. But even compared to other countries without sectoral bargaining or any selective benefits, US union density is low, and declining more quickly over the past few decades.

In the United States, private-sector unionization is governed by the 1935 National Labor Relations Act, also called the Wagner Act, subsequently modified by the Labor-Management Relations Act of 1947, also called Taft-Hartley, and the 1959 Labor-Management Reporting and Disclosure Act, also called Landrum-Griffin. The NLRA set up the National Labor Relations Board, which is the primary authority for deciding issues related to union recognition and representation and precludes any state or city from regulating around it. These laws together delineate the process for getting a set of workers legally covered by a union with which an employer has a duty to bargain.

The process of union recognition under US labor law involves a number of steps. First, a set of workers of at least 30 percent of a proposed bargaining unit files

[1] For an overview of the varieties of worker organizing, above and beyond unions, see the review of the landscape from Kochan et al. (2022), published by the Worker Empowerment Research Network.

Figure 2
Cross-Country Union Density



Source: Visser (2019).
Note: High sectoral coverage countries are Austria, France, Germany, Italy, the Netherlands, and Norway. Low sectoral coverage countries are Canada, Ireland, Japan, New Zealand, and the United Kingdom. The Ghent/Scandinavia countries with union insurance are Belgium, Denmark, Finland, and Sweden. The comparison here is restricted to balanced sample of countries. Union density is as a share of employed wage workers as in employment or household surveys. Sectoral coverage means that a union negotiates binding national or regional wage agreements.

cards petitioning for an election, either affiliating with an existing union local or forming a new "independent" union. Second, if an employer has agreed to "card check neutrality," then simply getting a majority of workers to sign cards is sufficient to win a union. Otherwise, the National Labor Relations Board decides whether the proposed bargaining unit is a legitimate "community of interest" and then authorizes a secret ballot election for recognition. Third, both the union and the employer campaign until the election. Illegal tactics are reported as "unfair labor practices" and are adjudicated by the NLRB. Fourth, if the majority of workers vote in favor of a union, the employer has an obligation to bargain with the union in good faith. Fifth, if a collective bargaining agreement is reached (which happens only about half the time), the agreement governs set wages, benefits, and a variety of workplace governance conditions for all the workers covered by it. Sixth, once signed, many contracts are enforced by a grievance procedure, mediated by a worker designated as "steward" who acts as intermediary between workers and their employer. Finally, if no collective bargaining agreement is reached in a year, the union can be decertified via another petition and election.

The National Labor Relations Act protects collective action at the "bargaining unit" level, which is a mix of job categories and geographic establishment. The premise of the law is that the establishment-level bargaining unit is the natural level at which workers share interests, and implicitly, that the barriers to collective action at that level are relatively easy to overcome. However, a hostile legal regime and transformations in employment have invalidated the presumptions on which establishment-level bargaining was built. As a result, the NLRA is as much a legal graveyard as it is a sanctuary for American unions.

In the United States, any worker that wants a union cannot just join one, but instead needs to persuade 50 percent of their coworkers, which means that the decline of US unions is tied up with other forces that have hampered collective action. One reason a variety of new labor organizations, such as the National Domestic Workers Alliance or United for Respect (which seeks to advance the interests of retail workers), have elected to avoid the process as defined by the National Labor Relations Act is that they would become subject to a legal regime that advantages employers, restricts organizational flexibility and tactical innovation, and imposes onerous reporting requirements and regulation. But in doing so, they forfeit the dues revenue that comes with a traditional collective bargaining agreement, and instead rely on philanthropy or other sources of revenue for support.

Strikes as Collective Action

Strikes, the collective withdrawal of labor from an employer or market, remain the reservation position for organized labor in collective bargaining negotiations, and in many countries are also political tools used to pressure governments into policies. While the right to strike is formally guaranteed in virtually every democracy,[2] countries vary in which tactics and degree of coordination they allow workers to engage.

In the United States, the right to strike is technically protected at key junctures in the unionization process, but many of the tactics required to build the collective action and coordination necessary to win strikes are illegal. For example, strikes for union recognition, strikes in response to an unfair labor practice, and strikes during contract negotiation are all protected by the National Labor Relations Act. US law generally allows strikes only at the establishment- or firm-level: specifically, the 1947 Taft-Hartley law forbidding secondary boycotts or political strikes and thus eliminating the possibility that workers in different bargaining units can help each other during labor conflicts. Many tactics to shut down an employer's business, from picketing to workplace occupations, are either extremely circumscribed or illegal under US labor law. Further, beginning in the late 1970s and 1980s, employers began to ignore the prior norm of reinstating striking workers, with ever-increasing use of "permanent replacements" during strikes (Cramton and Tracy 1998). Massenkoff

[2] Notably, a number of "workers' states" restrict the right to strike: China eliminated the legal right to strike in 1982, the Soviet Union de facto abolished it during Stalinism, and communist-run Cuba never granted it.

and Wilmers (2022) show that while strikers experienced higher wages after a strike prior to 1982, since then strikes have resulted in wage losses for workers.

In contrast, many other countries protect broad rights to strike by large groups of workers, sometimes even at the whole economy level. These legal protections do not result in frequent strikes. Instead, strikes are effective as latent, but credible, threats of extremely high costs. A dramatic example showing how European institutions facilitate collective action to regulate employer behavior is provided by the experience of McDonald's coming to Denmark in the 1980s and refusing to pay the union wage negotiated by the hotel and restaurant union. Matt Bruenig (2021) describes the coordinated response by the Danish labor movement:

> In late 1988 and early 1989, the unions decided enough was enough and called sympathy strikes in adjacent industries in order to cripple McDonalds operations. Sixteen different sector unions participated in the sympathy strikes. Dockworkers refused to unload containers that had McDonalds equipment in them. Printers refused to supply printed materials to the stores, such as menus and cups. Construction workers refused to build McDonalds stores and even stopped construction on a store that was already in progress but not yet complete. The typographers union refused to place McDonalds advertisements in publications, which eliminated the company's print advertisement presence. Truckers refused to deliver food and beer to McDonalds. Food and beverage workers that worked at facilities that prepared food for the stores refused to work on McDonalds products.
>
> In addition to wreaking havoc on McDonalds supply chains, the unions engaged in picketing and leaflet campaigns in front of McDonalds locations, urging consumers to boycott the company. Once the sympathy strikes got going, McDonalds folded pretty quickly and decided to start following the hotel and restaurant agreement in 1989.

Even, perhaps especially, in countries with labor peace and low strike rates, the capacity for unions to turn on vast quantities of collective action is the hard power ensuring the soft power of active labor market programs, unemployment benefits, sectoral coverage, and macroeconomic partnership. In contrast, the proscribed strike capacity of US unions since 1947 is perhaps one of the forces driving unions into seeking more political (and even sometimes criminal) sources of power.

Employer Opposition

The typical American employer remains implacably hostile to unions. Even seemingly progressive employers, like Starbucks, major media outlets, and private-sector universities—whose leaders are on the left of the American political spectrum—respond to unionization with the same anti-union law firms and management consultants that less publicly idealistic companies deploy regularly. Over 100 Starbucks workers have been fired seemingly for union activity, and a number of Starbucks stores that have voted for union recognition have been shut down, all under an executive who was a leading candidate for US Secretary of Labor under Hillary Clinton. Wang and Young (2022) provide credible evidence that the negative employment and survival effects of union wins are driven by managerial opposition to unionization, and other evidence (Dinlersoz, Greenwood, and Hyatt 2017) suggests that this has changed the selection of firms that unions are willing to organize.

Management hostility is not hard to understand. Unions redistribute from capital to labor and reduce the discretion of employers to discriminate in pay (Biasi and Sarsons 2022), to introduce new technologies, and to manage as they see fit. Employers who wish to retain untrammeled authority over their businesses will be averse to the terms of a collective bargaining agreement, which inevitably restricts management's control over the conditions of work, employment, and compensation (Ash, MacLeod, and Naidu 2019).

American labor law gives enormous de facto latitude to employers to fight unions, even as de facto enforcement of labor law and election rules varies with federal administration. Employers can legally use work hours to campaign against the union, union organizers are prohibited access to private worksites, and employers can contest legal definitions of bargaining units and employee status. While firing workers for unionization is technically illegal, there is extreme forbearance towards employers, with the worst punishment the National Labor Relations Board can impose on an employer being a public reading of the law in the workplace.[3]

Unfair labor practices often take too long to adjudicate, and the financial penalties are so small that they pose no deterrent to anti-union activity. Indeed, human resource textbooks sometimes advise managers just to follow certain unfair labor practices as part of the costs of avoiding the union. On top of the lopsided structure of labor law, there is a tactically sophisticated, experienced, and well-funded industry of anti-union consultants (Logan 2006), whose impact on union campaigns deserves further research. Frandsen (2017) finds that unions lose in close elections much more frequently than would be predicted by chance alone,[4] and that this outcome is more likely to occur when Republican appointees are the majority of the National Labor Relations Board.

One reason for the recent upsurge in union activity is that employer opposition has been checked, not by law, but by the historically exceptionally tight labor market. When labor markets are as competitive as they have been in the past two years, the threat of firing does not look nearly as intimidating as in normal times. In

[3] In the case of *Conair v. NLRB*, the US Court of Appeals for the District of Columbia (1983) restrained the most severe penalty the National Labor Relations Board had previously used, which was mandatory bargaining

[4] A common method of looking at the effect of unions on wage premiums and other outcomes, beginning with DiNardo and Lee (2004), is to compare companies where a union barely won an election to companies where the union barely lost. This regression discontinuity design assumes that companies just above and just below these thresholds are valid comparisons. But the finding that at some times the outcomes of close union elections are asymmetric calls this research design into question in this setting.

this way the demand for voice in the workplace may be significantly complemented by the opportunities for exit from an existing job.

Collective Action and Social Networks at Work

The structure of US labor market institutions makes the level of workplace collective action necessary to win recognition and a contract higher and harder to overcome than in most other advanced democratic countries. It puts a particular onus on the "bargaining units" to withstand the hostility of an employer with a clear interest in preventing unionization. Scholars have pointed out numerous reasons why workplace collective action is difficult: the traditional free-rider problem (Olson 1965); the diversity of interests inherent in workers who are selected by employers for synergies in production, rather than shared interests (Offe and Wiesenthal 1985); and the high turnover for some groups of workers coexisting with high employer loyalty of others (Reich and Bearman 2018). Together, these forces erode the "social capital at work" and the associated workplace social networks.

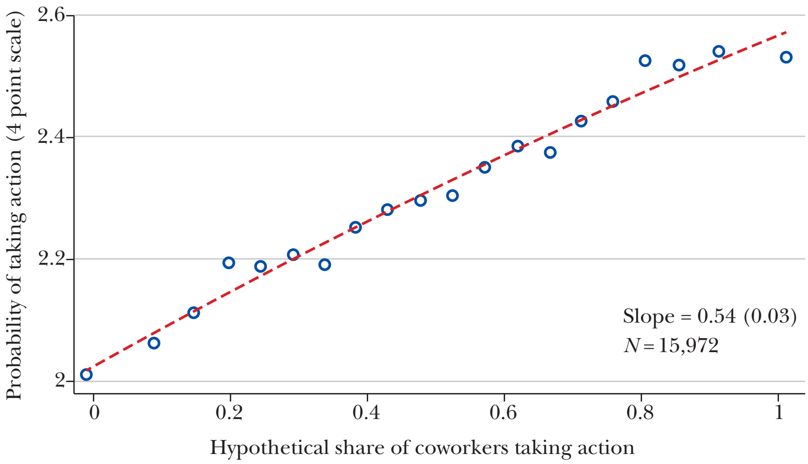
One reason that social networks at work matter is the presence of strategic complementarities in workplace collective action. Figure 3 shows the results from conjoint experiments run during 2020 (for details, see Hertel-Fernandez et al. 2020). We asked workers how willing they were to do a variety of collective actions if p percent of their coworkers were willing to do them, where p was hypothetically randomized. We found that workers were more willing to undertake a given form of collective action when a larger fraction of their coworkers were doing it as well, which suggests that strategic complementarities (not strategic substitutes, as in classical free-rider problems) are pervasive in worker collective action. Coordination seems to be the obstacle to collective action revealed by these data (although anecdotally, free-riding is also pervasive!).

Another reason that social networks at work matter is because of social learning about union advantages and disadvantages from coworkers, as in classic models of network learning. Unlike most models of network learning, there is an important component of secrecy involved, because once employers get wind of an organizing campaign, a tremendous amount of counter-union persuasion, often targeting the same central workplace leaders, begins.

Strategic interactions and social learning create important roles for network structure among coworkers and co-union members (Ballester, Calvo-Armengol, and Zenou 2006; Galeotti, Golub, and Goyal 2020), in particular the centrality of pro-union workers. In the labor organizing context, there is an explicit folk wisdom around the importance of targeting "workplace leaders" for persuasion (McAlevey 2016). Activist workers and union organizers rely on features of workplace social networks to persuade people.[5]

[5] In broader social movements, experimental and quasi-experimental research by Bursztyn et al. (2021) and González (2020) show the importance of social networks and relationships in generating collective action in Hong Kong and Chile, respectively.

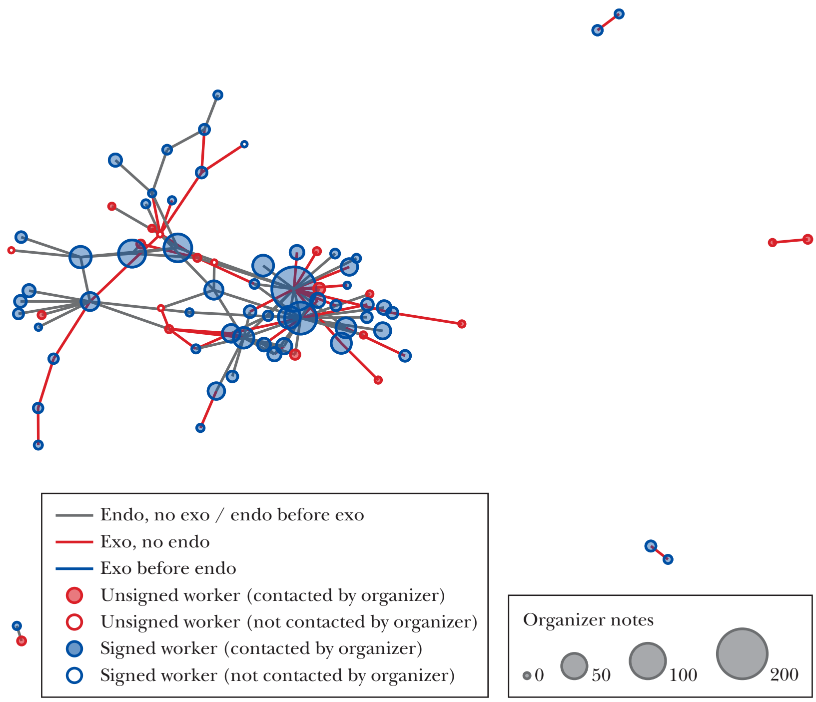
Figure 3
Strategic Complementarity in Worker Collective Action



Source: Author's analysis of data from Hertel-Fernandez et al. (2020).
Note: The horizontal axis shows the survey respondent willingness to participate in a given type of collective action (protest, strike, pay dues to organization, start a union, sign a petition) as function of hypothetical share of co-workers willing to participate in same action. Slope estimates from the specification $Willingness_{ij} = \beta Share\,Coworkers_{ij} + \delta_j + \delta_i + \xi_{ij}$ where j denotes type of action and i denotes respondent. Data is described in more detail in Hertel-Fernandez et al. (2020). The specific question text is: "How likely would you be to [sign a petition/start a union/pay dues to an organization/participate in strike/participate in a protest] to improve working conditions at your employer if you know that p percent of co-workers were willing to do the same action. By coworkers, we mean all others at your workplace who are not managers or supervisors."

Evidence that these workplace social networks matter can be found in Shepherd et al. (2022), where we look at how organizing success, measured by cards signed, varies with how extensively organizers use the network information at their disposal. We create a measure of "network-driven organizing" across 121 retail organizing campaigns, by machine-processing organizer field notes and by measuring the correlation of organizer attention (measured as share of field notes) with worker centrality in the network map of workers (recovered from the co-mentions of workers in the field notes). Figure 4 shows an example of highly network-driven organizing store, along with the cards signed by each worker and indicators for whether the link was created by the organizer (exogenous) or existed independently (endogenous). We find that when the correlation between organizer attention and worker centrality is 0, the number of cards per campaign worker-week is almost 40 percent lower than when the correlation is 1. The low base rate of cards signed, with only 20 percent of workers ever signing in a store, also suggests the structural problem: while organizer strategy matters, changes in organizer strategy alone are unlikely to get to a majority of worker support.

Figure 4
Workplace Networks and Labor Organizing Outcomes



Source: Based on data from Shepherd et al. (2022).
Note: Social networks and labor organizing success at a specific organizing campaign. Edges represent social ties as recovered from the organizer's field notes. "Exo" edges are those edges created by the organizer themselves during the campaign, "Endo" edges are those that existed prior to the campaign. Size of the node indicates the amount of organizer effort in persuasion spent on that worker, and the color indicates whether the worker signed or not, while hollow vs. filled dot indicates whether they had direct contact with the organizer.

Networks matter for sustaining norms of solidarity that facilitate collective action as well. Abstract solidarity, distinct from reciprocity or altruism, is maintained by networks of interaction between workers at work and even outside of work in shared neighborhoods, religious, ethnic, and linguistic groups. Social activities and regular contact serve as glue in allowing high levels of collective action to be sustained. Labor history is filled with accounts of workers punishing norm-breakers, sometimes with ostracism, other times with violence—but these threats also work to sustain high levels of cooperation and collective action. As a historical example provided by Gould (1995), workers in 1848 Paris were organized into crafts with high within-craft interactions and low cross-craft interactions, and so strikes varied by craft during the 1848 revolution. But workers in 1871 Paris were organized on the basis of neighborhoods, so the patterns of collective action in the Paris commune varied more at the neighborhood level.

The importance of networks shows that aggregate measures like union member density do not measure union power accurately. Union density alone does not capture the role of pro-union worker-activists, who are important sources of bridging and bonding social capital in unions. Anchoring union collective action is a set of people who are extremely attached and loyal to their coworkers and the labor movement and who work to strengthen unions despite little in the way of personal benefits. This "militant minority" (Uetricht and Eidlin 2019) forms crucial ties between unions and their (potential) members, constituting shop stewards, canvassers, workplace council members, health and safety reps in union shops, and "salts" (that is, workers who get a job with an intention of organizing the other workers) in non-union shops.

Recent experimental fieldwork by Boudreau et al. (2021) in Myanmar shows the importance of these self-selected union leaders in convincing workers about union wage proposals. Leaders are more altruistic and conscientious than other union members, for example, and groups of workers treated with union leaders are more engaged and more likely to come to consensus on minimum wage proposals closer to the union proposals. Finally, workers are more likely to complete a cost-of-living survey that will help inform the minimum wage when invited by a union leader who is also inviting many other workers, again suggesting union leaders play important roles in networks.

A Decline of Social Capital at Work?

Setting aside the changes in labor law and employer opposition, why might the capacity for worker collective action have declined? One tentative hypothesis is a decline of social capital created at work as a part of a general decline in social capital, particularly among low-education workers.[6] While convincing evidence of this hypothesis must wait, some suggestive evidence can be found in the General Social Survey data on the share of friends who are coworkers, for the group of private-sector workers with a high school education or less declined from 21.5 to 16.4 percent between 1986 to 2002, while it increased from 17.8 to 19.2 percent for those with more than high school education. The Social Capital Project (2017) published by the Joint Economic Committee writes, based on data from the American Time-Use Survey: "Between the mid-1970s (1975–1976) and 2012, the average amount of time Americans between the ages of 25 and 54 spent with their coworkers outside the workplace fell from about two-and-a-half hours per week to just under one hour." Union decline might be seen as yet another form of associational life that has declined for all the same reasons other forms have declined. In this sense, the decline of unions may be as akin to the decline of churches as the decline of heavy manufacturing.

Alongside a decline in social capital could be a decline in work as a source of identity, meaning and dignity in the lives of noncollege workers (Kaplan and Schulhofer-Wohl 2018). In the 1982 General Social Survey, less-than-college-educated

[6] Putnam (2000) writes that "the balance of evidence speaks against the hopeful hypothesis that American social capital has not disappeared but simply moved into the workplace."

workers were more likely to report that their occupation was not recognized or respected. From 2002 to 2014, the survey occasionally asked if respondents were "treated with respect at work," with less-than-college-educated workers reporting significantly less respect at work.

A literature in organizational behavior and personnel economics has examined the role of social capital at work, but has generally focused on its positive effects on productivity and incentives (Bandiera, Barankay, and Rasul 2008; Krackhardt 1990). But some profit-increasing workplace practices may reduce social capital. For example, erratic or even predictable but 24-hour scheduling reduces the ability of workers to coordinate leisure time together, and high-turnover workplaces naturally will find it difficult for a sense of workplace community to develop. Performance pay may increase cross-worker inequality, reducing a sense of shared identity. Beyond these economic determinants, employers might underinvest in developing social capital at work—particularly for workers who have shared interests not shared by an employer—to mitigate the capacity for collective action. One extreme version of reducing social capital at work is "divide and rule": deliberately hiring a linguistically or ethnically heterogeneous workforce in order to prevent collective action (Ferguson 2016).

Social Networks at Work Can Be Built by Organizing

Workplace social networks are not static, and a resurgent labor movement would transform them. Activism and labor actions themselves construct resilient social ties, as argued by many labor ethnographies (Fantasia 1989; Kornblum 1974). Multi-employer union locals can bridge workers across firms, with social and political activities that bring workers together even off-work. In turn, there could be a self-fulfilling labor "quiescence-trap." An energized union holding many actions and constantly involving its membership in group activities can generate relationships among members that may make further collective action easier; in contrast, a bureaucratic, service-oriented union that interacts in a purely transactional way with its membership may find only weak ties among workers when it comes to mobilizing them for collective action.

One role of union organizers is to build autonomous social capital at work and mobilize it towards collective action, beginning with small public actions like petitions and button-wearing, and culminating in an organizing drive and a successful election win certified by the National Labor Relations Board. Rather than taking workplace networks as fixed, union activists and organizers also can create network ties themselves, catalyzing conversations between pro-union workers and other, more noncommittal employees. Building this social capital at work is hard. Unions are fundamentally different from other voluntary organizations exactly because they are organizations defined by firms and labor market boundaries, not voluntary clubs of shared interests. The sorting and self-segregation that may induce strong identities in other voluntary organizations might be muted in unions exactly because most workers do not choose their coworkers: their employers do. The diversity of worker identities and interests arguably makes workplaces harder to aggregate and organize than other social groups.

Further, the increased political polarization of Americans means that unions, as a key constituency of the Democratic party, immediately lose prospective Republican members. Labor organizing can thus split even harmonious workplaces into politicized factions. A veteran organizer named Jim Straub put it like this (as quoted by Nolan 2020):

> It is truly not just the unfair playing field, or the power of the boss's fight to scare people, that prevents a majority of a workplace from voting to unionize. In many many workplaces, skepticism and disinterest in doing a collective fight thing is widespread, organic and real among the majority in the middle. Not among social science adjuncts, or journalists, or in large urban service job clusters where almost all the workers are poor and nonwhite. In those types of workplaces, I think any competent organizing program should be able to grow the union. But in places that reflect the educational or political diversity of the country as a whole, I think you're working with fewer total supporters and that's why you wind up chasing stuff like card check neutrality.

A form of Baumol's "cost disease of the service sector" afflicts the union organizing process (for discussion, see Baumol 2012). Persuading coworkers and sharing credible information in workplace networks, and doing so covertly, takes time and energy. Labor organizing is a tough job, good organizers are rare, and most people who would be good organizers are also good at other things that pay more and are less demanding. One paradox of reduced discrimination and misallocation of labor may in fact be a weakening of the activist core that made unions successful. If workers who are unusually charismatic and talented were natural leaders in labor movements, more meritocratic hiring and identification of talent (including declining discrimination in race and gender categories, as in Hsieh et al. 2019) may weaken the capacity for collective action in those workers who remain. This change in the composition of workers would generate the observed pattern that the only workers able to benefit from collective action are those that are already relatively skilled (either informally or formally). Thus, the increased returns to interpersonal skills (Deming 2017) may further weaken unions, as the social skills that are increasingly rewarded by the market are now less relatively valuable in labor organizing.

At the same time, technological and organizational changes that encourage workers to interact and socialize with each other, even remotely, can also raise the productivity of organizing effort and rebuild the capacity for collective action. Technological proposals along these lines abound. Workplace communication tools have been incubators for labor organizing both inside and outside the tech sector (for example, as reported by Lawrence and Kramer 2021). Initiatives like Coworker.org allow employees dispersed across the world to sign petitions and discuss workplace issues online, assisting workers interested in collective action with internal governance and mediation. Online communities can also generate material support. Even so, while the internet is good at having people share information, identity and resources, it has not yet been able to replace the relationships built by shared experiences of work (Blanc 2022). Perhaps there is some future of online labor movements abetted by mechanism designs and online tools that facilitate collective action,[7] but such scenarios remain far away from the vast majority of the labor force today.

If workplaces are no longer places where salient identities are incubated, can other identities be deployed to organize workplaces? The contribution of immigrant workers to the growth of the labor movement in many states is deserving of more quantitative study; immigrants from particular countries clustered in particular sectors and employers, and their tight-knit communities (and often shared experiences of politics back home) were an important resource in increasing union density in large coastal cities (Milkman 2006).[8]

Making Unions Easier to Establish

Reducing employer opposition to unions is another key ingredient to rebuilding union density. Doing this systematically would entail a radical rewrite of US labor law to alter the incentives employers have to evade or oppose unionization. Some possible policies include: (1) sectoral bargaining, paired with mechanisms to incentivize participation in democratic labor organizations, (2) lowering incentives of non-union employers to oppose unions, using both the carrots of pro-union procurement policy and the stick of steep penalties for anti-union activities, and (3) ensuring unions are adding value, at least to particular "high-road" employers, as well as redistributing. With firms as big and as powerful as they are today, it is difficult to see how large increases in private sector union density can happen without government policy to reduce the profitability for firms of opposing unions. But it is also difficult to see how government policy can be adequately reformed without a resurgent labor movement demanding it.

In the United States and other establishment-level bargaining systems, a basic constraint on union density is that it is hard to organize new firms fast enough to keep pace with the exit of already unionized firms. Even if unionization were an order of magnitude easier, the costly trench warfare of establishment-by-establishment organizing in the face of structural change and natural business dynamism makes keeping union density constant, let alone expanding it, an uphill battle. The difficulty of maintaining union density in the establishment-based system is the primary reason why sectoral coverage has emerged as a key demand of labor

[7] As one example, Kellogg tried to recruit permanent replacements online during a recent strike, but people on Reddit r/antiwork filled the application interface with spoofs until it shut down (as described in Thalen 2021).

[8] See also "Bargaining for the Common Good," where labor organizations partner with other groups (for example, climate or racial justice groups) to make broader nonlabor demands on employers as well as making labor demands on governments. For details, see https://smlr.rutgers.edu/faculty-research-engagement/center-innovation-worker-organization-ciwo/bargaining-common-good.

movements: for example, California has recently enacted a law (AB257) for a council to establish minimum standards for wages, hours, and working conditions in the fast-food industry. Sectoral coverage ensures that the hamster wheel of organizing every new shop is turned off, because new employers are automatically covered by the pre-existing agreement, and incumbent employers do not have to worry about cost competition from lower-wage employers in their sector.[9]

Wage Mandates and Sectoral Bargaining

The simplest policy tool for mitigating the incentives for firms to fight unionization is to take labor standards out of competition by legislative action. Thus, higher minimum wages and employment regulations that bind on even nonunion employers are effectively a pro-union policy. Service-sector unions have acknowledged this complementarity and have become active agitators for minimum wage campaigns, driving the "Fight for $15" movement in the United States and generating political pressure for large employers, like Wal-Mart and Amazon, to raise corporate minimum wages significantly.[10] These policies do not directly involve or empower unions.

A more direct tool for taking wages out of competition between union and non-union firms is sectoral coverage or sectoral bargaining, where union-negotiated bargains are automatically extended to all workers in an administratively defined sector (Madland 2021). Historically, these sectoral arrangements are not unknown in the United States; during World War II, the National War Labor Board formed commissions to set wages, and industry-level minimum wages have been set in many states via commissions (Andrias 2019). Unions, when sufficiently powerful, have negotiated "master contracts" or "pattern bargaining" where similar contract terms cover many different establishments. Even when unions are not present, administrative "wage boards" can set wages in tripartite consultation with workers, employers, and government officials, perhaps even raising interest in forming employer associations and worker organizations to manage the process.

Sectoral bargaining is particularly attractive for unions, because it creates a venue for unions to participate in wage- and standard-setting while mitigating employer willingness and ability to avoid unionization. It counters many of the problems facing unions in establishment-level systems, such as a preponderance of small employers, fragmented contracts that each need to be serviced, widespread outsourcing, the National Labor Relations Board recognition process, and high establishment churn. Many inside the labor movement forcefully advocate for

[9] Farber and Western (2001) compute the "steady-state new organizing rate" it would take to maintain union density in the establishment system, finding that "new-organization rate would have to increase by over six times (from 0.09 percent to 0.65 percent) to yield a steady-state union membership rate of 12.25 percent. But this would require that the unions organize each year new members equal to 7.5 percent of their current membership." They conclude, and I agree, that a six-fold increase in the new organizing rate is infeasible.

[10] Clemens and Strain (2020) look at why unions support minimum wage laws and find that union membership increases with minimum wage increases.

sectoral bargaining in the belief that it would address many of the pathologies of the establishment-level bargaining system created by the 1935 Wagner Act.

One limitation of sectoral bargaining proposals is that they do not build unions as independent organizations that can advocate for worker's interests on a broad variety of issues beyond wages. They do not provide any additional incentives for people to join unions, or even for unions to collect additional revenue on behalf of, or remain democratically accountable to, covered workers. In some states, unions have effectively won sectoral bargaining in some key health worker sectors: for example, all workers in home health care in California and Minnesota are covered by contracts negotiated by the Service Employees International Union. These contracts have been won legislatively and do not result in any automatic union membership, as the US Supreme Court (2014) ruling in *Harris v. Quinn* implies that there is no need for covered government workers to even pay "fair share fees" to the union. Thus, these unions still need to expend resources in convincing home health workers to join and pay dues. Some unions have found creative and successful ways to do so, like demanding an opportunity to advertise the union to new workers during orientation and training, but they still have nowhere near a majority of covered workers as members. Beyond the independent importance of unions as organizations, there is also a worry about the sustainability of unions in a sectoral bargaining regime as they continue to dwindle in resources and membership. Who represents workers on sector-wide wage boards when there are no unions?

One could imagine pairing sectoral bargaining proposals with devices for workers to contribute to a representative organization of their choice, with a variety of matching fund mechanisms from the government provided to mitigate free-riding problems. Unions active on sectoral wage boards might also fund their activities by taking on enforcement of sectoral agreements and employment standards more broadly. Unions in several existing sectoral standard associations, such as the role placed by the Service Employees International Union and UNITE-HERE in setting standards for all establishments in airports or Los Angeles hotels, and the Teamsters in setting standards for Seattle taxi drivers, see part of their role as enforcing the sectoral agreement, given widespread employer violation and limited government enforcement resources (Jacobs, Smith, and McBride 2021). There could even be additional government funding for labor organizations as part of enforcement of labor law, taking advantage of the tacit knowledge workers have about workplace conditions, but this doesn't generate the fiscal accountability that dues-paying membership does (Fine 2017).

Making Employer Opposition Costly

Another option is to raise the costs to firms of opposing unions. The Protecting the Right to Organize act, currently stalled in Congress but supported by much of the labor movement and a number of progressive politicians, is a proposal for major reform of the National Labor Relations Act designed to make it harder for employers to resist union efforts. Provisions include increased fines and personal liability for employers who violate labor law, reinstating fired pro-union workers while their case is pending, and creating a right for workers to sue employers that violate their unionization rights under the NLRA. It also repeals various provisions from the 1947 Taft-Hartley legislation; for example, the rules outlawing cross-sector solidarity strikes, allowing state-level “right-to-work” laws under which worker do not need to join an established union in their place of work, and requiring arbitration and mediation to facilitate first contracts after a union has been established.

Besides penalizing union opposition, government policy can incentivize union recognition by firms. Historically, as with the National War Labor Board during World War II, government procurement policy has encouraged firms to accept unionization. While there are legal difficulties because of potential conflicts that could arise with the National Labor Relations Act, federal spending bills could prioritize unionized firms, or encourage union neutrality in government suppliers or private-public ventures, much as the federal Equal Employment Opportunity Commission does with racial and gender discrimination. For example, the Inflation Reduction Act of 2022 has apprenticeship requirements for firms building some of the new energy facilities eligible for federal subsidies, thus incentivizing contractors to use union construction labor. The White House Task Force on Worker Organizing and Empowerment offers a large list of federal reforms that would facilitate labor organizing, including ideas like this, at https://www.dol.gov/general/labortaskforce.

Going further, one could imagine (in a post-National-Labor-Relations-Board-preemption world) attaching union neutrality provisions to a variety of protections that the government extends to employers, like limited liability. As a far-fetched example, imagine intellectual property law that had collective bargaining rights attached to it: if an employer wants its patent or copyright protected, it has to respect union rights (for example, it cannot be in violation of the National Labor Relations Act). Such requirements would have the satisfying symmetry of pairing a government-granted monopoly with government-ensured labor protections. Patents are monopoly property rights explicitly protected by the government; that protection could be contingent on employers that hold those patents (and their licensees) respecting the free association rights of their workers.

Policy can also reduce the ease with which employers can protect profits from collective bargaining, decreasing the ability of employers to move (or threaten to move) production out of unionized job jurisdictions via outsourcing or subcontracting. While more work is needed to design such policies, a modern-day labor bargaining regime could account for the full value chain, giving workers a chance to bargain over the value otherwise ultimately paid out to managers and owners, regardless of the multiple legal organizations lying in-between.

Productivity-Increasing Unionization

A final device for encouraging employers to accept unions is to ensure that unions add value, rather than simply redistributing. Evidence on the productivity effects of unions exists, but is scarce in the recent literature. Barth, Bryson, and Dale-Olsen (2020) use variation in taxation of union dues in Norway and show that in firms where more workers join unions, productivity and wages both increase. One reason to expect larger positive productivity effects in the service economy, however, is that there may be much stronger complementarities between unions and service quality. A slogan of many teacher unions was that "teachers' working conditions are students' learning conditions," and teachers' unions have successfully mobilized parent support by demanding workplace conditions that also improve (or are seen to improve) schooling conditions (Hertel-Fernandez, Naidu, and Reich 2021). Many of the determinants of bad working conditions may also be determinants of poor service quality. Using a regression discontinuity design, Sojourner et al. (2015) find that nursing home quality is delivered at lower costs in unionized nursing homes. Naidu and Reich (2018) for example, find that customer Yelp ratings are negatively associated with labor conflict (as measured by cards signed by workers) at Wal-Mart stores. Further, the nonroutine, quasi-specific nature of many service sector jobs may result in training being optimally provided by intermediaries that are not captured by employers, like union apprenticeship programs (Naidu and Sojourner 2020).

Of course, unions can also reduce productivity and firm investment, transferring value from consumers, employers, and outside-the-union workers to inside-the-union workers, given that the union is a democratic organization accountable to the latter and not any of the former. On these grounds, more broadly encompassing unions, as stressed by Calmfors and Driffill (1988) in the context of inflation, internalize many of these externalities on other parties and may be economically preferred to narrow, fragmented unions.

Increasing Demand for Unions among Those Able to Win Certification

In the absence of changes in labor law, employer opposition, and capacities for collective action, increases in American unionization will be driven by increases in demand for unions and collective action among those currently in the best position to win union certification. Unionization might be easiest among those who already have some degree of security, who are employed at firms that have substantial rents to be redistributed, and who already have the social capital at work to address their collective action problems. Increasing demand for unions among such a group can come from the possibility of higher wages, improved job protections, and the sense of dignity and freedom that can come from having a say over the technologies and conditions of work.

Low-Wage Younger Workers

As the college wage premium has fallen, particularly when considered net of tuition and student debt, a number of younger workers have begun looking to unions as possible solutions to dim job-market prospects. These union demands can percolate through low-wage workplaces to infect other low-wage workers as well, often of very different ages and class backgrounds. This percolation may have been particularly strong among essential workers during COVID-19, many of whom wound up relying on each other, and disappointed in their employers, to a much greater extent than normal. Whether this contagion happens, and happens fast enough to overwhelm employer opposition, is one of the key questions for the American labor movement of the moment.

These types of workers have been successful recently at large employers close to the top of the job ladder in these sectors (for example, in some Amazon warehouses and Starbucks coffee shops). These are exactly the employers with rents to be claimed, as well as where exit is relatively unattractive, even in a tight labor market. The combination of (1) potential gains from collective "voice," (2) relatively low gains from individual "exit," and (3) low costs of unemployment from employer retaliation may together help explain the patterns of new union interest we are seeing today.

Workers in the Knowledge Economy

At the other end of the labor market, an increasing share of labor is deployed in the "ideas sector," including universities, media, and technology. There has been perhaps surprising interest in unionization in these sectors as well. For these workers, within-firm or within-industry wage inequality may be particularly high, creating a demand for union wage compression. In addition, unions or other labor market organization could bargain over intellectual property, publication rights, which customers to serve, political representation, and general issues of voice and other amenities at work. The experience of tech workers organizing with Communications Workers of America, new media affiliations with NewsGuild, and graduate student unionization with the United Auto Workers may be evidence of this margin in action.

While labor organizing in this area may be less of a force for economic equality, these unions might still be important for protecting non-wage amenities (like tenure) that facilitate basic research and govern the allocation of innovative labor. Labor market distortions are rife in the knowledge economy. For example, Goolsbee and Syverson (2019) show that research academics are subject to considerable monopsony power from their employers; Marx (2011) shows that noncompete contracts significantly lower mobility of technical professionals; and Kline et al. (2019) show that innovative firms share rents from patents only with senior employees, all of which suggest pervasive labor market imperfections. The conditions of postdoctoral researchers, for example, most of which do not become tenure-track jobs, could be ameliorated by collective bargaining at universities. Collective bargaining's comeback could be among those workers who expect autonomy and creative freedom as part of their jobs, but do not trust their employers to guarantee it.

Reflecting the "Brahmin left" tendency among the highly educated (Gethin, Martínez-Toledano, and Piketty 2022), the younger workers currently in these industries are more partisan Democrats, on average, than older generations of union members, and an influx of them into the labor movement could alter the internal balances of power and increase within-union political competition. For example, a recent referendum by the United Auto Workers for direct voting on leadership, as a device to curb corruption among union leaders, was partly swung by graduate student locals.

It remains to be seen if any of these new sparks will result in durable collective bargaining agreements and independent organizations and whether they will spread. If the labor movement grows only via college-educated workers, it will stay small, and the resulting unions will look different from traditional unions. Issues of workplace discrimination, sexual harassment, working from home, surveillance and privacy at work and on social media may become subjects of bargaining. But a labor movement of this sort will still aim to raise wages, secure health care, and compress compensation inequality (and maybe remote work inequality) across workers, and as such may spark demands for unionization among a broader cross-section of workers. While surely not sufficient for regenerating a labor movement, the spate of activity seen in the past year is equally surely necessary.

Conclusion

Some public policies have offered partial substitutes for the wage-setting, workplace health and safety regulation, and collective action roles of unions. Employment law and wage mandates have regulated wages and many workplace characteristics. In many firms, human resources managers solicit feedback on workplace characteristics via surveys and exit interviews. Particularly post-COVID, workplaces are not the fixed-capital-intensive places of the mid-twentieth century, labor turnover is high, and within-firm job differentiation and ideological polarization is higher, all of which diminish the possibility of collective action at work. The cocktail of circumstances—capital-intense manufacturing, workplace-based communities, pro-worker ideology, and extensive public procurement—that gave rise to twentieth-century American unions may not appear again.

Or it might. So long as work occupies such a large share of time for so many people, the process of joint production can generate a set of unique social ties. These networks can be enlisted by employers for their own political or social ends (Hertel-Fernandez 2018), or deployed to facilitate collective action by workers themselves. The gig economy, which may at first seem to separate workers, may paradoxically provide the scaffolding for such an organization: when workers all interact online, the emergence of online fora to coordinate and make demands can be successful. Traditional unions were born in factories that brought together workers who has previously been dispersed in the "putting-out system" (Marglin 1974). Modern platforms centralize jobs that were once too dispersed and marginal to organize, and thus give unions and workers a single organizational target: Jin, Kominers, and Shroff (2021) offer an overview of what unions could look like in platform sectors. The increasing need for caring labor, be it health care, counseling, education, or mental health, will not soon succumb to automation, and indeed is very likely to continue to be subsidized by the government, creating scope for a rise in readily unionized public employment. Finally, the steady increase in income inequality, and general support for pre-tax measures to curb it (Kuziemko, Marx, and Naidu 2022), will keep labor organizations in the minds of policymakers and advocates.

Rapid increases in union density are like wildfires (or pandemic waves), and I have little confidence in predictions about whether worker organizations will grow, or even persist, in the twenty-first century. If they do, I suspect they will be very different from the labor organizations of the twentieth century. These new organizations, possibly incubated inside or alongside existing labor unions, will depend on government in new and multiple ways, deploy collective action at multiple scales for both economic and political goals, and use and bargain over technology in ways that are hard for any middle-aged academic to anticipate. In the current lopsided legal environment, labor market tightness has been an important input into emboldening workers to organize: a sharp recession could quickly restore employer temerity to discharge workers and dampen whatever sparks in labor organizing we have now. But rising unemployment could also trigger even more militant labor activism.

One role for researchers in a moment of renewed labor activism is to build partnerships with unions new and old to study the problems of mobilization and organizing that I have highlighted in this paper, both as a laboratory for testing theories of collective action and workplace social networks and in pursuit of a subject of intrinsic policy interest. Economists have built partnerships with private companies, governments, charities, and nongovernment organizations to obtain access to administrative data and study scientific problems with randomized control trials on topics of mutual interest. Adding labor unions to this list gives us, as social scientists, a front row seat to assess which strategies of an energized labor movement might catch fire.

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