

clean slate for
worker power



Innovating from the Ground Up: State and Local Grants Program

SUMMARY REPORT
2020-21



CENTER FOR LABOR
& A JUST ECONOMY

Introduction

Despite the unprecedented activity around labor organizing throughout the pandemic, workers have faced tremendous obstacles to exercising their right to collective action. Due to an archaic system of labor laws enshrined by federal preemption doctrine, states and localities have been limited in their capacity to pass legislation to empower workers and expand the right to engage in concerted activity. Given the grim prospects for federal labor law reform, exploring new and innovative policies, models, and frameworks at the state and local levels is key to making meaningful progress towards a fairer playing field for workers.

We cannot continue to rely on the same policy avenues for change that have been consistently, destructively, and intentionally blocked by obstructionist tactics. In order to rebalance worker power and establish a new generation of labor laws designed for a 21st century workforce, the need for innovation and creative problem-solving is more critical than ever. Fortunately, there is tremendous creativity and energy at the state and local levels.

In 2020, the Clean Slate for Worker Power project of Harvard Law School's Center for Labor and a Just Economy launched its inaugural grant cycle supporting labor law reform efforts at the state and local levels across the country. Our State and Local Grants program is intended to foster this spirit in supporting innovative models of worker organizing, policy proposals, and strategies to empower working people to build an equitable economy and democracy. Clean Slate made grants of \$47,200 each to nine organizations that pursued innovative projects advancing the Clean Slate vision for labor law reform.

In this grant cycle, we sought creative ideas from organizations working on the ground that would empower and expand protections for workers. Grants were awarded for:

- Innovative policy proposals at the state and local levels that increase worker power and worker voice in order to redistribute economic and political power for workers, particularly women and workers of color/Indigenous backgrounds
- Piloting and implementing a specific recommendation in the Clean Slate for Worker Power report, and/or
- Reinforcing ongoing coalition and partnership-building that support creating an inclusive and innovative labor movement.

The 2020-21 Clean Slate Grantees

- Center for Progressive Reform (MD)
- Center for Worker Justice of Eastern Iowa
- Chinese Progressive Association (CA)
- Make the Road New York
- National Domestic Workers Alliance (PA)
- One Fair Wage (CA)
- Raise the Floor Alliance (IL)
- United for Respect Education Fund (TX)
- Working Washington

In this report, we are excited to feature the phenomenal work of our grantees and share findings, outcomes, and lessons learned from this inaugural grant cycle. Descriptions of grantee projects can be found on page 6.

Common Ground: Clean Slate Themes

Across the country, our 2020-21 cohort of grantees piloted projects and partnerships with workers across a number of sectors and industries. Although grantees explored a wide range of ideas across the nine projects, we identified several common themes around which they organized:

- **Worker Voice Frameworks:** Across projects, grantees experimented with new frameworks through which workers could translate their voice into the power to shape their workplaces. From worker boards to cooperatives to multi-sector coalitions, our organizations found innovative ways to bring workers together around collective action.
- **Countervailing Monopoly Power:** For several grantees, a common focus in building frameworks of countervailing power was the goal of curbing the power of corporate monopolies. Grantees worked to amplify workers' voices and expose workplace abuses at large corporations to shift narratives around workers' rights in the face of powerful corporate interests.
- **Worker Safety:** Many of our grantees focused explicitly on worker safety issues from the start, others came to that angle as a result of COVID, and still others expanded the original frame for their project to include worker safety. However they got there, our grantees found organizing around worker safety to be compelling and effective.
- **Engagement through Training and Advocacy:** We noticed a theme across issue areas of using Know Your Rights training and filing complaints with a government agency as effective hooks for organizing campaigns.

2020-21 Grantee Impact: Clean Slate Focus Areas

Grantees found novel ways to advance Clean Slate principles at the state and local levels. One compelling example was the way in which the United For Respect Education Fund (UFR) implemented the Clean Slate report's call for sectoral bargaining to build frameworks for workers to have a meaningful voice in corporate decision-making and to exercise collective activity. The UFR's project worked at multiple levels to advance these principles during the pandemic. Their Essential Worker Bill of Rights and Task Force pilot project in Harris County, Texas, served as a form of precedent for sectoral bargaining for essential workers, creating a multi-sector institution with representation from employers, government, and workers that could make decisions on job quality and safety, helping workers during the pandemic while also creating mechanisms that can be built upon to advance fuller sectoral bargaining. Additionally, by advancing a framework for essential workers to have a formal voice in guiding the safe operation of essential workplaces, the project makes it possible for workers to have more of a meaningful voice in how corporations make decisions. With the recent upswing in standard-setting worker boards forming across the country, there is exciting potential for scale for this model across sectors and geographies.

Similarly, the Clean Slate report called for taking into account mechanisms for organizing that will be effective in the modern workplace, including enhancing digital access to the collective. In San

San Francisco, the Chinese Progressive Association experimented with leveraging mass texting through WeChat—the largest social media platform used by Chinese speakers—to bridge digital access for low-wage Chinese immigrant workers, enabling them to gain knowledge of workers’ rights resources, access consultation, participate in political education, and engage in meaningful progressive action. As a result of their expanded outreach and education program, CPA reached over 10,000 workers in low-wage industries over a six-month period in the midst of the pandemic.

The National Domestic Worker Alliance (NDWA) concentrated on the Clean Slate report's recommendation to foster inclusion in order “to ensure that all workers can build power and to address systemic racial and gender oppression.” NDWA works on ensuring respect, recognition, and inclusion in their efforts to empower domestic workers, the majority of whom are immigrants and women of color. Their project focused on the implementation of the Philadelphia Domestic Worker Bill of Rights (DWBR), which takes a momentous step toward achieving this in offering protections for domestic workers from retaliation, surveillance, and human trafficking; inclusion in anti-discrimination and certain labor laws; and the right to portable paid time off.

One Fair Wage piloted both the sectoral bargaining and meaningful collective bargaining recommendations of the Clean Slate report. Their project, which aimed to establish a worker-owned food handlers’ training cooperative, would direct revenue away from the National Restaurant Association—which uses workers’ wages to lobby against workers’ wages—and create a statewide service workers’ bargaining unit, since every service worker must obtain food handler training.

Grantee Spotlight: Strategic policy wins through digital organizing



Despite the challenges the pandemic wrought on organizations working directly on the ground, our grantees showed innovation and resiliency in deploying creative strategies that resulted in some successful policy wins at the state and local levels. The Chinese Progressive Association partnered with the California Domestic Worker Coalition to help pass two policies expanding frontline worker protections during the pandemic: the statewide SB 321 Health and Safety for All Workers Act, and the local Domestic Workers’ Equal Access to Paid Sick Leave ordinance in San Francisco. These two bills secured greater protections for more than 300,000 domestic workers providing critical care to children, seniors, and people with disabilities in more than 2 million households across California.

In building their strategic policy campaigns, CPA implemented a three-prong digital organizing strategy structured to generate inclusive and democratic membership engagement on multiple levels: issue identification with workers through 1-on-1 conversations with staff, multilingual small group education sessions, and digital assemblies during which workers could convene to discuss and vote on issues. This structure proved useful in fostering a sense of belonging and coalition identity among workers – CPA noted that “the engagement pathways built during the campaign process helped members understand that they are a [member of the coalition] and not just of their respective worker program or circle.”



Lessons Learned

In the process of executing their grant projects, our grantees learned valuable lessons about pursuing labor law reform at the state and local levels in their successes as well as the challenges encountered along the way.

Make the Road New York recognized that in order to continue to build an effective narrative change campaign, what they need to do now is better understand how Amazon operates—the more they know about Amazon’s systems, the more effectively the organization can shine a light on the company's operational practices in explaining them to government agencies. Being in regular contact and building trust with workers over time helped the organization work towards this goal. Additionally, Make the Road learned that it was important to take time to develop relationships with reporters who can lend strong news coverage to the issues at hand. This was helpful in facilitating national coordination with allies in different sectors, which was crucial given the power Amazon wields as a multinational corporation.

Working Washington, whose project focused on supporting and evaluating Seattle’s existing domestic worker standards board, gleaned key lessons about the importance of focusing on deep worker engagement in setting standards and building worker power to bring companies to the table – regardless of the specific legal structure of a standards board and whether or not it is formally constituted as a bargaining table. They found that ultimately what mattered was having a standing body with strong worker representation, more so than whether the formal legal authorities of the body were in place.

Here are four key lessons and takeaways from our nine grant projects:

-  **Centering Workers:** Virtually all grantees underscored the importance of putting the voice of workers first in developing their projects. That might seem obvious in projects related to “worker voice,” but the centrality of this theme played out in different ways. For some grantees, it was a renewed commitment to giving workers a lead role in developing their process, and for others it was taking time to collect deep input on policy substance from members. From design to outreach to implementation, engaging workers at every stage of the process better positions organizations to drive thoughtful, worker-centered impact.
-  **Embrace Hybrid Engagement Strategies:** During the pandemic, many of our grantees shifted to leveraging digital forms of engagement in their organizing strategies. In some cases, organizations found that adopting digital outreach strategies was effective in engaging hard-to-reach workers. Crucially, having the right technological tools and infrastructure in place proved to be essential to effective digital organizing – for organizations that were forced to suddenly pivot to a digital strategy, the shift to virtual organizing caused strain on shared capacity. However, even those projects that put digital organizing first still stressed the importance of in-person engagement, and found that combining digital and in-person tactics was most effective.

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Go Big on Coalition Work: None of our grantees recommended trying to go it alone in their initiatives. To the contrary, many found it necessary to expand their coalition work over the course of their projects. Grantees who focused on advancing specific policy issues found an effective strategy in aligning with coalition partners in supporting broader agendas. One recurring theme grantees noted was the benefit of engaging coalition partners outside of their issue areas. In addition to helping raise awareness across adjacent issue groups, these cross-collaborative efforts often resulted in learning new strategies for scaling outreach and education. Particularly when up against powerful corporations, national coordination with allies in different sectors was noted to be crucial to building countervailing power.

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Take Care of Your Staff: It was no surprise that all of our grantees shifted strategies to look out for vulnerable workers affected by the pandemic. Many also noted, however, how important it was for them to also care for their own staff. Burnout, COVID infection, and stress took a toll on many of our grantees' staff. We were happy to work with grantees on adjustments to timelines and goals in order to accommodate pandemic fallout.



Grantee Spotlight: Translating worker voice to worker power

A cornerstone of the Clean Slate project is the recognition that the failure of our current system of labor laws to protect and empower workers has outsized ramifications on workers of color, women, and those with precarious immigration statuses. For many of our grantees, centering racial equity and inclusion in project efforts was crucial in working with vulnerable frontline worker populations, which tend to be disproportionately comprised of immigrant workers and workers of color.

Many of our grantees described attending to language access needs as critical to the success of their projects, and integrating translation support into their programs and services was paramount. The Center for Worker Justice of Eastern Iowa, for example, emphasized the importance of translation services in reaching workers where they are and building trust within their communities: "Providing translation in meetings is essential to ensuring that workers can fully participate in discussions and decisions. It takes time and quality interpreters, but it is the only way to build power." CWJ noted that trusted relationships within communities of immigrant and refugee workers was key to empowering those who were afraid to speak up due to fear of retaliation from their employers.

"People often underestimate workers' courage, knowledge, and strength, particularly when it comes to immigrant and refugee workers. In spite of legitimate fear of retaliation and immigration-related vulnerabilities, workers are willing to take courageous actions to defend themselves and their families when given the opportunity to review their rights, consider their options, and have the full support of community allies." – CWJ Iowa

2020-21 Clean Slate State and Local Grant Projects



Center for Progressive Reform: *Private Right of Action for the Health, Safety & Empowerment of Poultry Workers in Maryland*

CPR developed an agenda for establishing a private right of action to enforce Maryland state health and safety laws. Working with a coalition of allies to advance strategies to promote workers' rights within the poultry industry, CPR also worked to identify complementary policies that provide workers a more formal role in government-led enforcement, such as participation in inspections and enhanced whistleblower protections.

Center for Worker Justice of Eastern Iowa: *Worker-Community Safety Councils in Iowa Meatpacking Communities*

CWJ sought to empower workers in the Iowa meatpacking industry through the development of worker-community safety councils and the Iowa Council for Worker Safety, a statewide coalition of workers, advocacy groups, and elected officials. Using surveys and small group meetings to identify key priorities and issues in meatpacking plants, coalition members facilitated community-supported policy change actions towards improving workplace safety, including petitioning for paid leave access and filing federal OSHA complaints.

Chinese Progressive Association: *Digital Organizing Strategies in Building Chinese Immigrant Worker Power*

CPA experimented with digital organizing strategies to bridge digital access divides and provide labor law education, resources, and opportunities to engage in collective action for low-wage Chinese immigrant workers in San Francisco. Leveraging a variety of digital platforms including WeChat, traditional media, and paid media, CPA mobilized workers and community allies to organize and win a strategic workplace campaign to recover \$1.61 million in owed worker compensation at a Chinatown restaurant, deepen engagement and leadership development among their grassroots base, and advocate for bold and innovative policies.

Make the Road New York: *Anti-Monopoly Retail, Warehousing, and Logistics Worker Organizing*

MRNY advanced policies and supports for worker organizing and collective action primarily within retail, warehousing, and logistics sectors transformed by e-commerce monopolies in the NY/NJ region. Through strengthening partnerships with allies across the country and sharing stories with policymakers, reporters, and opinion leaders, MRNY worked to shape the national narrative around monopoly power and workers rights and helped pass the NY HERO Act, strengthening worker health and safety protections for thousands of New Yorkers.

National Domestic Workers Alliance: *Implementing the Philadelphia Domestic Workers Bill of Rights*

The Pennsylvania chapter of the NDWA sought to build their membership base and implement the Philadelphia Domestic Worker Bill of Rights. NDWA-PA worked to strengthen relationships with city agencies, raised awareness of workplace rights and protections through outreach and workshop trainings, and harnessed lessons from these efforts to replicate in other regions.

One Fair Wage: *California Service Workers' Cooperative to Advance Sectoral Bargaining & Workplace Democracy for Service Workers*

OFW united thousands of workers in the California food service sector in establishing a democratically governed, worker-owned food handlers' training cooperative to facilitate sectoral bargaining and countervail the monopoly power of the National Restaurant Association. The cooperative is designed to provide education on food safety, rights in the workplace, and racial equity while allowing workers the opportunity to participate and receive a share of the profits as co-owners of the enterprise.

Raise the Floor Alliance: *Claiming Our Right to Dignified Work: Advancing Just Cause Protections in Illinois*

RTF launched a campaign advancing a just cause legislation agenda in Illinois, developing a curriculum and engaging workers, advocates, and organizers in outreach and partnership efforts. Based on findings from a survey of workers, RTF also published a [report](#) on the impact of unjust firings in Illinois. With this powerful information gathered, they are now poised to build a successful policy effort to address the challenges flagged in the report.

United for Respect Education Fund: *Essential Retail Workers Support and Action Program*

In working to build organizations of power and worker voice for essential workers, United For Respect's Essential Worker Bill of Rights and Task Force project established the Harris County Workers Board, the first of its kind in the US to be comprised entirely of frontline workers. Through the efforts of a multi-sector coalition and a worker-driven public education campaign, UFR raised awareness around the Board and the need to protect workers nationally.

Working Washington: *Raising Standards for Standards Boards in Seattle for Domestic Workers and Gig Workers*

WW invested in supporting and evaluating Seattle's Domestic Worker Standards Board to explore how to improve the model of local standards boards, apply it to the gig economy, and establish a framework for sectoral bargaining at the local level. Additionally, WW worked with coalition partners and the city bureaucracy to distribute resources and develop worker survey-informed policy recommendations on portable benefits.

Conclusion

As we note in our initial Clean Slate for Worker Power recommendations report, the “objective of the Clean Slate project is to imagine the substantive reforms that make sense in a world where democratic revision is again possible.” However, even with a labor law reformed to better protect and empower workers, the danger of an “ossified” law remains in the absence of innovation. Labor law experimentation is critical to preventing this, and funding these grantees was a small but important step in continuing to support such innovation at the state and local levels—an invaluable source of creative thinking for the labor movement as a whole.

The project of ongoing innovation in labor law continues—and so does the work of Clean Slate’s state and local grantees. We are proud to have been able to support nine such exciting and important projects. There is clearly tremendous creativity and innovation to be found at the state and local levels, and we are excited to continue to foster that innovation, capture it, and replicate it around the country. In doing so, we are committed to advancing a vision of labor law that rebalances worker power to countervail corporate power for a truly equitable economy and democracy.



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About Clean Slate for Worker Power

Clean Slate for Worker Power is a project of Harvard Law School's Center for Labor and a Just Economy. The project developed from a foundational question to address the dual crises of economic and political inequality in America: what would labor law look like if, starting from a clean slate, it was designed to empower working people to build a truly equitable democracy and economy? Based on a reimagined vision of labor law that works for all, the Clean Slate project focuses on advancing pragmatic and innovative policy solutions to enable working people to build countervailing power for a more inclusive and equitable nation.

About the Center for Labor and a Just Economy at Harvard Law School

The Center for Labor and a Just Economy is Harvard University's hub of creative research, policy, and strategies focusing on empowering working people to build an equitable economy and resilient democracy. Through convening stakeholders, disseminating ideas, advising policy makers, and shaping how the media understands progressive labor issues, the Center is committed to reimagining the law and developing paradigm-shifting policy.

