

## Chapter Nine

# The Open Source Labor Board

For some eighty years, since the New Deal labor accord, the protection of worker rights has centered on the use of large, hierarchical institutions (bureaucratic unions run by the labor establishment, labor boards, OSHA, etc.), in theory, to regulate other large, hierarchical institutions (corporations) and limit their power.

The problem, as in all the other examples of “countervailing power” examined in this book, was that the relationship between institutions was at least as collusive as it was countervailing. Indeed the origins of the New Deal labor pact lie in corporate management's need for stable control of the production process.

The domesticated industrial unions of the CIO, under the Wagner Act, to a large extent served the same functions performed by company unions under the American Plan. Corporate management enlisted the labor bureaucracy as a junior member of the ruling class, in order to provide social stability in the workplace.

The New Deal business coalition centered on large, capital-intensive, mass-production industry. For such industries, labor costs were a comparatively modest part of total unit costs. And given the long planning horizons of the “technostructure” (as described by John Kenneth Galbraith)<sup>1</sup> and the vulnerability to output disruptions in industries where idle capacity was an enormous source of cost, it was in the interest of such companies to trade productivity-based wage increases, a grievance process and seniority-based job security in return for an end to wildcat strikes, slowdowns, walkouts and sitdowns. The Wagner regime was no doubt undertaken in response to pressure from such labor action, and required concessions from management they'd have preferred to do without in an ideal world. And labor definitely got something in return. But the single most important function of the New Deal labor accord, from the standpoint of American capitalism, was to enlist the union leadership into enforcing contracts against wildcat strikes and other disruptions by its own rank-and-file. To quote Staughton Lynd, CIO founder John L. Lewis "went out of his way to assure the business community that if they bargained with the CIO such phenomena as wildcat strikes would become a thing of the past."<sup>2</sup>

The "critical elements" of the Wagner model, in Lynd's words, were

- 1) Exclusive representation of a bargaining unit by a single union;
- 2) The dues check-off, whereby the employer deducts dues for the union from the paycheck of every member of the bargaining unit;
- 3) A clause prohibiting strikes and slowdowns for the duration of the contract;
- 4) A “management prerogatives” clause giving the employer the right to make investment decisions unilaterally.<sup>3</sup>

Indeed the central principle of the labor pact was “let management manage.” Or as Erik Forman put it, such “progressive” legislation was intended to prevent

obstructions to the free flow of commerce” by removing class struggle from the shop floors and streets and confining it to offices and courtrooms. Under the government-run procedure, the bare-knuckled confrontations that had previously forced bosses to negotiate would be replaced by workplace-based

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1 John Kenneth Galbraith, *The New Industrial State* (New York: Signet Books, 1967).

2 Andy Piascik and Staughton Lynd, "An Interview With Staughton Lynd About the Labor Movement," ZNet, April 1, 2014 <<https://zcomm.org/znetarticle/an-interview-with-staughton-lynd-about-the-labor-movement/>>.

3 *Ibid.*

elections for union recognition supervised by the National Labor Relations Board (NLRB). Union organizing was to become a "gentleman's game."<sup>4</sup>

Again, the advantages of job security and middle class wages for workers were real. Management did have to trade something for stability and a free hand. But that's moot, because corporate America has decided these past thirty years or so that the New Deal labor accord no longer suits its needs. Union-busting is the order of the day, private sector union membership has shrunk to record lows, and unionized industries are extorting harsh concessions from surviving unions lest they close the remaining plants and shift production overseas.

The mid-20th century labor accord, under both the American New Deal and Western European social democracy, was also based on what Guy Standing calls "labourism." Unlike earlier socialist and anarchist models that looked forward to increasing leisure and autonomy and a shrinkage of both the cash nexus and the wage system, social democracy and industrial unionism presupposed universal full-time employment at wage labor as the norm. It aimed at "full employment" with good wages, benefits and job security, with the understanding that management would be allowed to manage and labor would stay out of matters regarded as "management prerogatives" in return for these things. The "full employment" agenda meant

all men in full-time jobs. Besides being sexist, this neglected all forms of work that were not labour (including reproductive work in the home, caring for others, work in the community, and other self-chosen activities). It also erased a vision of freedom from labour that had figured powerfully in radical thinking in previous ages.<sup>5</sup>

But since then—especially in the past two decades—the conventional full-time wage employment model has become increasingly irrelevant. The size of the full time wage labor force has steadily shrunk as a portion of the total economy; both the permanently unemployed and the precariat (the underemployed, part-time workers, temporary workers, and guest workers) have grown as a share of the economy. For these workers the old model of a workplace-based social safety net does not exist, and it has been radically scaled back even for remaining full-time workers. Further, the precariat for the most part do not identify with the workplace or wage employment as their parents and grandparents, and often have value systems more in common with earlier socialists who saw their economic identity in terms of social or guild relations outside the workplace.

Put bluntly, the proletariat's representatives demand decent labour, lots of it; the precariat wishes to escape from labour, materially and psychologically, because its labour is instrumental, not self-defining. Many in the precariat do not even aspire to secure labour. They saw their parents trapped in long-term jobs, too frightened to leave, partly because they would have lost modest enterprise benefits that depended on 'years of service'. But in any event, those jobs are no longer on offer to the precariat. Twentieth-century spheres of labour protection—labour law, labour regulations, collective bargaining, labourist social security—were constructed around the image of the firm, fixed workplaces, and fixed working days and work-weeks that apply only to a minority in today's tertiary online society. While proletarian consciousness is linked to long-term security in a firm, mine, factory or office, the precariat's consciousness is linked to a search for security outside the workplace.

The precariat is not a 'proto-proletariat', that is, becoming like the proletariat. But the centralization of unstable labour to global capitalism is also why it is not an underclass, as some would have it. According to Marx, the proletariat wanted to abolish itself. The same could be said of the precariat. But the proletariat wanted thereby to universalize stable labour. And whereas it had a material interest in

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4 Erik Forman, "Revolt in Fast Food Nation: The Wobblies Take on Jimmy John's," in Immanuel Ness, ed. *New Forms of Worker Organization: The Syndicalist and Autonomist Restoration of Class-Struggle Unionism* (Oakland: PM Press, 2014), p. 211.

5 Guy Standing, *A Precariat Charter: From Denizens to Citizens* (London, New Delhi, New York, Sydney: Bloomsbury, 2014), p. 16.

economic growth and the fiction of full employment, the precariat has an interest in recapturing a progressive vision of 'freedom of labour', so establishing a meaningful right to work.<sup>6</sup>

All this suggests we need a new model for labor relations.

## I. Historic Models

The model of labor struggle before Wagner, which could be characterized as a form of asymmetric warfare within the workplace, centered on the kinds of activity mentioned in the old Wobbly pamphlet "How to Fire Your Boss." As that pamphlet argues, the conventional strike in its current form is about the least effective form of action available to organized labor.

The bosses, with their large financial reserves, are better able to withstand a long drawn-out strike than the workers.... And worst of all, a long walk-out only gives the boss a chance to replace striking workers with a scab (replacement) workforce.

Workers are far more effective when they take direct action while still on the job. By deliberately reducing the boss' profits while continuing to collect wages, you can cripple the boss without giving some scab the opportunity to take your job. Direct action, by definition, means those tactics workers can undertake themselves, without the help of government agencies, union bureaucrats, or high-priced lawyers.<sup>7</sup>

Instead of conventional strikes, "How to Fire Your Boss" recommends such forms of direct action as the slowdown, "work to rule" strikes, "good work" strikes, selective strikes (brief, unannounced strikes at random intervals), whistleblowing and sick-ins. These are all ways to raise costs on the job without giving the boss a chance to hire scabs. A radical British workers' daily, the *Daily Herald*, coined the apt phrase "Staying in on Strike" as an alternative to going out on strike to be starved.<sup>8</sup>

Networked resistance isn't a replacement, but a complement to these earlier forms of direct action. The networked asymmetric warfare model can incorporate such earlier forms of direct action into a higher synthesis.

**Minority Unionism.** The tactics used by workers before Wagner included what former I.W.W. General Secretary-Treasurer Alexis Buss called "minority unionism."

...[W]e need to break out of the current model, one that has come to rely on a recipe increasingly difficult to prepare: a majority of workers vote a union in, a contract is bargained....

Minority unionism happens on our own terms, regardless of legal recognition....

The labor movement was not built through majority unionism—it couldn't have been.<sup>9</sup>

...We must stop making gaining legal recognition and a contract the point of our organizing....

We have to bring about a situation where the bosses, not the union, want the contract. We need to create situations where bosses will offer us concessions to get our cooperation. Make them beg for it.<sup>10</sup>

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6 *Ibid.* pp. 17-18

7 "How to Fire Your Boss: A Worker's Guide to Direct Action" <<http://home.interlog.com/~gilgames/boss.htm>>. The I.W.W. no longer endorses this pamphlet in its original form, and reproduces only a heavily toned down version at its website. It has disavowed portions of the pamphlet—particularly the section on industrial sabotage—in recent years.

8 Quoted in Geoff Brown, *Sabotage: A Study of Industrial Conflict* (Nottingham, England: Spokesman Books, 1977), p. 36.

9 Alexis Buss, "Minority Report," *Industrial Worker*, October 2002 <<http://www.iww.org/organize/strategy/AlexisBuss102002.shtml>>.

10 Buss, "Minority Report," *Industrial Worker*, December 2002 <<http://www.iww.org/organize/strategy/AlexisBuss122002.shtml>>.

Joel Rogers and Richard Freeman argue for minority unionism under the term "Open Source Unionism":

The first constitution of the American Federation of Labor, adopted at its founding in 1886, declared the new organization open to the membership of any "seven wage workers of good character, and favorable to Trade Unions, and not members of any body affiliated with this Federation." Tens of thousands of such groups applied for and received direct affiliation with the national federation...

The tactic was particularly prevalent during peak periods of union organization, such as the turn of the twentieth century and again in the 1930s, when workers who did not fit well into their established forms sought to join unions. During these periods another union formation was also widespread: "minority" or "members only" unions, which offered representation to workers without a demonstrated pro-union majority at their worksite. Such nonmajority unions were critical to organizing new sectors of American industry, providing a union presence in the workplace well before an employer recognized a collective-bargaining unit. Most of the early organizing of the industrial trades, for example, and of early industrial unions like the mineworkers and steelworkers, was achieved through such minority unions.

After World War II, however, unions effectively abandoned both "direct affiliation" and "minority unionism" as common practices. Over the past half-century, union membership has come to mean membership in an organization that has demonstrated majority support among workers at a particular worksite, recognized by an employer as the exclusive representative of workers for purposes of collective bargaining....

Opening up to these new members would entail some administrative challenges. Many unionists will worry about the cost of servicing workers outside union security clauses and regular dues collection by employers. But the economics of the Internet have changed this cost equation in fundamental ways. At essentially zero marginal cost, unions can communicate with an ever-expanding number of new members, and they can deliver all manner of services to them through the Internet.

A labor movement that embraced this vision—taking its own historical lessons with diversified membership seriously and relying more heavily on the Internet in membership communication and servicing—would be practicing what we call "open-source unionism" (OSU)....

Under open-source unionism..., unions would welcome members even before they achieved majority status, and stick with them as they fought for it—maybe for a very long time. These "pre-majority" workers would presumably pay reduced dues in the absence of the benefits of collective bargaining, but would otherwise be normal union members. They would gain some of the bread-and-butter benefits of traditional unionism—advice and support on their legal rights, bargaining over wages and working conditions if feasible, protection of pension holdings, political representation, career guidance, access to training and so on. And even in minority positions, they might gain a collective contract for union members, or grow to the point of being able to force a wall-to-wall agreement for all workers in the unit. But under OSU, such an agreement... would not be the defining criterion for achieving or losing membership. Joining the labor movement would be something you did for a long time, not just an organizational relationship you entered into with a third party upon taking some particular job, to expire when that job expired or changed.

OSU would engage a range of workers in different states of organization rather than discrete majorities of workers in collective-bargaining agreements. There would be traditional employer-specific unions, but there would likely be more cross-employer professional sorts of union formations and more geographically defined ones. Within any of these boundaries, the goal of OSU would not be collective bargaining per se but broader worker influence over the terms and conditions of work and working life. Because OSU unions would typically have less clout inside firms or with particular employers, they would probably be more concerned than traditional unionism with the political and policy environment surrounding their employers and employment settings. They would be more open to alliance with non-labor forces—community forces of various kinds, constituencies organized around interests not best expressed through work or even class (here think environmental, feminist, diversity or work/family con-

cerns)—that might support them in this work. As a result, labor as a whole would likely have a more pronounced "social" face.<sup>11</sup>

Unions existed before the NLRB was even a gleam in FDR's eye, and can function in the workplace as bargaining agents exactly the same way they did then without NLRB certification.

The kinds of networked labor organization made possible by the Internet and following the "Netwar" model described by Arquilla and Ronfeldt—e.g. The Wal-Mart Workers' Association and the Coalition of Imolakee Workers—is a perfect complement to non-certified, informal minority locals in the workplace. The networked organization can provide platforms, toolkits and support for the locals.

**The Social Services Model.** "Associate membership" is closely related to minority unionism, and offers to realize its full potential when mated to network organization. It's especially relevant in an era of declining importance of the very concept of the "job."

The rise of the precariat, increased outsourcing, and reliance on temporary help in a growing number of industries is undermining the traditional linkage between the job and the social safety net, and creating strong pressure for workers to develop new models of economic security outside of wage employment.

"We're going to have to evolve past the idea that the only thing a union is, is a collective bargaining agent at a workplace," says Freelancers Union founder Sara Horowitz. "There will be a lot more experimentation. You can see the shape of the future already, not just in the Freelancers' Union but the growth of the peer economy."

Today networks help us find a job (LinkedIn), a place to crash (Airbnb), fund our projects (Kickstarter), or give us a place to perform and publicize our work (Behance, GitHub). Coworking spaces give startups and businesses a cooperative edge along with a desk. Websites like Glassdoor give workers important leverage in knowing about who to work for and how much to charge.

Tomorrow, crowdfunded workers' networks could perform all of the above functions and more to serve as the union of the future.<sup>12</sup>

Robert Laubacher and Thomas Malone, writing in 1997, described the range of alternatives to the employer-based safety net which were beginning to emerge:

Some organizations have already emerged to meet the needs of workers in sectors of the economy where free-lancing is common. For example, several such entities are attempting to serve independent professionals. The National Association of the Self-Employed (NASE) offers health insurance and other benefits to its members at highly competitive rates. It turns out that the self-employed lose very few workdays to illness and thus constitute a very attractive risk pool for health insurers. A recently founded organization, Working Today, provides a variety of benefits at group rates, including health insurance, retirement planning, and low cost Internet access, to white collar professionals working independently. The group also sees itself as an advocate for its members and lobbies for policy changes which would place benefits paid for by self-employed workers on the same tax footing as benefits received by traditional job-holders.

Two other areas where free-lance workers are prevalent are film production and construction. In the film industry, screen actors and writers, as well as the technicians who staff crews, typically work on a sporadic basis, and the labor organizations which serve these groups are set up to accommodate the periodic nature of employment in the industry. For example, members of the Screen Actor's Guild (SAG) need to earn only \$6000 in a calendar year to qualify for full health benefits for the entire subsequent year. In recognition of the short shelf-life of many actor's careers, the Guild also provides very generous pension benefits.... In order to pay for these services, SAG contracts stipulate that producers must pay a

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11 Joel Rogers and Richard B. Freeman, "A Proposal to American Labor," *The Nation*, June 6, 2002 <<http://www.thenation.com/article/proposal-american-labor?page=full>>.

12 Anya Kamenetz, "Unions Are Dying. What Comes Next?" *Fast Company*, January 28, 2013 <<http://www.fastcompany.com/3005101/unions-are-dying-what-comes-next>>.

large surcharge, which amounts to as much as 30 percent of actors' base pay, into the Guild's benefits fund.

In the construction industry, workers are also typically employed on a project basis, often moving from firm to firm when they finish one project and go on to the next. To accommodate these circumstances, construction trade unions offer their members fully "portable" health and pension benefits....<sup>13</sup>

### “Associate membership”

is a mechanism for delivering some services to workers who are not in a bargaining unit represented by a union. It has been made available to prounion workers in a failed election, former union members who want to continue their affiliation with the union, and workers in antiunion settings who want some “personal affiliation with organized labor.”<sup>14</sup>

Organized labor, under this model, would shift from seeing the dwindling, increasingly marginalized full-time industrial workforce as its primary constituency, to including the so-called “precariat” in its membership and offering services that are valuable to workers whether they are currently employed or unemployed. Under the present conventional model, unionism pursues a model of retreat in the face of encirclement. A model of unionism that served the much larger constituency of unemployed and members in non-unionized workplaces, on the other hand, might credibly threaten employers with encirclement. Some novel approaches in this direction might include organizing unions of freelance workers and the self-employed, as well as using direct-marketing techniques to appeal directly to workers outside of existing certified locals.<sup>15</sup>

When combined with the networked or socially-based organization model discussed below, associate membership encourages workers “to think of labor as a social support movement....” It's also “a step back toward a preindustrial concept of unions as fraternal and benefit organizations.”<sup>16</sup>

The social services model might include offering cheap mutual health insurance not only to job-based union members, but to individual, socially-based members in workplaces without certified union locals.

A related model for serving workers on an individual basis, whether it be in bargaining units with no certified union or among the unemployed, is a resurrected guild that offers insurance and other services. Malone and Laubacher wrote about it fifteen years ago:

These guilds could provide a stable home for their members as they moved from job to job. They could, for example, help their members by:

- ensuring their financial security,
- providing placement and professional training services,
- becoming a locus of social interaction and identification....

...Given the current U.S. health care system, one of the most important services guilds can offer to American workers will be access to health insurance at reasonable cost. Guilds can accomplish this by bringing together their members to create risk pools of their own, which will allow for the purchase of group health coverage at competitive rates. Group life and disability insurance and group retirement plans could be purchased in a similar manner.

Another important aspect of financial security is protection against being unemployed—or under-employed.

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13 Robert J. Laubacher and Thomas W. Malone, “Initiative on Inventing the Organizations of the 21st Century” Working Paper #004. Sloan School of Management (Massachusetts Institute of Technology, October 1997) <<http://ccs.mit.edu/21C/21CWP004.html>>.

14 Hoyt Wheeler, *The Future of the American Labor Movement* (Cambridge University Press, 2002), pp. 76-77.

15 Peter Hall-Jones, “Precariat meet'n'greet,” *New Unionism Blog*, November 22, 2009<<http://newunionism.wordpress.com/2009/11/22/precariat/>>.

16 Wheeler, *The Future of the American Labor Movement*, p.. 77.

Workers who are on their own... assume all of the risk of economic downturns themselves. Guilds could help mitigate this risk by establishing "income smoothing" plans. For example, imagine that members paid a fraction of their income to the guild in good times, in return for a guaranteed minimum income in the bad times....

In the realm of placement, guilds could play an active part in assisting their members to find work. One simple mechanism might be the establishment of electronic clearinghouses to match workers with projects according to their skills and experience....

Another role guilds could play in helping members find work would be in establishing and verifying their members' reputations. One approach might be the creation of a set of standards outlining various skill levels and recommended pay bands for each. Another could involve collecting evaluations, in an agreed-upon format, based on a worker's performance on prior projects....

In the area of professional development, guilds could organize series of formal training programs and sponsor apprenticeship programs....

Finally, in the social realm, guilds could provide a meeting place, either actual or virtual, where workers with similar interests and experiences might gather on a regular basis to trade stories and share advice.... These kinds of interactions are notable not only for the social bonds they reinforce, but also for the sharing of tacit knowledge which they can promote.

If guilds become the vehicle through which workers maintain daily social connections, they are also likely to become the primary institution with which those workers come to identify....<sup>17</sup>

The broader social economy and various forms of commons are also likely to serve as support bases for precarious or freelance work. Ana Silva argues that such a broad-based social economy—including the household as income-pooling unit and various institutions for sharing capital goods *between* households—is becoming necessary in an age of increased freelance work.

But if the notion of **working project-based/freelance-like** can provide the **freedom to pursue other interests** [how many of us dream of a sabbatical year?!], and the **opportunity to develop new skills and seek new ventures**, working on different projects for different organizations and with diverse people, we usually look at freelance work as **unstable and financially insecure**, often requiring a shift in mindset when it comes to ensuring a steady paycheck and managing the family's budget....

Which got me thinking: if work is changing and freelance-like work is on the rise, bringing with it increased freedom, autonomy and diversity but also probably added unpredictability in terms of steady incomes, then **we'll probably also need a societal change and start questioning our need to own things** (a car, a house, and some of the stuff customary in modern households) **and how we approach borrowing and lending money** (freelancer friends always complain how hard, and increasingly harder, it is to get a loan).

For many, facing all this change, especially when they already have kids and a mortgage, can seem daunting, which was probably why at some point of our interesting dinner conversation my friend suggested that for a couple maybe one could pursue a project-based/entrepreneurial activity of some sort while the other could guarantee some "stability" from a "traditional" job.<sup>18</sup>

And in an economy where the total need for labor is rapidly falling, but the overhead costs of craft production by skilled trades are also falling, revived guilds are a good way of evenly distributing available craft-based work among the pool of workers. Guild organizations are especially relevant in a time of the cheapening of the means of production, and the explosion of technologies in many industries that permit higher quality in the home than in the wage-labor workplace. And it suggests the organization of work itself by P2P means, or via Hardt's and Negri's Multitude:

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<sup>17</sup> Laubacher and Malone, *op. cit.*

<sup>18</sup> Ana Silva, "The future of work: on to a freelance model?" *The Future of Life and Work*, September 8, 2013 <<https://artlifework.wordpress.com/2013/09/08/the-future-of-work-on-to-a-freelance-model/>>.

A return to guilds as an organizing force for the worker of the future will bring with it another medieval institution: a return of ownership of means of production to the individual. In our surveys of distributed workers over the years, we have noted a consistent finding. Workers report that the technology they have in their home offices is more advanced and sophisticated than what their employers provide in the central office.

In fact, many report that they 'save the toughest jobs for home' because they have better tools. As technology has become commoditized, individuals can afford to own the fastest, latest and most robust equipment. No longer must a worker depend on his employer giving him/her the tools they need to do their job. They have their own. So, if these creatives have their own telecommunications, computers, databases, cell phones and meeting places; what do they need in terms of infrastructure from an 'employer'?

Expecting workers to bring their own tools to the job could radically re-shape how corporations look at the management of hard assets. Why should they purchase and maintain them, when perhaps 30% of the workforce can be assumed to have their own?

The return to guilds, as a way of organizing work communities, has tremendous implications for the provision of services to workers. Our old industrial model has been that companies provide workers with everything they need to do the job: office space, technology, and management support – including health care, pensions and training. But guilds provide all that for workers.

So, if our scenario plays out then companies will find themselves in the envious position of shedding the responsibility of providing human resource services, technology infrastructure and facilities. Think of the impact this could have. You could literally cut your operational expenses in half for 30-40% of the workforce. All this and community too! But wait, what's the dark side for companies and what will they have to do to counteract loosening their social ties with workers?

In short, their death. Loosening these community's ties implies a growing lack of engagement between worker and companies. These companies have historically existed to find, organize and focus the energy and talent of people who add value in the process of innovation, manufacture and distribution of goods and services. Some form of human organization will be required to step in and fill that gap. As we have suggested above, that organization we believe will be a re-birth of guild structures....<sup>19</sup>

Restaurant Opportunities Centers are one possible example of guild organization for precariat.

In the lexicon of labor studies, organizations such as Philly ROC are known as worker centers. They are not tied to a specific employer, the way a union might be through a collective-bargaining contract.

Unions tend to represent restaurant workers in larger entities, such as Windows, which employed hundreds. But many restaurants have just a handful of employees.

"It's really tough for unions to organize these workplaces that are really small and where there's a lot of turnover," said Lonnie Golden, a professor of economic and labor studies at Pennsylvania State University's Abington campus.

"The alternative is to negotiate a floor for the whole occupation," he said.

That became the goal of Windows workers who survived the terrorist attacks.

Initially, the 350 surviving Windows employees, suddenly jobless, were helped by their union. But, after about six months, that assistance ended. After all, these workers were no longer employed in a union restaurant.

Instead Unite Here Local 100, helped them organize their own group, the Restaurant Opportunities Center, the organization that now runs Colors as a worker-owned restaurant.

The group protested when the former Windows owner tried to open a nonunion restaurant. After the news media picked up the story, the fledgling organization was flooded with calls from restaurant employees who wanted help with their work issues.

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19 Charles Grantham (with contributions from Norma Owen and Terry Musch), "Future Working Together Blog: The Rebirth of Guilds—Ownership of the Means of Preservation (Part 4 of 5)," Sloconference.com, January 24, 2012 <<http://blog.sloconference.com/2012/01/24/the-rebirth-of-guilds—ownership-of-the-means-of-preservation-part-4-of-5.aspx>>.



Then, in 2005, when Hurricane Katrina blew away New Orleans' tourist industry, workers from there contacted New York's ROC to help them build a similar organization in the Big Easy.

Now there are ROCs in Washington and Detroit, among other cities. Funding comes from dues, from foundations, and in New York, from government workforce training grants. The national organization is bankrolling the Philadelphia operation for a few years....<sup>20</sup>

The guild model is ideal for the exercise of bargaining rights by the precariat. In New Zealand, the Together movement enlists workers from the precariat who are not represented in conventionally organized workplaces.

"Together aims to connect workers in un-unionised work places with the union movement and the union experience."

In order to do this, it provides "...help with issues like workplace bullying, sick leave, holiday pay, employment agreements and sexual harassment".

Together is a national service that is being developed for the "precariat" — that rapidly growing cohort of workers who do not fit into the standard labourist model of industrial capitalism.... In particular, it aims to bring together:

- People on casual contracts;
- Those in industries like IT, tourism or in small shops, or driving taxis;
- Contractors and workers in remote areas and small towns who don't currently have access to a union;
- The families of current union members.

Membership costs just \$NZ 1 per week, which is roughly 20% of typical union fees in New Zealand. (One kiwi dollar is equivalent to about \$US0.87 or £UK0.53 or ¥68). Family membership is also on offer, bringing a still larger audience back into unionism's traditional orbit. In fact, the word they use here is "whānau", which is a Maori word suggesting something more like "extended family". So, for instance, if mum or dad is a union member, they can also arrange union support for their children, uncles and aunts, cousins, nephews and nieces and grandchildren.<sup>21</sup>

**Worker Cooperatives.** Another way of moving beyond the conventional labor movement's laborist emphasis on "jobs" is for radical networked unions to organize worker cooperatives, and encourage production for barter networks among unemployed workers. We've already seen, in a previous chapter, that Owenite trade unions employed workers on strike and marketed the product cooperatively, and that the same practice was common among striking craft workers in America. And as we saw, the main reason the union cooperative model failed was the lack of capital to buy expensive machinery as the factory system supplanted craft production.

But the worker cooperatives organized in the era of artisan labor paralleled, in many ways, the forms of work organization that are arising today. Networked organization, crowdsourced credit and the implosion of capital outlays required for physical production, taken together, are recreating the same conditions that made artisan cooperatives feasible in the days before the factory system. In the artisan manufactories that prevailed into the early 19th century, most of the physical capital required for production was owned by the work force; artisan laborers could walk out and essentially take the firm with them in all but name. Likewise, today, the collapse of capital outlay requirements for production has created a situation where human capital is the main source of value for many firms. The growing importance of human capital relative to physical capital as a source of equity and revenue streams, and the shift from expensive machinery back to affordable general-purpose tools as the primary form of physical capital, open possibilities for reviving worker cooperatives as a tool of labor resistance that existed before the triumph of the factory system.

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20 Jane M. von Bergen, "Workers find a new way to organize," Philadelphia Inquirer, July 24, 2011 <[http://articles.philly.com/2011-07-24/business/29810007\\_1\\_labor-studies-union-membership-restaurant-workers](http://articles.philly.com/2011-07-24/business/29810007_1_labor-studies-union-membership-restaurant-workers)>.

21 <<http://www.together.org.nz/>>; "Together at Last," *New Unionism Blog*, July 26, 2011; <<http://newunionism.wordpress.com/2011/07/26/together/>>.

The same principle applies to the expansion of all kinds of self-directed labor. According to Michael Hardt and Antonio Negri:

...the trend toward the hegemony or prevalence of immaterial production in the processes of capitalist valorization.... Images, information, knowledge, affects, codes, and social relationships... are coming to outweigh material commodities or the material aspects of commodities in the capitalist valorization process. This means, of course, not that the production of material goods... is disappearing or even declining in quantity but rather that their value is increasingly dependent on and subordinated to immaterial factors and goods.... Living beings as fixed capital are at the center of this transformation, and the production of forms of life is becoming the basis of added value. This is a process in which putting to work human faculties, competences, and knowledges—those acquired on the job but, more important, those accumulated outside work interacting with automated and computerized productive systems—is directly productive of value. One distinctive feature of the work of head and heart, then, is that paradoxically the object of production is really a subject, defined... by a social relationship or a form of life.<sup>22</sup>

This means that “[c]apitalist accumulation today is increasingly external to the production process, such that exploitation takes the form of *expropriation of the common*.”<sup>23</sup> And knowledge, rather than being embedded in a process organized by those managing the physical capital owned by an alien class, is embedded in the workers themselves—“knowledge that is widespread across society” as “a central productive force, out of reach of the system of control.”<sup>24</sup>

Labor’s revolutionary struggle, accordingly, under these conditions—under the new technical composition—takes the form of “exodus”:

By exodus here we mean... a process of *subtraction* from the relationship with capital by means of actualizing the potential autonomy of labor-power. Exodus is thus not a refusal of the productivity of biopolitical labor-power but rather a refusal of the increasingly restrictive fetters placed on its productive capacities by capital. It is an expression of the productive capacities that exceed the relationship with capital achieved by stepping through the opening in the social relation of capital and across the threshold. As a first approximation, then, think of this form of class struggle as a kind of maroonage. Like the slaves who collectively escape the chains of slavery to construct self-governing communities and quilombos, biopolitical labor-power subtracting from its relation to capital must discover and construct new social relationships, new forms of life that allow it to actualize its productive powers. But unlike that of the maroons, this exodus does not necessarily mean going elsewhere. We can pursue a line of flight while staying right here, by transforming the relationship of production and mode of social organization under which we live.<sup>25</sup>

Current technological changes amount to a singularity in which it is becoming impossible for capital to prevent a shift in the supply of an increasing proportion of the necessities of life from mass produced goods purchased with wages, to small-scale production in the informal and household sector and in low-overhead microenterprises of all kinds.

As already suggested, organization of production for barter by the unemployed or underemployed, perhaps within union-sponsored networks, is another idea that falls under the headings of both social services and worker cooperatives. Unions might sponsor small, independent workshops, equipped with affordable tools, in which laid-off or unemployed workers could reduce their dependence on wage labor by producing directly for consumption or barter. They might also put household producers in touch with one another to match up skills with consumption needs within barter networks.

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22 Michael Hardt and Antonio Negri, *Commonwealth* (New York, 2009), p. 132.

23 *Ibid.*, p. 137.

24 *Ibid.*, p. 267.

25 *Ibid.*, pp. 152-153.

Most households possess producer goods like kitchen appliances, garage power tools, sewing machines, rototillers and gardening implements, and cars which might provide transportation to neighbors, as well as members with cooking, sewing, babysitting, hairdressing, woodworking or metal shop skills. And the productive capacity of such machinery and skills is typically far beyond the consumption needs of the individual household. If the spare capacity of such machinery and skills were used for production for direct consumption or barter with other households, a major part of what we consume could be produced within the households of the unemployed and underemployed. So the network effects of association for barter would increase the total value of household production capability. And labor unions are a promising platform for organizing such network effects.

The effect on the bargaining power of workers vis-a-vis wage employers should be obvious. Workers who barter babysitting time with the neighbor need a lot less work time than those who spend half their paychecks on daycare.

**Community and Comprehensive Campaigns.** Comprehensive campaigns unite two traditional forms of anti-corporate action: the community campaign and the corporate campaign. The community campaign (one notable practitioner of which was Saul Alinsky) was, as its name implied, a community-based campaign against a corporate malefactor, rather than one carried out mainly on the initiative of the company's own workforce. The corporate campaign, although conducted mainly on the initiative of workers in the targeted company and to achieve their workplace goals, might employ a wide range of direct action and public sympathy tactics outside the formal scope of the Wagner Act. The comprehensive campaign fuses both.<sup>26</sup>

## II. Networked Labor Struggle

Negri and Hardt, in *Multitude*, argue that the networked labor movement must cease to limit itself to conventional wage employees, and thereby become coextensive with the social organization of production in society at large. In so doing, it will leverage the productive capacity of social production as a whole as a basis of bargaining power in support of wage workers.

Our claims of the wealth, productivity, and commonality of the poor have immediate implications for trade union organizing.... First of all... the old trade unions are not able to represent the unemployed, the poor, or even the mobile and flexible post-Fordist workers with short-term contracts, all of whom participate actively in social production and increase social wealth.... Finally, the old unions have become purely economic, not political, organizations.... In the paradigm of immaterial labor., and as production becomes increasingly biopolitical, such an isolation of economic issues makes less and less sense.

What is necessary and possible today is a form of labor organizing that overcomes all the divisions of the old unions and manages to represent the becoming common of labor in all its generality—economically, politically, and socially. Whereas traditional trade unions defend the economic interests of a limited category of workers, we need to create labor organizations that can represent the entire network of singularities that collaboratively produce social wealth. One modest proposal that points in this direction, for example, involves opening up trade unions to other segments of society by merging them with the powerful social movements that have emerged in recent years in order to create a form of “social movement unionism.”... In any case, a union worthy of the name today... must be the organized expression of the multitude, capable of engaging the entire global realm of social labor...<sup>27</sup>

The central aspect of the paradigm of immaterial production we have to grasp here is its intimate relation with cooperation, collaboration, and communication—in short, its foundation in the common.

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26 Kenneth A. Jenero and Mark A. Spognardi, "Defending against the Corporate Campaign: Selected Legal Responses to Common Union Tactics" *Employee Relations Law Journal* Vol. 22 No. 2 (Autumn 1996).

27 Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2004), pp. 136-137.

Marx insists that one of the great progressive elements of capital historically is to organize armies of workers in cooperative productive relationships. The capitalist calls workers to the factory. for example, directing them to collaborate and communicate in production and giving them the means to do so. In the paradigm of immaterial production, in contrast, labor itself tends to produce the means of interaction, communication, and cooperation for production directly.... The production of ideas, images, and knowledges is not only conducted in common... but also each new idea and image invites and opens new collaborations.... In all these ways, in immaterial production the creation of cooperation has become internal to labor and thus external to capital.<sup>28</sup>

...[W]e have begun to recognize... how the singular figures of postmodern labor do not remain fragmented and dispersed but tend through communication and collaboration to converge toward a common social being.... The important question at this point is what kind of body will these common singularities form? One possibility is that they will be enlisted in the global armies at the service of capital, subjugated in the global strategies of servile inclusion and violent marginalization. This new social flesh, in other words, may be formed into the productive organs of the global social body of capital.<sup>29</sup>

This last is the model of capitalism variously termed “cognitive capitalism,” “green capitalism,” “progressive capitalism,” and (by Paul Romer) “new growth theory.” It aims to enclose the information commons, to capitalize innovation as a source of rents, and make innovation and information—thus transformed into “property”—into a new “engine of accumulation” or the basis of a new Kondratiev long-wave. Johann Soderberg has pointed to the role of draconian digital copyright laws and drastic increases in the terms of patents in enforcing this regime of information enclosure, and compared the system of information control embodied in Western digital copyright control to the totalitarian lockdown of photocopiers and fax machines in the old Soviet Union.

This is not, in my opinion, a serious possibility. No matter how strongly the dominant interests in global capitalism would like to enforce such enclosure of digital information, technologies of digital reproduction, encryption and anonymization are rendering it impossible. So the only remaining possibility is Hardt's and Negri's second alternative of social labor organizing itself autonomously and "creat[ing] a new world."<sup>30</sup>

The power of the multitude is rooted in its productivity, its ability to produce a surplus beyond the power of capital and institutional hierarchies to appropriate:

the production of the common always involves a surplus that cannot be expropriated by capital or captured in the regimentation of the global political body. This surplus, at the most abstract philosophical level, is the basis on which antagonism is transformed into revolt. Deprivation... may breed anger, indignation, and antagonism, but revolt arises only on the basis of wealth, that is, a surplus of intelligence, experience, knowledges, and desire. When we propose the poor as the paradigmatic subjective figure of labor today, it is not because the poor are empty and excluded from wealth but because they are included in the circuits of production and full of potential, which always exceeds what capital and the global political body can expropriate and control.<sup>31</sup>

Capital's dependence on labor in a sense holds it hostage, and leaves it vulnerable to an attempt by the networked multitude to secede from hierarchy, and shift the meeting of a growing share of its needs to social production outside the sphere of capital.

In politics as in economics, one weapon that is constantly at the disposal of the ruled... is the threat to refuse their position of servitude and subtract themselves from the relationship. This act of refusing the relationship with the sovereign is a kind of exodus, fleeing the forces of oppression, servitude, and persecution in search of freedom.... Without the active participation of the subordinated, sovereignty crumbles.

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28 *Ibid.*, p. 147.

29 *Ibid.*, p. 159

30 *Ibid.*

31 *Ibid.*, p. 212.

...One new aspect of the present global order is that, in step with the processes of globalization, it tends to blur the boundaries between political, economic, social, and cultural forms of power and production.... Economic production... is increasingly biopolitical, aimed not only at the production of goods, but ultimately at the production of information, communication, cooperation—in short, the production of social relationships and social order. Culture is thus directly both an element of political order and economic production. Together, in a sort of concert or convergence of the various forms of power, war, politics, economics, and culture in Empire become finally a mode of producing social life in its entirety and hence a form of biopower....

Once we recognize this convergence in biopower, we can see that imperial sovereignty is completely dependent on the productive social agents over which it rules.... The circuits of social producers are the lifeblood of Empire, and if they were to refuse the relationship of power, to subtract themselves from the relationship, it would simply collapse in a lifeless heap....

...Empire creates and rules over a truly global society that becomes ever more autonomous while Empire relies on it ever more heavily....

In the era of imperial sovereignty and biopolitical production, the balance has tipped such that the ruled tend to be the exclusive producers of social organization. This does not mean that sovereignty immediately crumbles and the rulers lose all their power. It does mean that the rulers become ever more parasitical and that sovereignty becomes increasingly unnecessary. Correspondingly, the ruled become increasingly autonomous, capable of forming society on their own.... Indeed when the products of labor are not material goods but social relationships, networks of communication, and forms of life, then it becomes clear that economic production immediately implies a kind of political production, or the production of society itself....<sup>32</sup>

Broad-based coalitions have been employed by various social justice movements for decades. Saul Alinsky's community organizing model is a good example. Networked organization of the sort described by Arquilla and Ronfeldt, made possible by the Internet, is simply the same phenomenon on steroids. When integrated into earlier models of direct action, it offers to increase their impact enormously.

The other models mentioned above—minority unionism, the social services model, worker cooperatives—can all achieve a higher synergy by coordinating their mutual support through networked organizations and using platforms based on such organizations. Networked organizations can offer support services to a variety of minority locals and cooperatives on a modular basis. The networks can serve as the vehicle for offering standard packages of low-cost insurance to affiliated locals and cooperatives and small workshops, providing specialized help to startup cooperatives, organizing barter networks and currency systems for trade between members, negotiating with suppliers and providing marketing outlets, etc., as well as coordinating media swarming in support of local struggles.

One partial suggestion for the form a networked labor movement might take is the French model of unionism, which is at least as much socially-based as workplace-based. Charles Derber wrote, over a decade ago:

The real constituency of the new labor movement... is the American public as a whole, as well as workers throughout the world. As the old social contract unravels, the great majority of those in jeopardy are not American union members but unrepresented American workers, as well as workers in the third world. Beyond organizing new members, labor must transform itself into a voice speaking mainly for these expansive constituencies who are not already American union members. Ironically, this will be the most effective way to service its own dues-paying members. In France, for example, less than 10 percent of the workforce is in unions, but the French people as a whole support union work stoppages to protect wages or benefits. In 1997, a majority of the French population virtually closed down the country in support of transportation workers' efforts to protect retirement and vacation benefits.<sup>33</sup>

Parallel to the social services model of serving members who are not part of a certified union in their workplace, unions can organize outside the workplace and network with other organizations in society at

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32 *Ibid.*, pp. 333-336.

33 Charles Derber, *Corporation Nation: How Corporations are Taking Over Our Lives and What We Can Do About It* (New York: St. Martin's Griffin, 1998), p. 291.

large in order to bring pressure to bear on employers. In this model, the union uses the community as a whole as its power base.<sup>34</sup>

Hoyt Wheeler, in *The Future of the American Labor Movement*, treats the Knights of Labor as the paradigmatic case of this form of organization. If a union is a collection of local bodies comprising the majority of workers in their workplaces, and having as their main purpose collective bargaining with their employers, then the Knights were less than a union. But they were also more. Their Local Assemblies served as umbrella organizations for social justice and reform movements in each community.<sup>35</sup> Their motto, “An injury to one is the concern of all,” is especially meaningful in this light.

Although the Wobblies, who borrowed the K. of L. motto, put more emphasis on workplace organizing, they also began as an umbrella organization of labor and social justice groups. When Big Bill Haywood gavelled the I.W.W. founding convention to order in 1905, he referred to it with some justification as “the Continental Congress of the working class.” It included representatives of the American Railway Union, the Western Federation of Miners, the Socialist Party USA, the Socialist Labor Party, the radical priest Fr. Thomas Haggerty, and the all-around moral authority Mary “Mother” Jones.

Today, unions might augment their power within the workplace—or exert power which they altogether lack within workplaces with no certified bargaining agent—by putting together a coalition of civil rights and social justice organizations, clergy, the larger labor movement, etc., in the employer's community.<sup>36</sup> At a time when only a small fraction of private sector workers still belong to certified workplace unions, the mutual moral support of a number of high-profile community organizations may be of inestimable value.

The kinds of open mouth sabotage we consider later on in this chapter are especially well suited to networked organization. As part of a corporate campaign, it's essentially the “culture jamming” used by activists like Charles Kernaghan, but specifically in support of labor disputes. It was used by the Amalgamated Clothing and Textile Workers Union in their 1976 campaign against J.P. Stevens. Corporate campaigns can be used in conjunction with an organizing campaign, in support of a strike, or in place of a strike.<sup>37</sup> The third item is of special relevance to us today, when organizing a conventional union is more difficult than it's been in decades.

Like the isolated individual worker or group of workers within the workplace planning a campaign of open-mouth sabotage against their employer, the corporate campaign is “based upon extensive research on a company to identify fruitful pressure points.” Directors, lenders, and other business associates are targeted with a view to inflicting maximum public embarrassment.<sup>38</sup>

Ironically, Wheeler wrote in 2002 that the corporate campaign had declined in importance.<sup>39</sup> This was at a time when campaigns like Kernaghan's were in their early ascendancy, before the Walmart Workers' Association, and before the Coalition of Imolakee Workers conducted one of the most effective corporate campaigns in history.

Workers' main bargaining agent may not be a certified union in their own workplace at all, but what Wheeler calls a “workers' rights group.”<sup>40</sup> Such labor advocacy groups, while they may not meet the standards for an NLRB-certified union, are for all intents and purposes unions if one defines a union as an organization of wage-earners who seek to improve their working lives.

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34 *Ibid.*, p. 59.

35 Hoyt Wheeler, *The Future of the American Labor Movement*, p. 101.

36 *Ibid.*, pp. 60-61.

37 *Ibid.*, pp. 78-79.

38 *Ibid.*, p. 79.

39 *Ibid.*, p. 79.

40 *Ibid.*, p. 63.

However, they do not do what we usually think of unions as doing—engage in collective bargaining. Neither do they ordinarily strike. Their weapons are much more likely to be political pressure, social protest, and publicity.<sup>41</sup>

Although the Walmart Workers' Association was not in existence at the time he wrote, Wheeler might as well have had them specifically in mind. It acts as an unofficial union, and has repeatedly obtained concessions from store management teams in several publicity campaigns designed to embarrass and pressure the company.<sup>42</sup> As Ezra Klein noted,

This is, of course, entirely a function of the pressure unions have exerted on Wal-Mart—pressure exerted despite the unions having almost no hope of actually unionizing Wal-Mart. Organized Labor has expended tens of millions of dollars over the past few years on this campaign, and while it hasn't increased union density one iota, it has given a hundred thousand Wal-Mart workers health insurance, spurred Wal-Mart to launch an effort to drive down prescription drug prices, drove [sic] them into the "Divided We Fail" health reform coalition, and contributed to the company's focus on greening their stores (they needed good press to counteract all the bad).<sup>43</sup>

Charles Johnson points to the Coalition of Imolakee Workers as an example of an organizing campaign outside the Wagner framework, relying heavily on the open mouth:

They are mostly immigrants from Mexico, Central America, and the Caribbean; many of them have no legal immigration papers; they are pretty near all mestizo, Indian, or Black; they have to speak at least four different languages amongst themselves; they are often heavily in debt to coyotes or labor sharks for the cost of their travel to the U.S.; they get no benefits and no overtime; they have no fixed place of employment and get work from day to day only at the pleasure of the growers; they work at many different sites spread out anywhere from 10–100 miles from their homes; they often have to move to follow work over the course of the year; and they are extremely poor (most tomato pickers live on about \$7,500–\$10,000 per year, and spend months with little or no work when the harvesting season ends). But in the face of all that, and across lines of race, culture, nationality, and language, the C.I.W. have organized themselves anyway, through efforts that are nothing short of heroic, and *they have done it as a wildcat union with no recognition from the federal labor bureaucracy and little outside help from the organized labor establishment*. By using creative nonviolent tactics that would be completely illegal if they were subject to the bureaucratic discipline of the Taft-Hartley Act, the C.I.W. has won major victories on wages and conditions over the past two years. They have bypassed the approved channels of collective bargaining between select union reps and the boss, and gone up the supply chain to pressure the tomato buyers, because they realized that they can exercise a lot more leverage against highly visible corporations with brands to protect than they can in dealing with a cartel of government-subsidized vegetable growers that most people outside of southern Florida wouldn't know from Adam.

The C.I.W.'s creative use of moral suasion and secondary boycott tactics have already won them agreements with Taco Bell (in 2005) and then McDonald's (this past spring), which almost doubled the effective piece rate for tomatoes picked for these restaurants. They established a system for pass-through payments, under which participating restaurants agreed to pay a bonus of an additional penny per pound of tomatoes bought, which an independent accountant distributed to the pickers at the farm that the restaurant bought from. Each individual agreement makes a significant but relatively small increase in the worker's effective wages...[,] but each victory won means a concrete increase in wages, and an easier road to getting the pass-through system adopted industry-wide, which would in the end nearly *double* tomato-pickers' annual income.

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41 *Ibid.*, p. 64.

42 Nick Robinson, "Even Without a Union, Florida Wal-Mart Workers Use Collective Action to Enforce Rights," *Labor Notes*, January 2006. Reproduced at Infoshop, January 3, 2006 <<http://www.infoshop.org/inews/article.php?story=20060103065054461>>.

43 Ezra Klein, "Why Labor Matters," *The American Prospect*, November 14, 2007 <[http://www.prospect.org/csnc/blogs/ezraklein\\_archive?month=11&year=2007&base\\_name=why\\_labor\\_matters](http://www.prospect.org/csnc/blogs/ezraklein_archive?month=11&year=2007&base_name=why_labor_matters)>.

Burger King held out for a while, following Taco Bell's earlier successive strategies of ignoring, stonewalling, slick PR, slander (denouncing farm workers as "richer than most minimum-wage workers," consumer boycotts as extortion, and C.I.W. as scam artists), and finally even an attempt at federal prosecution for racketeering.<sup>44</sup> But in the end they caved in.<sup>45</sup> In 2014, Walmart became the latest to sign an agreement with the CIW and join the Fair Food Program.<sup>46</sup>

Hoyt Wheeler's "associative" model of unionism among white collar workers links the network model with the social services model we discussed earlier. As much a professional association as a conventional union, it focuses on providing benefits to members as much as a collective voice against the employer. As a bargaining unit it is loose and relatively non-bureaucratic, and tends to negotiate minimum standards with the employer while leaving members free to negotiate better terms individually. When it is necessary to promote the members' collective interests against the employer, the hybrid white collar union/association does so more through negative publicity to pressure the employer than through conventional strikes.<sup>47</sup>

Steven Lerner of the SEIU argues that traditional unions try to veto radical actions by other players in community campaigns, for the sake of preserving peace with employers and in hopes their members will be "eaten last." The rise of networked movements can shift the balance of power against traditional unions and deprive them of their veto power.

Unions with hundreds of millions in assets and collective bargaining agreements covering millions of workers won't risk their treasuries and contracts by engaging in large-scale sit-ins, occupations, and other forms of non-violent civil disobedience that must inevitably overcome court injunctions and political pressures....

- In city after city, a project labor agreement—or a collective bargaining agreement covering a small percentage of a corporation's total workforce—can make a union want to veto any demonstrations and actions that might upset its relationship with a particular employer....
- In Ohio, a set of unions actively worked against a recent multi-state mobilization at a JP Morgan Chase shareholder meeting. The unions said the planned demonstrations seemed "too anti-corporate," with the potential to turn off independents and buoy conservative fundraising efforts....

...Instead of seeing this as an opportunity to connect efforts to destroy public employee unions with the broader economic problems caused by the Big Banks (and the resulting loss of jobs and revenue in Ohio), the unions unnecessarily chose a narrow path that weakens them in the short and long term. If our goal is to offend no one, we're in danger of doing next to nothing. It is understandable that unions don't want to risk their own relationships with certain employers or politicians. But that shouldn't restrain a broader effort to hold those corporations and politicians accountable. Unions continue to act as though they represent 30 percent of the private sector workforce and that bargaining for those workers drives wages for the whole economy. Decisions are made based on how to protect the 7 percent of private sector workers who are unionized (instead of the 93 percent of private sector workers who aren't in unions). The last thirty years prove that this strategy doesn't make sense for the remaining unionized workers or the overwhelming majority of workers who aren't in unions.

...We need to develop a movement-based organizational model that taps into and builds on union resources—both financial and organizational—but denies unions' "veto power" over campaign activities. Unions should support, help set up, launch, finance, and ultimately engage directly in campaigns based

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44 Charles Johnson, "Coalition of Imolakee Workers marches in Miami," *Rad Geek People's Daily*, November 30, 2007 <[http://radgeek.com/gt/2007/11/30/coalition\\_of/](http://radgeek.com/gt/2007/11/30/coalition_of/)>.

45 Coalition of Immokalee Workers. "Burger King Corp. and Coalition of Immokalee Workers to Work Together," May 23, 2008 <[http://www.ciw-online.org/BK\\_CIW\\_joint\\_release.html](http://www.ciw-online.org/BK_CIW_joint_release.html)>. Charles Johnson, "¡Sí, Se Puede! Victory for the Coalition of Imolakee Workers in the Burger King penny-per-pound campaign," *Rad Geek People's Daily*, May 23, 2008 <[http://radgeek.com/gt/2008/05/23/si\\_se/](http://radgeek.com/gt/2008/05/23/si_se/)>.

46 "BREAKING NEWS: Walmart joins CIW's Fair Food Program!" CIW Online, January 16, 2014 <<http://ciw-online.org/blog/2014/01/walmart/>>.

47 Wheeler, *The Future of the American Labor Movement*, p. 57.



on their comfort level—but they shouldn't have the ability to control or shut down activity because of legal risk or pressure from an employer or politician.

If our strategy is to turn the tables so workers and regular people feel more secure, hopeful, and powerful—and so the elite feels less sure of its control over the country's politics and the economy—we can't tamp down momentum when someone wins a victory or gets pressured to back off.... Far from being a threat to winning smaller fights and victories, open-ended escalating activity that can't be shut down is exactly what will force powerful corporate interests to make real concessions. This doesn't mean individual unions or organizations shouldn't make settlements that arise in the context of bigger battles; they just can't shut down the broader fight.<sup>48</sup>

### III. Open Mouth Sabotage

In particular, network technology creates previously unimaginable possibilities for the Wobbly tactic of “open-mouth sabotage.” As described in “How to Fire Your Boss”:

Sometimes simply telling people the truth about what goes on at work can put a lot of pressure on the boss. Consumer industries like restaurants and packing plants are the most vulnerable. And... you'll be gaining the support of the public, whose patronage can make or break a business.

Whistle Blowing can be as simple as a face-to-face conversation with a customer, or it can be as dramatic as the P.G.&E. engineer who revealed that the blueprints to the Diablo Canyon nuclear reactor had been reversed. ...

Waiters can tell their restaurant clients about the various shortcuts and substitutions that go into creating the faux-haute cuisine being served to them....<sup>49</sup>

Jesse Walker quotes another old pamphlet:

Workers on the railroads can tell of faulty engines, unsafe trestles. Marine transport workers would do well to tell of the insufficient number of lifeboats, of inferior belts, and so forth. The textile worker can tell of the shoddy which is sold as ‘wool.’... The workers carry with them the secrets of the masters. Let them divulge these secrets, whether they be secret methods of manufacture that competitors are striving to learn, or acts of repression directed against the workers.<sup>50</sup>

A central theme of *The Cluetrain Manifesto* was the potential for frank, unmediated conversations between employees and customers as a way of building customer relationships and circumventing the consumer's ingrained habit of blocking out canned corporate messages.<sup>51</sup> It characterized the typical corporate voice as “sterile happytalk that insults the intelligence,” “the soothing, humorless monotone of the mission statement, marketing brochure, and your-call-is-important-to-us busy signal.”<sup>52</sup>

When employees engage customers frankly about the problems they experience with the company's product, and offer useful information, customers usually respond positively. *Cluetrain* is full of anecdotes, many from the authors' experience, of employees acting as customer advocates and thereby defusing situa-

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48 Stephen Lerner, “A New Insurgency Can Only Arise Outside the Progressive and Labor Establishment,” *New Labor Forum*, Fall 2011 <<http://newlaborforum.cuny.edu/Current/2011/Fall/Article2.aspx?id=1>>.

49 “How to Fire Your Boss: A Worker's Guide to Direct Action” <<http://www.iww.org/organize/strategy/strikes.shtml>> (originally a Wobbly Pamphlet, it is reproduced in all its essentials at the I.W.W. Website under the heading of “Effective Strikes and Economic Actions”—although the Wobblies no longer endorse it in its entirety).

50 Jesse Walker, “Wobblies, 'open mouth sabotage,' and the history of American whistleblowing,” *National Post*, October 7, 2013 <<http://arts.nationalpost.com/2013/10/07/wobblies-open-mouth-sabotage-and-the-history-of-american-whistleblowing/>>.

51 “Markets are Conversations,” in Rick Levine, Christopher Locke, Doc Searls and David Weinberger, *The Cluetrain Manifesto: The End of Business as Usual* (Perseus Books Group, 2001) <<http://www.cluetrain.com/book/index.html>>.

52 “95 theses,” in *Ibid*.

tions in which customers were frustrated to the point of going ballistic by official arglebargle and runaround.

What the *Cluetrain* authors *don't* mention is the potential for disaster, from the company's perspective, when disgruntled workers see the customer as a potential ally against a common enemy. What would happen if employees decided, not that they wanted to help their company by rescuing it from the tyranny of PR and the official line and winning over customers with a little straight talk—but that they hated the company and wanted to punish its management? What if, rather than simply responding to a specific problem with what the customer had needed to know, they'd aired all the dirty laundry about management's asset stripping, gutting of human capital, hollowing out of long-term productive capability, gaming of its own bonuses and stock options, self-dealing on the job, and logrolling with directors?

As the *Cluetrain* authors said, “customers talk.” But even more important for our purposes, employees talk. It's just as feasible for the corporation's workers to talk directly to its customers, and for workers and customers together to engage in joint mockery of the company, as it is for customers alone to do so.

In an age when unions have virtually disappeared from the private sector workforce, and downsizings and speedups have become a normal expectation of working life, the vulnerability of employer's public image may be the one bit of real leverage the worker has. If they go after that image relentlessly and systematically, they've got the boss by the short hairs.

Web 2.0, the “writeable web,” is fundamentally different from the 1990s vision of an “information superhighway” (one-way, of course). The latter was just a more complex version of the old unidirectional hub-and-spoke architecture of the broadcast era—or as Tapscott and Williams put it, “one big content-delivery mechanism—a conveyor belt for prepackaged, pay-per-use content” in which “publishers... exert control through various digital rights management systems that prevent users from repurposing or redistributing content.”<sup>53</sup> Most large corporations still see their websites as sales brochures, and Internet users as a passive audience. But under the Web 2.0 model, the Internet is a platform in which users are the active party. We can talk back.

Given the ease of setting up anonymous blogs and websites (just think of any company and then look up the URL EmployerNameSucks.com), the potential for using comment threads and message boards, the possibility of anonymous saturation emailing of the company's major suppliers and customers and advocacy groups concerned with that industry, and the ability to engage in “search engine pessimization” through creative use of semantic tagging.... well, let's just say the potential for “swarming” and “netwar” is corporate management's worst nightmare.

It's already become apparent that corporations are quite vulnerable to bad publicity from dissident shareholders and consumers. For example, Luigi Zingales writes,

shareholders' activist Robert Monks succeeded [in 1995] in initiating some major changes at Sears, not by means of the norms of the corporate code (his proxy fight failed miserably) but through the pressure of public opinion. He paid for a full-page announcement in the *Wall Street Journal* where he exposed the identities of Sears' directors, labeling them the “non-performing assets” of Sears.... The embarrassment for the directors was so great that they implemented all the changes proposed by Monks.<sup>54</sup>

There's no reason to doubt that management would be equally vulnerable to embarrassment by such tactics from disgruntled production workers, in today's networked world. We've already seen how it worked in the case of Wake Up Walmart and the CIW.

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53 Tapscott and Williams, p. 271.

54 Luigi Zingales, “In Search of New Foundations,” *The Journal of Finance*, vol. lv, no. 4 (August 2000), pp. 1627-1628.

Consider the earlier public relations battle over Walmart "open availability" policy. Corporate headquarters in Bentonville quickly moved, in the face of organized public criticism, to overturn the harsher local policy announced by management in Nitro, West Virginia.

A corporate spokesperson says the company reversed the store's decision because Wal-Mart has no policy that calls for the termination of employees who are unable to work certain shifts, the Gazette reports.

"It is unfortunate that our store manager incorrectly communicated a message that was not only inaccurate but also disruptive to our associates at the store," Dan Fogleman tells the Gazette. "We do not have any policy that mandates termination."<sup>55</sup>

Another example is the IWW-affiliated Starbucks union, which publicly embarrassed Starbucks Chairman Howard Schultz. It organized a mass email campaign, notifying the Co-op Board of a co-op apartment he was seeking to buy into of his union-busting activities.<sup>56</sup>

In late 2004 and 2005, the phenomenon of "Doocing" (the firing of bloggers for negative commentary on their workplace, or for the expression of other non-approved opinions on their blogs) began to attract mainstream media attention, and exemplified a specialized case of the Streisand Effect. Employers, who fired disgruntled workers out of fear for the bad publicity their blogs might attract, were blindsided by the far worse publicity—far, far worse—that resulted from news of the firing (the term "Doocing" itself comes from Dooce, the name of a blog whose owner was fired). Rather than an insular blog audience of a few hundred reading that "it sucks to work at Employer X," or "Employer X gets away with treating its customers like shit," it became a case of tens of millions of readers of the major newspapers of record and wire services reading that "Employer X fires blogger for revealing how bad it sucks to work at Employer X." Again, the bosses are learning that, for the first time since the rise of the giant corporation and the broadcast culture, workers and consumers can talk back—and not only is there absolutely no way to shut us up, but we actually just keep making more and more noise the more they try to do so.<sup>57</sup>

There's a direct analogy between the Zapatista netwar and asymmetric warfare by labor and other anti-corporate activists. The Zapatistas turned an obscure and low-level military confrontation within an isolated province into a global political struggle. They waged their netwar with the Mexican government mostly outside Chiapas, isolating the authorities and pitting them against the force of world opinion. Similarly, networked labor activists turn labor disputes within a corporation into society-wide economic, political and media struggle, isolating corporate management and exposing it to swarming from an unlimited number of directions. Netwarriors choose their own battlefield.

Whether it be disgruntled consumers, disgruntled workers, or networked public advocacy organizations, the basic principles are the same. Jon Husband, of *Wirearchy* blog, writes of the potential threat network culture and the free flow of information pose to traditional hierarchies.

Smart, interested, engaged and articulate people exchange information with each other via the Web, using hyperlinks and web services. Often this information... is about something that someone in a position of power would prefer that other people (citizens, constituents, clients, colleagues) not know...

The exchanged-via-hyperlinks-and-web-services information is retrievable, re-usable and when combined with other information... often shows the person in a position of power to be a liar or a spinner, or irresponsible in ways that are not appropriate. This is the basic notion of transparency....

Hyperlinks, the digital infrastructure of the Web, the lasting retrievability of the information posted to the Web, and the pervasive use of the Web to publish, distribute and transport information combine

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55 "Wal-Mart Nixes 'Open Availability' Policy," *Business & Labor Reports* (Human Resources section), June 16, 2005 <<http://hr.blr.com/news.aspx?id=15666>>.

56 "Say No to Schultz Mansion Purchase," Starbucks Union <<http://www.starbucksunion.org/node/1903>>.

57 Todd Wallack, "Beware if your blog is related to work," *San Francisco Chronicle*, January 25, 2005 <<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2005/01/24/BIGCEAT1101.DTL>>.

to suggest that there are large shifts in power ahead of us. We have already seen some of that .. we will see much more unless the powers that be manage to find ways to control the toings-and-froings on the Web.

....[T]he hoarding and protection of sensitive information by hierarchical institutions and powerful people in those institutions is under siege....<sup>58</sup>

Of course corporations are not entirely oblivious to these threats. The corporate world is beginning to perceive the danger of open-mouth sabotage, as well. For example, one Pinkerton thug almost directly equates sabotage to the open mouth, to the near exclusion of all other forms of direct action. According to Darren Donovan, a vice president of Pinkerton's eastern consulting and investigations division,

[w]ith sabotage, there's definitely an attempt to undermine or disrupt the operation in some way or slander the company.... There's a special nature to sabotage because of the overtness of it—and it can be violent.... Companies can replace windows and equipment, but it's harder to replace their reputation.... I think that's what HR execs need to be aware of because it is a crime, but it can be different from stealing or fraud.<sup>59</sup>

As suggested by both the interest of a Pinkerton thug and his references to "crime," there is a major focus in the corporate world on identifying whistleblowers and leakers through surveillance technology, and on the criminalization of free speech to combat negative publicity.

The eBossWatch "Boss's Tip of the Day" for August 11, 2010 warned against the possibility of employees using the Internet for "cyberlibel":

- Cyberlibel: Disgruntled employees vent their anger by making false and harmful statements about their employers and disseminate them using the Internet. A former CFO was accused of posting messages that his employer's future was "uncertain and unstable" on an investment message board. An Internet post falsely claimed that electronic greeting cards made by Blue Mountain Arts contain a virus that destroys the recipient's computer system when they're opened.<sup>60</sup>

But a much more serious threat to employers is when disgruntled employees vent their anger by making *true* statements about their employers and disseminate them using the Internet.

It's also starting to dawn on employers that the Wikileaks model, specifically, can be used against them just as easily as against the national security state.

More than anything, WikiLeaks underscores the ease at which employees can expose massive amounts of internal documents to the public anonymously, with a simple click of the mouse. Instead of stealing boxes of paper documents, employees today only need a thumb drive, which they can easily slip in their pocket and walk out the door. Worse still, they can upload several gigabytes of sensitive data to online storage sites or remote computer servers without ever leaving their desks....

Bill Prachar, a partner with the law firm Compliance Systems Legal Group, says he worries that sites like WikiLeaks will start to dictate the way companies operate for fear that the public may perceive certain decisions the wrong way. "One hopes that companies can operate without the paranoia of how it may appear on WikiLeaks," says Prachar. But there's always the risk that something will be taken out of context, he says.

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58 Jon Husband, "How Hard is This to Understand?" *Wirearchy*, June 22, 2007 <[http://blog.wirearchy.com/blog/\\_archives/2007/6/22/3040833.html](http://blog.wirearchy.com/blog/_archives/2007/6/22/3040833.html)>.

59 Jennifer Kock, "Employee Sabotage: Don't Be a Target!" <<http://www.workforce.com/archive/features/22/20/88/mdex-printer.php>>.

60 "Boss's Tip of the Week #28: The Internet: How to Keep an Asset from Becoming a Liability (or a Lawsuit)," eBossWatch, August 11, 2010 <<http://blog.ebosswatch.com/2010/08/boss-tip-of-the-week-28-the-internet-how-to-keep-an-asset-from-becoming-a-liability-or-a-lawsuit/>>.

Or that they'll change the way they operate, rather, out of fear the public may perceive their decisions entirely correctly. Interestingly Keith Darcy, quoted in the same article, suggests that one way for organizations to immunize themselves against the Wikileaks threat is to "create a culture of trust, one in which employees feel a sense of shared ownership in the reputation and the brand of the organization." In other words, the corporation needs to behave in a less authoritarian manner—change the way it operates—to reduce the threat of having its public image destroyed by disgruntled workers.

Even more interestingly, Darcy mentions responding quickly and fairly to internal whistleblower complaints as part of that culture of trust:

Companies should also communicate that whistleblowers will be protected and treated with respect. Whistleblowers will often report a problem internally before they go to authorities if they feel like the company won't retaliate against them. "The burden is on us to make sure when people speak to us internally that we act as quickly as possible to resolve and settle those investigations," Darcy says.<sup>61</sup>

This is another example of the general phenomenon, described earlier, by which competition with networks either destroys hierarchies or forces them to become less hierarchical and authoritarian.

The problem with an authoritarian approach to punishing "cyber-smears," from the standpoint of the bosses and their state, is that before you can waterboard open-mouth saboteurs at Gitmo you've got to *catch them* first. And attempts to suppress negative speech are the best way to guarantee a much wider audience for it. If the litigation over Diebold's corporate files and emails teaches anything, it's that court injunctions and similar expedients are virtually useless against guerrilla netwar. The era of the SLAPP lawsuit is over, except for those cases where the offender is considerate enough to volunteer her home address to the target. Even in the early days of the Internet, the McLibel case turned into "the most expensive and most disastrous public-relations exercise ever mounted by a multinational company."<sup>62</sup> As we already noted, the easy availability of web anonymity, the "writeable web" in its various forms, the feasibility of mirroring shut-down websites, and the ability to replicate, transfer, and store huge volumes of digital information at zero marginal cost, means that it is simply impossible to shut people up. The would-be corporate information police will just wear themselves out playing whack-a-mole. They will be exhausted and destroyed in exactly the same way that the most technically advanced army in the world was defeated by a guerrilla force in black pajamas.

## Networked Labor Platforms

Alexander White argues that networked activist movements in general are eclipsing traditional advocacy organizations in importance, driven largely by the disruptive explosion of network communications technologies and social media—and this is nowhere more true than in the labor movement. He points to a 2013 victory over Brisbane Airport management by United Voice, an airport workers' union, resulting from an online petition on CoWorker.or (an online support platform for labor campaigns) that drew publicity and embarrassed management. The key takeaway: "Although it was the union who had done most of the organization behind the scene, there was nothing union-specific about the tactic which had resulted in the win. Anyone could have set up that petition."

In fact, the CoWorker site is filled with examples of everyday people organising actions in the workplace where there is a union vacuum. People within and outside a workplace are coming together very

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61 Jaclyn Jaeger, "Wikileaks: The Other Whistleblower Problem, AllBusiness.com, April 1, 2011 <<http://www.allbusiness.com/government/government-bodies-offices-us-federal-government/16400952-1.html>>.

62 "270-day libel case goes on and on...," *Daily Telegraph*, June 28, 1996 <<http://www.mcspotlight.org/media/thisweek/jul3.html>>.

quickly to take action on a specific issue. Union campaigners should be both heartened and worried at this.

If workers don't need a union institution to win change in their workplace, what will cause them to join in the future?<sup>63</sup>

“Godfrey,” an Australian who blogs on labor issues, proposes the “direct union” as an expedient by which union organizations can be detached from individual workplace locals, and workers in a given industry can network through participatory union websites. He wants to separate unionism from the workplace. In an era of declining work hours, unemployment and underemployment, and outsourcing to temp agencies, a model of unionism centered on those directly employed in the workplace is vulnerable to strategic encirclement, as workers still employed in old-line union industries are pitted against the unemployed.

However, the technological development of the capitalist economy has reached a stage where it just needs less workers per unit of output. In other words, more and more of us will experience not being in paid employment – whether through a sheer lack of available jobs, being physically broken by the intensity of work, or just having the bad luck to live in an ecologically exhausted community. Thus, as a matter of theory, for a *direct* Union act as a vehicle to get us safely through the danger of barbarism/collapse it needs a mechanism to organise the workforce that is necessarily locked out of work. The community membership is one such solution.

The first reason the community membership has the capacity to have a transformational impact is the focus on activist training. It takes those who feel the hardest blow of corporate power and gives them the theory, tools and capacity to fight. This alone opens up possibilities. The second reason, is the emphasis on establishing community branches. Many unions already have retired members associations, and they've hardly shook the world. But this system embeds people into their local community and allows for meaningful cooperation between community members and traditional union members who live in the local community. It can either network into or form the beginnings of direct democracy neighbourhood assemblies. This means it can provide the platform for working people to engage directly in the political process without becoming captive to the party system. Community branches can come together to work out whether to run, endorse or support any candidates for political office (or not), or what direct campaigns to push in the local area such as a rent strike/ direct interventions against evictions. It's here the interactive capacity of the overall Union website gets interesting because it allows for effective local and radical solutions to very quickly become national or even international in scope.<sup>64</sup>

This community-based unionism includes, first of all, Alexis Buss's *minority unionism*:

Minority membership may, at first, not appear to be so inspirational. It is a recognition that a worker is in a workplace where the employer holds significant power and there is no immediate prospect that a majority of the workers at the site will bind together as a union. But look beneath its modest outer layers and you will find a radical centre with an *insurrectional* beginning. Minority membership is a way of, in the IWW tradition, encouraging workers to start to act together on the job regardless of whatever the contemporary legal strictures around collective bargaining or majority union recognition...

There is no *Direct* unionism without minority membership. Minority membership provides the structural foundation for a worker to remain a member while moving from places covered by a union agreement to those that do not have a union agreement... And when more and more of us can only find temporary or insecure work, joining the union movement must be about more than a transactional relationship tied to a particular employer. This leads, however, to two further questions.

First, what sort of infrastructure would a union require to implement a successful minority membership program? ...[An] interactive website that provides both legal and organising advice and assistance

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63 Alexander White, “Is this the future of unions?” *Alex White*, March 19, 2014 ><http://alexwhite.org/2014/03/future-unions/>>.

64 Godfrey, “An Indestructible Union (Part 9),” *Godfrey's Blog of Claims*, July 22, 2012 <<http://tradeunion.wordpress.com/2012/07/22/an-indestructible-union-part-9/>>.

would be useful. Another component would be a well-staffed membership service centre, so that a minority member may have the opportunity at least to speak with a trained union organizer to get some remote assistance or identify an opportunity for a group of minority members to push for majority status....

Minority membership is a step towards taking the basic power of union recognition away from the hands of employers. Recognise us or not but we are everywhere, and we are rising.<sup>65</sup>

#### IV. Examples of Networked Labor Struggle in Recent Years

We've already discussed one example of networked unionism: the Coalition of Imolakee Workers. Here are some more.

**Restaurant Opportunities Center.** The Restaurant Opportunities Center is a networked labor organization for restaurant workers who are not represented by traditional workplace-based unions.

On a warm evening in July, the Chrysler Center Capital Grille in Midtown Manhattan had more than customers to contend with. Inside, diners feasted on a \$35 prix fixe dinner as part of the city's Restaurant Week promotion. Outside, protesters handed out mock "menus": "First course: Wage Theft. Second course: Racial discrimination." Some passersby rolled their eyes; others pumped their fists. Dishwasher Ignacio Villegas yelled: "No more exploitation of workers!" His fellow demonstrators—a few co-workers and a couple of dozen staffers and activists from the Restaurant Opportunities Center (ROC)—picked up the chant, Occupy-style.

The protest was one of many the center has mounted since 2011 against the Capital Grille and its corporate parent, the restaurant giant Darden Inc. (It owns the Olive Garden and Red Lobster chains, among others.) Villegas helped sign up nearly half of the Capital Grille's staff to join a class-action lawsuit the ROC filed against Darden, alleging that the company violated minimum-wage laws and forced employees to work off the clock....

Helping aggrieved dishwashers, cooks, and waitstaff take legal action against companies that violate the law, and organizing street actions to pressure management, are the hallmarks of the ROC's efforts to improve working conditions in the low-wage restaurant business. "Our approach," says ROC deputy executive director Sekou Siby, "is to surround the industry." Nationally, the center has won settlements against 13 employers, winning about \$6.5 million in back wages and penalties, since its inception in 2001....

The ROC is a labor group. But it's not a union. It represents a new face of the U.S. labor movement—an often-ignored, little-understood array of groups organizing workers without the union label. As unions face declining membership these workers' groups—like the mostly union-free job sectors they organize—are on the rise, particularly in New York. Because of their efforts, more restaurant workers in the city get paid sick days, domestic workers receive overtime pay, and taxi drivers will soon have health insurance.

Twenty years ago, when Rutgers labor professor Janice Fine first set out to count the nonunion groups that were organizing and mobilizing workers, she found just five in the entire country. Today, her tally stands at 214.... They go by names like "workers' centers" and "workers' alliances." Some are rooted in the immigrant-rights movement as much as the labor movement. Lacking the ability to engage in collective bargaining or enforce union contracts, these alternative labor groups rely on an overlapping set of other tactics to reform their industries. The ROC teaches workers their rights and also restaurant skills; advises and publicizes model employers; and helps organize protests like the ones at Capital Grille, making customers aware of what goes on behind the dining room. The ROC also lobbies state and local lawmakers for reforms and helps workers take legal action when all else fails.

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65 Godfrey, "An Indestructible Union (Part 10)," *Godfrey's Blog of Claims*, August 5, 2012 <<http://tradeunion.wordpress.com/2012/08/05/an-indestructible-union-part-10/>>.

“Workers come to us with specific complaints,” says ROC founder Saru Jayaraman. “Then we’re able to talk to them about all of the things that they’d like to see change in their workplace. That’s what we base our campaigns on.” While the center only goes after companies that have allegedly broken the law, its legal settlements often require those companies to go above and beyond the law, by instituting new benefits like paid time off or creating formal procedures for workers to register grievances. Employers who violate the settlements risk both legal penalties and the resumption of pressure campaigns.<sup>66</sup>

**OUR Walmart and the Fast Food Strikes.** On October 4, 2012 dozens of Walmart workers walked out of a store in Pico Rivera, California for a one-day strike. They were joined by supporters in a rally outside the store. The walkout reflected behind-the-scenes organizing by OUR Walmart, an organization which is supported by the United Food and Commercial Workers but has never sought official recognition as a bargaining agent under the terms of the Wagner Act. The mostly quiet activism of OUR Walmart in local stores was met by management retaliation against worker complaints—one of the main grievances behind the walkout.<sup>67</sup>

This kind of campaign is apt to be far more effective as a means of redressing grievances than a traditional NLRB certification campaign.

...University of California labor historian Nelson Lichtenstein predicted that in the event of a Wal-Mart employee strike, public relations would play a bigger role in restricting Wal-Mart’s response than any legal restrictions. If a work stoppage mustered “a substantial number of the workers” in a store, he said, then “a tougher response would be a PR disaster.”

Lichtenstein, the author of “The Retail Revolution: How Wal-Mart Created a Brave New World of Business,” said that if workers at one Wal-Mart store went on strike indefinitely, “they’d just close the store, period. And it would be open with a whole new workforce in a week or two. And then it would be litigated for the next three years ...” On the other hand, he said, “If every month or so, the workers at a Wal-Mart store walked out, like a three-hour walkout, and then they went back in, that would have tremendous impact.” Brief walk-outs have happened at U.S. Wal-Mart stores in the past, but they’ve never involved multiple stores.<sup>68</sup>

The walkout resumed the next week, starting with a Walmart store in Los Angeles, on Oct. 9 and spreading to 28 stores in a dozen cities by the next day. Hundreds of Walmart workers (er, excuse me, “associates”) protested outside company headquarters in Bentonville. Spokespersons for striking workers around the country took advantage of the publicity to expose the dirt on working conditions in Walmart stores, including cuts in hours and other reprisals against workers who raised concerns against local management.<sup>69</sup>

OUR Walmart threatened to “make Black Friday memorable for them” if Walmart did not address protesters demands and cease retaliation against workers attempting to organize. The statement was backed by the National Consumers League, the National Organization of Women, and the Labor Council for Latin American Advancement. Activities suggested for Black Friday included strikes, leafleting, and flash mobs. Protesting workers outside stores would ask customers “whether they really want to spend their dollars on a company that treats workers this way.”<sup>70</sup>

66 Josh Eidelson, “Alt.Labor,” *The American Prospect*, January 29, 2013 <<http://prospect.org/article/alt-labor>>.

67 Eidelson, “Walmart Workers on Strike,” *Salon*, October 4, 2012 <[http://www.salon.com/2012/10/04/walmart\\_workers\\_on\\_strike/singleton/](http://www.salon.com/2012/10/04/walmart_workers_on_strike/singleton/)>.

68 Eidelson, “Walmart Workers on Strike.”

69 *Ibid.*; Steven Greenhouse, “Wal-Mart Labor Protests Grow, Organizers Say,” *New York Times*, October 10, 2012 <<http://www.nytimes.com/2012/10/10/business/organizers-say-wal-mart-labor-protests-spread.html>>; Eidelson, “Walmart’s Black Friday Ultimatum,” *Salon*, October 10, 2012 <[http://www.salon.com/2012/10/10/walmart\\_strikers\\_raise\\_the\\_stakes\\_with\\_black\\_friday\\_ultimatum/](http://www.salon.com/2012/10/10/walmart_strikers_raise_the_stakes_with_black_friday_ultimatum/)>.

70 *Ibid.*



Here are some examples of the open mouth sabotage carried out on the back of publicity generated by the campaign:

Since its founding last year, OUR Walmart has called for improvements in pay, benefits, and staffing. At an OUR Walmart forum for financial analysts last week, 13-year worker Lori Amos, a former salaried manager and current backroom receiving associate, charged that systemic understaffing is undermining operations at her store in Washington state. Over the summer, said Amos, her store threw out 2,000 pounds of Halloween candy that never made it from the backroom to the shelves for Halloween. “The really sad part?” added Amos. “Management tried to sell the candy first. It was expired...the chocolate had kind of turned to a white sheen.”

OUR Walmart isn’t calling for union recognition. But members allege that Walmart has still responded to their organizing with a classic union-busting campaign: Threatening and punishing workers for organizing (this is illegal, and Walmart denies it’s happened) and mandatory meetings bashing OUR Walmart (these are legal, and Walmart doesn’t deny them). OUR Walmart and its members have filed dozens of charges against the company with the National Labor Relations Board.<sup>71</sup>

In subsequent weeks, Walmart workers continued to carry out labor actions in anticipation of the Black Friday Strike. For example, on Nov. 2, 2012, workers from a Richmond Walmart, along with representatives of OUR Walmart and the UFCW, spoiled the grand reopening of their store.<sup>72</sup>

The actual Black Friday strike itself had mixed results. It involved up to a thousand Walmart stores in over a hundred cities in 46 states, with somewhere over 500 Walmart employees participating. The typical local action was a handful of striking workers picketing a Walmart store, backed by up to several hundred sympathizers (sometimes including prominent social justice activists or politicians). The effects on staffing or volume of business at most stores appeared to be negligible.<sup>73</sup>

Even so, it was by far—in Josh Eidelson's words—“the strongest ever North American challenge to Walmart.” Eidelson describes, in retrospect, the new pattern taken by the movement:

The new campaign faces daunting odds and extreme versions of the hurdles facing US workers everywhere.... But with a new organizing strategy and a savvy focus on Walmart’s supply chain vulnerability, this attempt has come closer than any at forcing change from the dominant player in our economy....<sup>74</sup>

The weeks leading up to the campaign saw the creation of a nationwide networked communications infrastructure designed to outlast the first tentative flexing of its muscle. Even the first, relatively modest campaign drew unprecedented nationwide publicity and embarrassment to the retail giant. What’s particularly promising is OURWalmart’s focus on supply chain vulnerabilities. Also promising that Walmart was deterred, by and large, from firing any of the hundreds of participating workers in the aftermath of the strike, emboldening workers in many local stores to double the membership of OURWalmart.<sup>75</sup>

Taken all together, with actions by warehouse workers and workers in Walmart’s suppliers, Eidelson calls what Walmart experienced “an unprecedented wave of work stoppages throughout the retail giant’s US supply chain.”<sup>76</sup>

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<sup>71</sup> *Ibid.*

<sup>72</sup> Jennifer Baires and Tawanda Kanhema, “Protests mar Walmart Supercenter’s re-opening in Richmond,” *Richmond Confidential*, November 2, 2012 <<http://richmondconfidential.org/2012/11/02/protests-mar-walmart-supercenters-re-opening-in-richmond/>>.

<sup>73</sup> Steven Greenhouse, “Wal-Mart Dismisses Labor Protests at its Stores,” *NYT*, November 23, 2012 <<http://www.nytimes.com/2012/11/24/business/wal-mart-dismisses-labor-protests-at-its-stores.html>>.

<sup>74</sup> Josh Eidelson, “The Great Walmart Walkout,” *The Nation*, December 19, 2012 <<http://www.thenation.com/article/171868/great-walmart-walkout#>>.

<sup>75</sup> *Ibid.*

<sup>76</sup> Eidelson, “Alleging a New Wave of Retaliation, Walmart Workers Will Strike a Day Earlier,” *The Nation*, November 13, 2012 <<http://www.thenation.com/blog/171222/when-walmart-workers-strike-what-you-need-know-and-what-happens-next>>.

This kind of grassroots unionism, outside the National Labor Relations Board's certification process, involves a return to many of the practices—socially-based unionism, minority unionism, etc.—that we discussed above in this chapter.

- OUR Walmart transcends the union/non-union dichotomy... It sets up an immediate structure that is available for Walmart workers that is not dependent on collective bargaining procedures. It does not need to win recognition or engage in a complicated ballot process. It can start directly campaigning and acting on the issues that matter for the workers....
- It introduces the concept of the membership continuum – OUR Walmart members pay a contribution of \$5/month. This is a lot less than regular contributions but it's enough to set them up with a campaign and a functioning organisation until they have sufficient power to win union contracts.
- It allows for direct engagement between workers through North America. The forrespect.org website has a series of discussion boards and policy wikis where members can talk about issues of importance to them and swap critical information.
- It has avenues for direct and official international solidarity. Walmart is a massive global company so to win justice OUR Walmart workers need to be able to draw on a well of global solidarity. The campaign's use of social media to allow the campaign and its actions to play out in front of a global audience is part of this, but moreover that audience is encouraged to participate by funding striking workers. On an official level the global union federation that includes retail workers in its coverage, UNI Global, has launched an international organising campaign targeting Walmart called Alliance @ Walmart.
- ...It cannot be defeated by closing a store, or scaring workers in a given area into voting down union recognition....

What this all adds up to is a permanent campaigning structure, while it may ebb and flow in terms of momentum, that can never be stopped. It will keep flowing on towards victory.<sup>77</sup>

According to David Moberg,

OUR Walmart strategists describe their organization as “open source,” meaning that it provides resources for workers to self-organize, rather than waiting for a paid staff organizer. The Internet and social media have proven crucial in this effort, says Schlademan. “We’re trying to create as many pathways as possible for people to self-organize,” he says. “If we tried to do this in the conventional way, we’d never get there.”<sup>78</sup>

OUR Walmart's focus on wildcat strikes attacking the supply chain at its most vulnerable points is a return to pre-Wagner precedents. Global just-in-time supply chains are extremely vulnerable to disruption. Walmart's revolutionary model of computer inventory management and “warehouses on wheels” is the weapon by which it achieved dominance in the retail sector and displaced older retail giants like K-Mart and Sears. But that model also leaves it wide open to attack. As Matthew Cunningham-Cook puts it, workers are “using globalization against Walmart.”

...[T]hese wildcat strikes are a reminder that, if American workers are to have a better-organized future, they will have to better understand where their corporate opponents are vulnerable.

...[S]uch wildcat strikes on multiple levels of the supply chain at Walmart are unprecedented, and groups like OUR Walmart and Warehouse Workers for Justice are planning to escalate the campaign in the coming weeks....

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<sup>77</sup> “#Walmartstrike and the union resurgence | Godfrey’s Blog of Claims,” *Social Network Unionism*, November 26, 2012 <<http://snuproject.wordpress.com/2012/11/26/walmartstrike-and-the-union-resurgence-godfreys-blog-of-claims/>>.

<sup>78</sup> David Moberg, “The Walmart Revolt,” *In These Times*, January 1, 2013 <[http://inthesetimes.com/article/14297/the\\_walmart\\_revolt/](http://inthesetimes.com/article/14297/the_walmart_revolt/)>.

Workers at key points in the supply chain can create massive disruptions in the process. A report conducted in 2002 found that a West Coast longshoremen lockout cost the U.S. economy \$2 billion daily. And, in the recent strike of just two dozen subcontracted Walmart warehouse workers in Elwood, Illinois, the strikers heard reports from allies at Walmart retail stores in the region that there were already shortages of goods. This occurred less than 10 days into the strike, Elwood warehouse worker Mike Compton told me.

By focusing on key links in the supply chain, and by using a strike at the beginning of an organizing campaign instead of at the end, Walmart workers are not only taking advantage of the company's 21st-century weaknesses. They're also harkening back to an earlier form of union organization, which was far more common prior to the passage of the Wagner Act of 1935....

...The magazine *Labor Notes*... has been analyzing the trends taking place on the supply chain and the global organization of labor for the past two decades.

"Here we have a company, Walmart, that's not producing anything, but is selling things," says Jane Slaughter, its co-founder and co-editor. "Walmart is the master of lean supply, they are known for squeezing every cent out of their suppliers. Walmart depends on daily deliveries, and if workers can throw a monkey wrench in that, it will cause them significant problems."

A report by Warehouse Workers for Justice explains why it makes sense for organizers to focus on a place like Elwood in particular, given its location on the outskirts of Chicago:

*The Chicago area is the only place in North America where six Class I railroads meet. Warehouses, distribution centers, container storage locations and intermodal facilities dot the landscape. The strategic node of transportation that exists in the greater Chicago area, dubbed the "Midwest Empire," is a crucial link in the intermodal movement of goods in the United States....*

That the two-dozen workers were able to get back to work after their time on strike — with full back-pay — is a far cry from most labor organizing campaigns, in which there is a one-in-three chance that an employer will retaliate by firing, and in which there are usually rampant threats and interrogations leading up to an election. But in Elwood managers seem to be terrified.

The importance of this link on the Walmart supply chain was indicated quite clearly by the response of the state of Illinois to a protest by Warehouse Workers for Justice and its community allies: police in riot gear, along with threats of deploying long-range acoustic devices and projectiles. The fact that a small minority of workers at a warehouse were able to cause such fear from management leads one to think that such links in the supply chain are just as tenuous as labor researchers have thought them to be.

The first strike of this autumn of discontent was among warehouse workers in Mira Loma, and workers went back to work with safety improvements. But the significant victory in Elwood — caused in part by its key location on the supply chain — now gives Walmart workers across the country a real and concrete victory to point to and to work from as they escalate toward a national day of protest on Black Friday.<sup>79</sup>

And this kind of supply chain vulnerability is hardly limited to Walmart. Apple's inventory, for example, turns over every five days.<sup>80</sup> Imagine the implications for Chinese sweatshop workers, longshoremen, etc., who want to bring the company to their knees. Imagine day six, when the American shelves are bare, and cable news shows labor leaders calling for solidarity from American consumers against their sweatshop working conditions.

*Global Picketline*, a 2015 publication by Australia-Asia Worker Links, recommends systematic attacks at the most vulnerable points of corporate supply chains as part of a comprehensive strategy.

A production map shows

- where the raw materials or assembly products come from,

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79 Matthew Cunningham-Cook, "How Workers are Using Globalization Against Walmart," *Waging Nonviolence*, October 24, 2012 <<http://wagingnonviolence.org/2012/10/how-workers-are-using-globalization-against-walmart/>>.

80 Mikey Campbell, "Apple turns over entire inventory every five days," *AppleInsider*, May 31, 2012 <[http://appleinsider.com/articles/12/05/31/apple\\_turns\\_over\\_entire\\_inventory\\_every\\_five\\_days.html](http://appleinsider.com/articles/12/05/31/apple_turns_over_entire_inventory_every_five_days.html)>.

- how they reach a company,
- where critical assembly or processing happens, and
- how products are shipped out....

A production map is developed to identify critical points where a company is vulnerable to disruption, and where their profits can be affected most easily. For example a mine may use a particular dock to ship goods, or a particular machine may be essential to the final product.

Once identified, these critical points can be targets of solidarity actions like pickets or occupations.<sup>81</sup>

Workers can't afford long disputes with no pay, but companies can't live without profit either. Coordinated campaigns need to cause companies maximum loss of profits and prestige, so workers win disputes.<sup>82</sup>

Workers solidarity becomes stronger when joint actions are undertaken. These will be planned, coordinated activities in more than one country that target a particular company or industry directly. These protests and actions then form part of an ongoing, mutual solidarity campaign involving workers with agreed objectives in different countries.<sup>83</sup>

Supply chain disruption has a venerable place in American labor history. National and regional general strikes have generally had transportation worker strikes at their core. Grover Cleveland's military intervention in the Pullman Strike probably prevented it from becoming the largest—and most successful—general strike in American history. The National Railway Labor Relations Act was passed to prevent that from ever happening again. In the 1930s regional general strikes centered on St. Louis, Detroit and California only achieved general strike status when teamsters or longshoremen entered the picture. Taft-Hartley's mandatory cooling off provisions, and its prohibitions on sympathy strikes, were intended to prevent transport workers from turning strikes in particular industries into general strikes.

Most recently, in December 2012, there was widespread business press discussion of how badly a looming strike at fourteen East and Gulf Coast ports—which was averted at the last minute—might hurt the U.S. Economy. A similar strike on the West Coast in 2002 resulted in a 4% reduction in output for the period it was in effect.<sup>84</sup> But that probably underestimates the effect on a company like Walmart, if such a transport strike were part of a larger coordinated campaign with Walmart suppliers and workers in Walmart stores and distribution centers themselves.

And finally the overwhelming success of the Block the Boat campaign against the Israeli shipping company Zim in Fall 2014, in protest against the Israeli assault on Gaza, demonstrates the vulnerability of global corporations to disruption of their just-in-time model.

The Walmart Black Friday action seemed to give impetus to other labor actions following the networked model of the CIW and other organizations. On November 29, workers in a number of fast food chains in New York walked off the job at dozens of stores.

New York Communities for Change organizing director Jonathan Westin told Salon the current effort is “the biggest organizing campaign that’s happened in the fast food industry.” A team of 40 NYCC organizers have been meeting with workers for months, spearheading efforts to form a new union, the Fast Food Workers Committee. NYCC organizers and fast food workers have been signing up employees on petitions demanding both the chance to organize a union without retaliation and a hefty raise, from near-minimum wages to \$15 an hour.<sup>85</sup>

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81 *Global Picketline: How Workers Can Win* (Australia Asia Worker Links, May 2015), p. 11.

82 *Ibid.*, p. 13.

83 *Ibid.*, p. 14.

84 Brad Plumer, “Could a port strike really cripple the U.S. economy?” *Wonkblog*, December 27, 2012 <<http://www.washingtonpost.com/blogs/wonkblog/wp/2012/12/27/could-a-port-strike-really-cripple-the-u-s-economy/>>.

85 Josh Eidelson, “In rare strike, NYC fast-food workers walk out,” *Salon.com*, November 29, 2012 <[http://www.salon.com/2012/11/29/in\\_rare\\_strike\\_nyc\\_fast\\_food\\_workers\\_walk\\_out/](http://www.salon.com/2012/11/29/in_rare_strike_nyc_fast_food_workers_walk_out/)>.

And labor action in the fast food industry continued to pick up steam in the spring of 2013. Dozens of employees walked off the job at McDonald's, Wendy's, Hardee's and Domino's in St. Louis, following similar strikes in New York City on April 4 and Chicago on April 24. Workers participating in all of the strikes demanded a \$15/hour wage and recognition of their right to organize a union without intimidation.

"It's clearly getting national traction," said Ed Ott, a lecturer in labor studies for the City University of New York, consultant for unions, and board member of New York Communities for Change, the group spearheading fast food organizing in the nation's largest city. "This is potentially the largest organizing drive in decades."

All the strikes have been backed by local coalitions of unions and community organizing groups.

The limits of some of labor's other tactics – working through the government-supervised union election process; relying on P.R. campaigns to compel companies to negotiate; backing Democrats in hopes they'll fix labor law—help explain why organizers are taking up the strike, despite all of the challenges that come with it.

Some of the features these recent strikes share in common can best be understood as strategies for dodging those obstacles: striking for just one day in order to draw more workers, and more attention, at less risk; citing labor law violations as a cause for the strikes in order to bolster workers' legal protection; staging actions with a minority of the workforce in hopes that it will inspire more of their co-workers to get involved.

None of these strikes has so far brought their targets to the table. "It's not something you can do in six months," said Ott, a consultant for unions and former executive director of the New York Central Labor Council. "They're laying siege to an industry, and they're going to change it."

There's no reason to think such a victory is anywhere close to happening. To win, organizers would need to convince CEOs (not the individual franchisees who own stores on paper) that negotiating with workers would be less painful than fighting with them. Whether that's possible depends in part on how effectively these efforts cultivate leaders ready to organize their co-workers – and on how many more cities see strikes.

In the meantime, the campaign says that the strikes have achieved some local victories – individual stores where managers have responded by improving pay or scheduling. More significant is what *hasn't* happened: Organizers say that in the vast majority of cases, workers who struck in New York and Chicago haven't been punished for it. After each strike, workers returning to work have been accompanied into their stores by clergy, politicians or other community supporters, in actions meant to emphasize that the coalitions aren't depending on labor law alone to keep bosses from cracking down on activists.<sup>86</sup>

In any case, they're a dramatic trend, and their possible implications have been drawing a lot of attention from labor movement analysts.

These strikes have been the defining tactic of a new movement of low-wage service workers.... Small groups of workers have launched sudden strikes against big chains such as Wal-Mart and McDonald's, as well as small employers such as car washes, laundries and taxi companies. In many cases, only a minority of employees were involved, sometimes from multiple workplaces. The strikes have typically been sudden and short, lasting just long enough to broadcast their message. A few campaigns have won union recognition; more have won small victories like a pay raise or a scheduling change. But taken together, the campaigns have surprised experts like Kate Bronfenbrenner, director of labor education research at Cornell University, who says she could not have imagined such an upsurge even two years ago.<sup>87</sup>

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86 Eidelson, "Surprise fast food strike planned in St. Louis," *Salon*, May 8, 2013 <[http://www.salon.com/2013/05/08/surprise\\_fast\\_food\\_strike\\_planned\\_in\\_st\\_louis/](http://www.salon.com/2013/05/08/surprise_fast_food_strike_planned_in_st_louis/)>.

87 David Moberg, "Thank You, Strike Again," *In These Times*, July 25, 2013 <[http://inthesetimes.com/article/15235/thank\\_you\\_strike\\_again/](http://inthesetimes.com/article/15235/thank_you_strike_again/)>.

In anticipation of the 2013 Black Friday protests, Walmart workers on November 6 walked off the job in stores throughout Los Angeles, protesting the punitive firing of organizers and demanding the company pay all full-time workers at least \$25,000 a year.<sup>88</sup> About fifty of five hundred protesters outside the Chinatown Walmart were arrested for sitting down in the street and ignoring a police order to disperse.<sup>89</sup>

At *Alternet*, Alyssa Figueroa expressed optimism for the ultimate outcome of the movement, pointing out not only its unprecedented nature but also the speed of its growth as evidence that Walmart workers were shaking off the company's culture of fear.<sup>90</sup>

What Josh Eidelson called “the largest fast-food strike in history” began August 29, 2013.

Fast food workers today plan to mount one-day walkouts against nearly a thousand stores in over fifty cities — the largest-ever mobilization against their growing, low-wage, non-union industry, which until last fall had never faced a substantial U.S. strike. The work stoppage comes four weeks after a four-day, seven-city strike wave in which organizers say thousands walked off the job.<sup>91</sup>

A Detroit McDonald's was forced to close when its work force walked out and a crowd of 200 supporters gathered outside.<sup>92</sup>

After so many fast food strikes in major cities, on increasingly larger scales, the tactic seems to be becoming habit-forming.

For Chicago strikers, many of whom have walked off the job three times this year, confronting management and informing them of the decision to strike is less nerve-racking than it once was.

Strikers strode up to a manager at a downtown Walgreens and, without so much as blinking, delivered a letter explaining they were walking off the job; at a Bed, Bath and Beyond in the Loop, workers strode around the store encouraging coworkers to strike with them, seemingly unconcerned about what the watching manager thought...

The strikes also seem to have legitimated walking off the job as a tactic for workers, even those without a union.<sup>93</sup>

The movement organized a one-day strike in a hundred cities for December 5, 2013.<sup>94</sup>

One shortcoming of the growing fast food movement is that it appears to be driven to a large extent by top-down efforts of the conventional labor establishment. According to Adam Weaver of the I.W.W.,

This is significant in that this is helping to popularize the use of strikes as a tactic, even for workers who are not formally part of a union, and the idea of the tactic and the experience gained can be built upon. But at the same time an on the ground analysis is needed by folks on that left that doesn't mistake this for what this is not—SEIU isn't building a movement to organize workers and fight bosses.

Instead of a ‘march on the boss’ directed towards the corporations robbing workers daily, rather this is a ‘march on the media’ where the strikes serve as the visuals in a narrative of worker protest crafted

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88 “LA Walmart Workers Go On Strike,” *Popular Resistance*, November 7, 2013 <<http://www.popularresistance.org/la-walmart-workers-go-on-strike/>>.

89 Kathleen Miles, “Largest Civil Disobedience In Walmart History Leads To More Than 50 Arrests,” *Huffington Post*, November 8, 2013 <[http://www.huffingtonpost.com/2013/11/08/walmart-arrests\\_n\\_4227411.html?view=print](http://www.huffingtonpost.com/2013/11/08/walmart-arrests_n_4227411.html?view=print)>.

90 Alyssa Figueroa, “7 Signs the National Outcry Against Walmart Will Lead to Big Changes,” *Alternet*, November 22, 2013 <<http://www.alternet.org/activism/7-signs-national-outcry-against-walmart-will-lead-big-changes>>.

91 Josh Eidelson, “Largest fast food strike ever today: 58 cities will be affected,” *Salon*, August 29, 2013 <[http://www.salon.com/2013/08/29/largest\\_fast\\_food\\_strike\\_ever\\_today\\_50\\_cities\\_will\\_be\\_affected/](http://www.salon.com/2013/08/29/largest_fast_food_strike_ever_today_50_cities_will_be_affected/)>.

92 “Local McDonald's Forced To Close Amid Protest For Higher Wages,” *CBS Detroit*, August 29, 2013 <<http://detroit.cbslocal.com/2013/08/29/local-mcdonalds-forced-to-close-amid-protest-over-higher-wages/>>.

93 Micah Uetrict, “Fast Food Strike Tactics Are Debated,” *In These Times*, August 30, 2013 <<http://portside.org/2013-08-31/fast-food-strike-tactics-are-debated>>.

94 Steven Greenhouse, “Wage Strikes Planned at Fast Food Outlets,” *New York Times*, December 1, 2013 <<http://www.nytimes.com/2013/12/02/business/economy/wage-strikes-planned-at-fast-food-outlets-in-100-cities.html>>.

by professional media consultants. Actions are scripted and run by the staff (themselves young, over-worked, underpaid and working to meet difficult mobilization quotas) and the ultimate shots are called by officials in Washington, DC, not spontaneously by workers from below like the picture painted would lead you to believe.

Speaking to workers involved in the campaign in several cities on the condition of anonymity I was told stories of how when important shifts in the public direction of the campaign were made they were instructed to state publicly “the workers made this decision.” A national conference was held in Detroit August 15-16 by the campaign with 7-800 attendees from the core cities of the campaign, a large number being campaign staff as well. Here workers were guided through a rapid fire pep rally, where they were handed a pre-written agenda and presented with the pre-packaged plan of the August 29 strike as the only decision of the meeting. No further discussion of the direction of the campaign was had. As one worker who was involved the past strikes and who attended the conference as a member of the staff selected steering committee said, that this is when they realized “maybe this isn’t our movement, but this is really their [SEIU’s] movement.”

As to where the campaign is headed the rumors leaked so far are that SEIU is still up in the air about which direction to take this effort. One possible route is a focus on major chains aimed towards a neutrality or industry standards agreement and would likely include SEIU agreeing to lobby for some sort of pro-restaurant industry tax breaks similar to what SEIU did in the California nursing home industry in promising to lobby the heavily Democratic state government for pro-industry legislation in exchange for industry wide union recognition which included agreements barring workers from striking or speaking out on their working conditions. I think this route is unlikely and not very realistic.

The second and I believe more likely route would be a move towards a range of legislative efforts including state ballot initiatives allowing cities and counties to set their own minimum wage. A third potential direction might be a combination of both employer agreements and legislation such as previous efforts of unions such as HERE to raise wages through legislation but which exempted workers covered by union agreements.<sup>95</sup>

May 15, 2014 saw the first coordinated global one-day strike against fast food chains around the world. Largely inspired by the recent US movement, it kicked off in New Zealand. “There were protests across Asia, in South Korea, India, Indonesia, Hong Kong and Japan, in 150 US cities, and across Europe: in Ireland, Denmark, Italy, Belgium, Switzerland and more. In all, workers in 30 countries participated.”<sup>96</sup> And in August fast food workers across the US launched protests demanding a \$15/hour wage that included nonviolent civil disobedience, with home health workers also participating.<sup>97</sup>

A year later, Steven Greenhouse and Jana Kasperkevic at *The Guardian* described the Fight For \$15 demonstrations on April 15 of 2015 as “the largest protest by low-wage workers in US history.”<sup>98</sup>

**Global Solidarity.** With the globalization of supply chains comes the need for global solidarity between the workers at different points in these supply chains around the world. From the standpoint of the American labor movement this means, rather than seeing sweatshop workers in the Third World not as competitors threatening our jobs, but as comrades and fellow victims we should encourage to organize. The proper approach to offshoring is not to erect new trade barriers, but to encourage direct action by workers produc-

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95 Adam Weaver, “Fast Food Workers Strike: What is and what isn’t the Fight for Fifteen campaign,” *Machete 408*, August 29, 2013 <<https://machete408.wordpress.com/2013/08/29/fast-food-workers-strike-what-is-and-what-isnt-the-fight-for-fifteen-campaign/>>.

96 “Global strike by fast food workers,” *Union Solidarity International*, May 15, 2014 <<https://usilive.org/global-strike-by-fast-food-workers/>>.

97 Steven Greenhouse, “Fast-Food Workers Seeking \$15 Wage Are Planning Civil Disobedience,” *New York Times*, September 1, 2014 <<http://www.nytimes.com/2014/09/02/business/fast-food-workers-seeking-higher-wages-plan-another-strike.html>>.

98 Chris Wright, “Fight for \$15 marks a new era of workers’ struggle in the US,” *ROAR Magazine*, May 1, 2015 <<http://roarmag.org/2015/05/fight-for-15-low-wage-workers/>>.

ing for Walmart vendors and suppliers in China or Vietnam. And in fact that sort of thing seems to be on the upswing.<sup>99</sup>

And as Emmanuel Wallerstein argues, the kind of networked activism made possible by new communications technology has seriously eroded the earlier advantages presented by the mobility of capital.

Ever since there has been a capitalist world-economy, one essential mechanism of its successful functioning has been the runaway factory....

...What this means is that the site of production was transferred to some other part of the world-system that had "historically lower wage levels."...

The problem for the multinationals is that the incredible expansion of communications has caused the end of the win-win situation. Workers in Cambodia today have begun syndical action after only a few years.... There are strikes and pressure for higher wages and benefits, which they are receiving. This of course reduces the value for the multinationals of moving to Cambodia, or Myanmar, or Vietnam, or the Philippines. It now turns out that the savings of moving from China are not all that great....

The bottom line is that the combination of already enormous and still increasing de-ruralization and the rapidity with which workers can learn of their relatively low wages and therefore begin to take syndical action has resulted in a continuing rise in the pay levels of the least skilled workers, and therefore a worldwide negative pressure of the possibilities of accumulating capital. This is not good news for the large multinationals.<sup>100</sup>

There has been a drastic upswing in spontaneous strikes in China, organized directly through social media so that leaders cannot be arrested. Compared to 1100 strikes in the 31 months from June 2011 through December 2013, there were 200 strikes in a two-month period of Spring 2014.<sup>101</sup>

**Sara Horowitz and Freelancers Unions.** As we saw above, Godfrey proposed adapting the old pre-Wagner model of minority unionism to the network era. Many other aspects of pre-Wagner historical unionism can be revived, in new and improved form, with the help of network communications. For example Sara Horowitz has proposes reviving the guild model of providing benefits and training, as well as the services of worker-owned temp agencies, for temporary workers. It's not surprising her first area of activity was the Bay area, because her cooperative employment agencies resemble nothing so much as the old Longshoremen's hiring halls. —

She went on to create a Freelancers Union centered in New York City.

The labor movement needs to make sure workers can see the tangible value of union membership - not just in a bigger paycheck and stronger job protections, but also in their networked economic power.

Unions need to get back in the business of building banks, insurance companies, day care centers, affordable vacation destinations—and even dreaming up new 21st century institutions, like union-owned urban farms. They should be a welcoming home for social-purpose venture capitalists and entrepreneurs.<sup>102</sup>

By 2013, the Freelancers Union was in rapid expansion mode.

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99 Jake Olzen, "How the Walmart labor struggle is going global," *Waging Nonviolence*, January 15, 2013 <<http://wagingnonviolence.org/feature/how-the-walmart-labor-struggle-is-going-global/>>.

100 Immanuel Wallerstein, "End of the Road for Runaway Factories?" Commentary No. 351, April 15, 2013 <<http://www2.binghamton.edu/fbc/commentaries/archive-2013/351en.htm>>.

101 Dan Levin, "Plying Social Media, Chinese Workers Grow Bolder in Exerting Clout," *New York Times*, May 2, 2014 <<http://www.nytimes.com/2014/05/03/world/asia/plying-social-media-chinese-workers-grow-bolder-in-exerting-clout.html>>.

102 Sara Horowitz, "How Do You Build a Union for the 21st Century? (Step 1: Learn From History)," *The Atlantic*, September 3, 2012 <<http://www.theatlantic.com/business/archive/2012/09/how-do-you-build-a-union-for-the-21st-century-step-1-learn-from-history/261884/>>.



Today, the Freelancers Union is one of the nation's fastest-growing labor organizations, with more than 200,000 members, over half of them in New York State. Ms. Horowitz, who has never lacked audacity, says she expects to expand the organization to one million members within three years....

The Freelancers Union, which is based in Brooklyn, doesn't bargain with employers, but it does address what is by far these workers' No. 1 concern, by providing them with affordable health insurance. Its health insurance company covers 23,000 workers in New York State and has \$105 million in annual revenue.<sup>103</sup>

In June 2014 the Freelancers Union offered a benefits package to freelancers nationwide in the U.S.

- 401(k) plans
- Health insurance
- Dental plans
- Disability insurance
- Term life insurance
- Liability insurance<sup>104</sup>

In October they announced a plan to open fifteen primary care health centers for freelancers over the next five years, starting in "Upper Manhattan and Jersey City, eventually expanding into Los Angeles, Philadelphia, Portland, Austin, and San Francisco."<sup>105</sup>

Another, similar approach is to form cooperatively-owned temp agencies—an excellent model in industries where human capital is the main source of value and overhead from physical capital outlays are minimal. A good example is New York City's Cooperative Home Care Associates, a cooperatively owned staffing agency for home care aides with 2300 workers.<sup>106</sup>

**GNUnion.** GNUnion is an offshoot of the Social Network Unionism project.<sup>107</sup> It's organized on a module/platform architecture, in which the network exists simply as a platform to empower the nodes. Its projects include LabourLeaks, whose initial goal is to index existing data from Wikileaks relevant to labor struggle and evolve into a specialized whistleblowing site specifically for workers to leak information about their employers. “**LabourLeaks** is designed to provide the means for workers—be they full time, contracted, precarious, migrant, the unemployed, men and women, old and young, to make their grievances—and documentation or other evidence that supports this—public.”<sup>108</sup>

It also includes a Transnational Solidarity for Occupied Factories group, to provide occupied and recuperated factories with “resources, actions, exchanges, social media skill-sharing and self-education campaigns” on a networked basis.<sup>109</sup>

[Draft last updated December 4, 2015]

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103 Steven Greenhouse, “Freelancers Union Tackles Concerns of Independent Workers,” *New York Times*, March 24, 2013 <<http://www.nytimes.com/2013/03/24/business/freelancers-union-tackles-concerns-of-independent-workers.html>>.

104 Kelly McCartney, “Freelancers Union Launches National Benefits Platform,” *Shareable*, June 24, 2014 <<http://www.shareable.net/blog/freelancers-union-launches-national-benefits-platform>>.

105 McCartney, “Freelancers Union to Expand Health Centers Nationally,” *Shareable*, October 2, 2014 <<http://www.shareable.net/blog/freelancers-union-to-expand-health-centers-nationally>>.

106 Laura Flanders, “How America's Largest Worker Owned Co-Op Lifts People Out of Poverty,” *Yes! Magazine*, August 14, 2014 <<http://www.yesmagazine.org/issues/the-end-of-poverty/how-america-s-largest-worker-owned-co-op-lifts-people-out-of-poverty>>.

107 <<http://snuproject.wordpress.com>>.

108 “Welcome to LabourLeaks—LabourLeaks.org,” GNUnion, May 19, 2014 <<http://gnunion.wordpress.com/2014/05/19/welcome-to-labourleaks-labourleaks-org/>>.

109 <<http://gnunion.wordpress.com>>.