Work, the Law, and the World: Realizing Worker & Social Justice
Reading Group
Spring 2021
Tuesdays, 6 - 7:20 PM (held remotely on Zoom)

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Course Description:

Law governs the workplace in myriad ways. Though many regulations concerning work are concentrated in the fields of employment and labor law (“ELL”), issues of workplace justice intersect with almost every legal field and subfield conceivable, from criminal law to environmental law to education law to immigration law to First Amendment law and beyond.

This reading group will begin with an overview of how “labor” and “employment” law are precisely defined in the United States: what are unions, which workers are allowed to organize unions, what are unions allowed to do, and what does it have to do with law? What protections do workers in the U.S. have (or not have) from discrimination, harassment, and termination—and how are those protections impacted by things like immigration status or industrial sector?

Each subsequent session will focus on the relationship between ELL and a separate area of law with its own vast implications for working life. An intersectional, interdisciplinary lens on ELL will illuminate the key, complex questions that central figures of the U.S. movement for worker justice—whether they be conventional trade unions or emergent worker collectives—must answer with respect to the future of their movement, and the role that lawyers might play in that future. We will invite guests—including labor activists, legal scholars, and policy experts—to join us for several sessions and enliven our discussions with their experiences, perspectives, and expertise.

Attendance and Facilitation Policy:

There will be 13 meetings of 80 minutes each. Students enrolled for credit must attend at least 750 minutes to receive credit, and therefore must be present for at least 10 meetings.

Facilitation of reading group meetings will be a shared endeavor, and at the beginning of the term, students will be able to sign up to facilitate session(s) that interest them.

Reading Group Materials:

Reading assignments are listed below. PDFs will be made available at http://www.bit.ly/spr21workerjusticegroup-yls. Readings are subject to change, so participants should monitor the “live” version of the syllabus available in this Google Drive over the course of the semester. Students are also welcome to suggest additions/modifications to the syllabus.
Reading Assignments:

Recommended Introductory Materials:
- Kate Andrias, The New Labor Law, Yale L.J. (October 2016).
- The Clean Slate Agenda, Clean Slate for Worker Power, Harvard Law School Labor and Worklife Program.

Week 1: Welcome and Common Good Bargaining (2/2)
- Required Readings:
  o Kate Andrias, The New Labor Law, 126 Yale L.J. (2016): Introduction (pp. 5-13) and pp. 70-100. [38 pages]
- Optional Readings:
  o Sarah Jaffe, “The Chicago Teachers Strike was a Lesson in 21st-Century Organizing,” The Nation (November 16, 2019).

Week 2: Labor and Gig Workers (2/9)
- Required Readings:
  o Veena Dubal, “Gig Worker Organizing for Solidarity Unions,” LPE Blog (June 19, 2019). [3 pages]
  o Daria Roithmayr, “Racism is at the Heart of the Platform Economy,” LPE Blog (November 16, 2018). [3 pages]
- Optional Readings:

Week 3: Labor and Climate Justice (2/16)
- Required Readings:
- Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945-1980, Andrew Hurley | Chapter 4: “Tired of Working in Pollution and Having It Follow Us Home” | 77-110 [33 pgs]
- Garbage Wars: The Struggle for Environmental Justice in Chicago, David Pellow | Chapter 4 | 67-130 [63 pgs]

Week 4: Labor and #MeToo (2/23)
- Required Readings:
  - Ana Avendano, #MeToo Inside the Labor Movement, NewLaborForum (January 2019) [16 pgs]
  - Jane McAlevey, What #MeToo Can Teach the Labor Movement, In These Times (Dec. 27, 2017) [6 pgs]

Week 5: Labor and International Solidarity (3/2)
- Required Readings:
- Optional Readings:

Week 6: Labor and Immigration (3/9)
- Required Readings:
- 20 CFR Part 655 (implementing the H2-A program), all subparts [~48 pgs]

**Week 7: Labor and the Carceral State I: Police Unions (3/16)**

- **Required Readings:**
  - Ben Levin, Columbia Law Review | PG 1340-1401 [61 pgs]
  - “The Labor Movement Isn’t Ready to Expel Police Unions,” Bill Fletcher Jr., *The Nation*. [5 pgs]
  - “Why and How SEIU Members are Calling On Our Unions to Expel Cops,” Felix Thompson, Julia Wallace, & Mark Ostapiak, *Labor Notes* (2020) [5 pgs]
  - Matthew Cunningham-Cook, *The AFL-CIO’s Police Union Problem is Bigger Than you Think*, The Intercept (Jun. 18, 2020)
- **Optional Readings:**
  - Chicago Tribune, *Cops Traded Away Pay for Protection in Police Contracts* (May 2016)
  - Data for Justice Project, ACLU of Massachusetts, *Unpacking the Boston Police Budget* (July 2020)
  - NAACP LDF, *Community Oversight of Police Union Contracts* (August 2020)
  - Ron DeLord and Ron York, *Law Enforcement, Police Unions, and the Future*

**Week 8: Labor and the Carceral State II: Forced Prison Labor (3/23)**

- **Required Readings:**
  - Heather Ann Thompson (Guest Speaker), *The Prison Industrial Complex: A Growth Industry in a Shrinking Economy* [31 pgs]
  - Heather Ann Thompson, *Rethinking Working-Class Struggle through the Lens of the Carceral State: Toward a Labor History of Inmates and Guards* [32 pgs]
  - *Jones v. North Carolina Prisoners’ Labor Union*, Inc. S. Ct. (1977) (SCOTUS case holding that prisoners did not have right to join labor unions) [17 pgs]
  - Browse the website of the Incarcerated Workers Organizing Committee: [https://incarceratedworkers.org/news](https://incarceratedworkers.org/news)

- **Optional Readings:**
  - Heather Ann Thompson, *Downsizing the Carceral State: The policy implications of prison guard unions* [9 pgs]
Week 9: Labor and the Movement for Black Lives (3/30)
- Required Readings:

- Optional Readings:
  o Ethan Corey, “Connecting the Dots between ‘Identity Politics’ and Class Politics,” In These Times (October 27, 2015).
  o Noah Zatz’s series of posts on Bailey v. Alabama (1, 2, and 3) on the Law and Political Economy Blog

Week 10: Workers Centers and Non-Union Organizing (4/6)
- Required Readings:
  o Janice Fine, Worker Centers: Organizing Communities at the Edge of the Dream, Economic Policy Institute (December 13, 2015) [24 pgs]
  o The Future of the Workers’ Movement, NPR (May 20, 2013) [19 pgs]
  o David Rosenfeld, Worker Centers: Emerging Labor Organizations—Until They Confront the NLRA, Berkeley Journal of Employment & Labor Law [45 pgs]

**Week 11: Public Sector Employees and Janus (4/13)**
- **Required Readings:**
  - Priscilla Murolo, *Five Lessons from the History of Public Sector Unions*, LaborNotes (June 11, 2018) [6 pgs]

**Week 12: NLRA Exempt Workers and Organizing (4/20)**
- **Required Readings:**
  - Lauren Hilgers, *Out of the Shadows*, N.Y. Times (Feb. 21, 2019) [12 pgs]
  - Gosia Wozniacka, *Less Than 1 Percent of US Farmworkers Belong to a Union. Here’s Why.*, CivilEats (May 7, 2019) [35 pgs]

**Week 13: Labor at Yale and New Haven (4/27)**
- **Required Readings:**
  - *Labor Unions* at Yale University.
  - *List* of City of New Haven Collective Bargaining Agreements with Unions.
  - “*May Day New Haven: An Information Newspaper Published by View From the Bottom, Yale Strike News, and the Committee to Defend the Panthers,*” available in the Beinecke Reading Room [11 pgs]