

The Paradox of the American Labor Movement

By Michael Podhorzer, *The Atlantic*, April 18, 2024

Last year was widely hailed as a breakthrough for the American worker. The United Auto Workers and Hollywood writers' and actors' guilds launched high-profile strikes that resulted in significant victories. Strikes, organizing efforts, and public support for unions reached heights not seen since the 1960s. Two in three Americans support unions. You could look at all this and say that the U.S. labor movement is stronger than it has been in decades.

But despite all the headlines and good feeling, a mere 10 percent of American workers belong to unions. In the private sector, the share is just 6 percent. After years of intense media attention and dogged organizing efforts, workers at Amazon and Starbucks still don't have a contract, or even the start of negotiations to get one. Union membership is associated with higher earnings, better benefits, stable hours, protection from arbitrary discipline, and more—but most Americans haven't had the chance to experience these advantages firsthand. In 2023, according to an estimate by the Economic Policy Institute, a progressive think tank, 60 million working people in this country wanted a union but couldn't get one.

How can this be? The answer, as I learned during my 25 years working for the AFL-CIO, the nation's largest federation of unions, is that the story of organized labor in America is really two stories. On the one hand, established unions are thriving. On the other hand, workers who want to unionize for the first time can't get their efforts off the ground.

This is because the legal and policy shifts that hobbled the American labor movement were not primarily aimed at dismantling existing unions, at least not right away. Rather, they were designed to make it difficult to form new ones. Even if a majority of workers sign union cards, the union has to win an NLRB¹ election to be recognized. This process does not much resemble free and fair elections. The company can hire anti-union consultants, who will advise doing everything possible to delay that election, giving management time to intensify its lobbying efforts to scare employees out of voting yes. Employers can make employees attend anti-union propaganda meetings during work hours, and they don't have to let union organizers set foot in the parking lot to respond.

If a union overcomes these obstacles to win majority support, corporate higher-ups can drag their heels on contract negotiations with few repercussions. This helps explain why the Amazon Labor Union—which was founded in Staten Island in April 2021 and recognized by the NLRB in April 2022— still doesn't appear close to having a contract. Labor might be regaining its cultural cachet, but after the triumphant vote is complete and the news cameras go away, employers hold almost all the cards.

This dynamic, rather than economic or technological shifts, is the key reason workers in more recently established industries are not organized. If Uber and Lyft had been invented in the 1930s, there would be a large, powerful Rideshare Drivers' Union. There is nothing more inherently "unionizable" about one job versus another.

Organized labor could still make a true comeback. Recent trends are encouraging. Biden brags about being the first president to visit a picket line, and Trump, despite having pursued anti-labor policies while president, at least feels the need to try to *appear* pro-union.

The paradox is that it's hard for labor law to become a top-tier political issue precisely because so few Americans have firsthand experience with union membership, or recognize what they have to gain from resetting the balance of power between workers and corporations. It happened once, nearly a century ago. The country was a very different place back then. But, for better and for worse, it was also much the same.

1 – NLRB = *National Labor Relations Board*, created in 1935 as part of Franklin D. Roosevelt's New Deal to ensure that employers didn't violate workers' rights