

# DAVID E. FELLER MEMORIAL LABOR LAW LECTURE

April 14, 2023

## The People United: Unions as Racial and Gender Justice Organizations

Angela Thompson<sup>†</sup>

I want to start by thanking the Berkeley Journal of Employment & Labor Law for this incredible honor. I am deeply appreciative of the invitation to join the ranks of previous Feller lecturers. I also want to acknowledge the incredible contribution that David Feller made to the practice of labor law. He inspired a generation of labor lawyers. I hope you have taken some inspiration away from the remarks of David Feller lecturers in the past and from my words as well.

When asked what I wanted to talk about, I said I wanted to give a lecture about the future of labor. But when I sat down to write, I realized that what I consider to be the future of labor is, to some extent, also its past. To me, the future of labor is about labor as a civil rights movement. A gender rights movement. An environmental movement. It's not a different vision of labor as it can or will be at some future date and time. It's about viewing what labor has always been through a different or evolving lens, in my case a race and

---

DOI: <https://doi.org/10.15779/Z389C6S244>

<sup>†</sup> Angela Thompson is an accomplished legal professional and former General Counsel for the Communications Workers of America (CWA), one of the largest and most diverse labor unions. Thompson first became a CWA member while working at Bell Atlantic, later Verizon, and served as a union steward and picket line captain. Taking advantage of the educational benefits afforded under her CWA contract, she attended Rutgers University and went on to earn her law degree from Yale Law School. Over the course of her career, Thompson amassed extensive experience in labor relations at SEIU, the American Federation of Teachers, and the National Labor Relations Board. This speech was given by Angela Thompson while employed as the General Counsel of the Communications Workers of America by invitation of the Berkeley Journal of Employment and Labor Law. The author is now employed by the Department of Labor. The views and opinions expressed in this Article are the author's own and do not necessarily reflect the official policy or position of the Department of Labor or the United States government.

gender justice lens. I view labor this way because of my own story of why I became a labor lawyer—under circumstances that were both less than and yet especially ideal for such an outcome.

My childhood and my experiences as a young adult solidified my path before I even knew that's what had happened. As a Black woman from a small rural town in southern Illinois who grew up poor living in trailer parks and housing projects, I was not supposed to be a lawyer. I never wanted to be a lawyer. I never knew any lawyers. I was never told I should be a lawyer. I was raised by a single mother who cared about religious principles, civil rights, and labor unions. She was and is a religious woman who relies on her faith to carry her through hard times. She is a strong believer in race and gender equality, which she put into practice during her young adulthood living in Chicago during the 1960s surrounded by Black Panthers and police violence. She believes that collective action can lead to just outcomes. She respects Dr. Martin Luther King Jr. and his vision of nonviolence, but she also respects Malcolm X and his militancy. I was named after Angela Davis, the prominent communist activist, academic, and author with ties to the Black Panthers. That is the fodder for the development of my worldview. I believed that anything was possible. I understood that certain people were treated unfairly for no good reason. And I understood that by working with others we could change our world.

After years of financial struggle, my mom had the opportunity to get a union job and she took it. She became a member of the American Federation of State, County, and Municipal Employees (AFSCME). It was a turning point in my life because we were finally able to make ends meet. Instead of a broken-down car with no heat, we had reliable transportation. Instead of hand-me-downs, I had my own clothes that fit. I know how unions help workers build better lives because I lived it.

But it was about more than higher wages and benefits. It was about staving off race discrimination in the workplace. You see, part of our economic instability came from the racism of an employer who was loath to keep my mom on the payroll once they learned about her Black daughter. In a small, impoverished area, losing a job has serious consequences. In our case it meant my mom would not have stable employment for many years to come.

At my mom's union job, even a racist boss did not have the power to terminate her with impunity. She was protected by her contract and her union. Make no mistake, racism was still an issue. But rather than being fired, her supervisors for the most part had to adjust. She was not just protected by the contract, she was part of a union family who made sure she was treated fairly at work.

I grew up and left home to go to college. I moved to the east coast and ultimately became a member of the Communications Workers of America (CWA) working in a call center in New Jersey. Now I had a union story of

my own. I had job security, better pay, great benefits, and protection from termination at will. I was able to attend graduate school thanks to an education benefit negotiated by my union. I became a union steward and helped process grievances for my coworkers. I learned how to read the contract. I learned the ins and outs of the Family and Medical Leave Act, and I learned how to navigate issues of race and gender discrimination that came up between members. It was liberating to help others by enforcing the collective-bargaining agreement (CBA). Ours was very long, over 300 pages. Every detail was included, down to every pay increase for each position.

But the most interesting thing I learned was that colleagues who fought with one another, who even used racist and sexist language towards one another, were still able to unite when it came time to strike. Somehow, we were always able to put our differences aside. And, in some instances, the racism or sexism even seemed to subside over time. In my call center, there was even an interracial marriage between the kids of two of my fellow union members that seemed unlikely given their prior but softening views on race. Even after I left for law school, I never stopped thinking about that. Why and how did that happen?

My origin story is one of civil rights and labor rights functioning together out of necessity. I held onto that idea during my education and into my working life as a lawyer.

## I. THE STRUGGLE FOR CIVIL RIGHTS AND LABOR RIGHTS ARE INEXTRICABLY LINKED

I won't sugar coat it. The history of unions and nonwhite, nonmale workers is not all hearts and flowers. The National Labor Relations Act (NLRA) excludes employees engaged in domestic and agricultural labor.<sup>1</sup> At the time of its passage, approximately 85% of Black women were working in domestic or agricultural labor.<sup>2</sup> In addition, some unions remained segregated until legally forced to cease the practice.<sup>3</sup> Some unions remain de facto segregated even today because of racist hiring practices.<sup>4</sup> Unions have

---

1. 29 U.S.C. § 152(3).

2. IRA KATZNELSON, WHEN AFFIRMATIVE ACTION WAS WHITE: AN UNTOLD HISTORY OF RACIAL INEQUALITY IN TWENTIETH-CENTURY AMERICA 32 (2006).

3. Ben Blake et al., *African Americans' Rights*, UNIVERSITY OF MARYLAND LIBRARIES: SPECIAL COLLECTIONS & UNIVERSITY ARCHIVES, <https://exhibitions.lib.umd.edu/unions/social/african-americans-rights#:~:text=In%201866%2C%20the%20National%20Labor,from%20African%20Americans%20for%20jobs> [https://perma.cc/63ZN-NNRW] (last visited Nov. 2, 2023).

4. See Marina Zhavoronkova et al., *Occupational Segregation in America*, CENTER FOR AMERICAN PROGRESS (Mar. 29, 2022), <https://www.americanprogress.org/article/occupational-segregation-in-america> [https://perma.cc/K6PX-4NBM]; Valerie Wilson et al., *Racial Representation in Professional Occupations*, ECONOMIC POLICY INSTITUTE (June 8, 2021), <https://www.epi.org/publication/racial-representation-prof-occ> [https://perma.cc/JR8X-A6AL]. Also, see

supported racist legislation, like the Chinese Exclusion Act that severely limited the ability of Chinese laborers to gain citizenship.<sup>5</sup> So yes, there are plenty of reasons for women and people of color to rebuke unions. The labor movement has lofty goals, but we have not been, nor are we now, perfect.

But that is only part of the story. Labor rights and labor unions have often been at the center of civil rights struggles. When the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) merged in 1955, they created a Civil Rights Department.<sup>6</sup> Organized labor backed the campaigns against discrimination in public facilities, housing, education, and voting by providing financial resources, legal support, publicity, and lobbying efforts in Congress. In 1963, the labor movement mobilized 40,000 union members for the March on Washington for Jobs and Freedom.<sup>7</sup> The following year, the AFL-CIO provided critical lobbying support and testimony for the Civil Rights Act of 1964 and the Voting Rights Act of 1965.<sup>8</sup>

There are many examples of cooperation and integration of mission from the leadership of labor and civil rights. A. Phillip Randolph saw the labor movement working for white people and decided that the movement should work for Black people as well, leading to the organization of the Brotherhood of Sleeping Car Porters in 1925—the first labor organization led by Black people to receive a charter in the American Federation of Labor.<sup>9</sup> Bayard Rustin, who helped organize the 1963 March on Washington, was the first executive director of the AFL-CIO's A. Philip Randolph Institute.<sup>10</sup> There he worked closely with the labor movement to ensure that the needs of Black workers became part of labor's agenda.<sup>11</sup> The iconic "I Am A Man" picket signs used during the Memphis Sanitation Strike are a reminder of the

---

generally Paul Frymer, *Affirmative Action in American Labor Unions: Necessary but Problematic for the Cause of Civil Rights*, 111 *REVUE FRANÇAISE D'ÉTUDES AMÉRICAINES* 73 (2007).

5. Jennifer Wachtel, *From Protectionism to Inclusion: Unions and Immigrant Labor*, UNIVERSITY OF MARYLAND LIBRARIES: SPECIAL COLLECTIONS & UNIVERSITY ARCHIVES (Jan. 16, 2018), <https://hornbakelibrary.wordpress.com/2018/01/16/from-protectionism-to-inclusion-early-unions-and-immigrant-labor> [https://perma.cc/Q47C-PV29].

6. Jen Eidson, *Digitizing the AFL-CIO Civil Rights Department Records*, UNIVERSITY OF MARYLAND LIBRARIES: SPECIAL COLLECTIONS & UNIVERSITY ARCHIVES (Jan. 13, 2022), <https://hornbakelibrary.wordpress.com/2022/01/13/digitizing-the-afl-cio-civil-rights-department-records> [https://perma.cc/PY97-5YJF].

7. Blake et al., *supra* note 3.

8. *Id.*

9. Daren Salter, *Brotherhood of Sleeping Car Porters (1925-1978)*, BLACKPAST (Nov. 24, 2007), <https://www.blackpast.org/african-american-history/brotherhood-sleeping-car-porters-1925-1978> [https://perma.cc/C5KP-MUZD].

10. *Bayard Rustin*, AFL-CIO, <https://aflcio.org/about/history/labor-history-people/bayard-rustin> [https://perma.cc/846L-NWWP] (last visited Nov. 2, 2023).

11. *Id.*

connection between civil rights and labor rights.<sup>12</sup> Dr. Martin Luther King Jr. would deliver his last speech on April 3, 1968 in the midst of a labor dispute calling for support for the Black sanitation workers in their struggle.<sup>13</sup> There are countless other labor leaders of color: Ella Baker, César Chávez, Karen Lewis. These leaders realized the potential that labor unions and collective action had for advancing the civil rights and social justice movements of their time.

They were right. The labor movement raises wages for all workers. But for workers who are paid less than their white male counterparts, the union wage premium is even greater. Unions help reduce gender and racial/ethnic wage gaps. Hourly wages for women represented by a union are 4.7% higher on average than for nonunionized women with comparable characteristics.<sup>14</sup> Black workers represented by a union are paid 13.1% more than their nonunionized Black peers, and Hispanic workers represented by a union are paid 18.8% more than their nonunionized Hispanic peers.<sup>15</sup> Black workers are more likely to be union members than white, Asian, or Hispanic workers.<sup>16</sup> Importantly, unions provide protection against termination. This allows workers to raise concerns about subjects that they may not have had the courage to speak on without such protections.

But it's even better than that. A 2020 study found that union membership was associated with reductions in racial resentment among whites.<sup>17</sup> White union members in diverse unions are more supportive of policies designed to help Black workers, their families, and communities.<sup>18</sup> The study posits that unions are motivated to recruit workers of color to get majority status in racially diverse labor sectors. Therefore unions have an incentive to mitigate racial resentment among members or potential members. One of the authors of the study referred to labor unions as “one of the largest, if not the largest

---

12. Matthew Gailani, “*I Am A Man*” *Dr. King and the Memphis Sanitation Workers’ Strike*, TENNESSEE STATE MUSEUM (Sept. 1, 2020), <https://tnmuseum.org/junior-curators/posts/i-am-a-man-dr-king-and-the-memphis-sanitation-workers-strike?locale=en> [<https://perma.cc/B5QC-B366>].

13. *Id.*

14. Heidi Shierholz et al., *Latest Data Release on Unionization Is a Wake-Up Call to Lawmakers*, ECONOMIC POLICY INSTITUTE (Jan. 20, 2022), <https://www.epi.org/publication/latest-data-release-on-unionization-is-a-wake-up-call-to-lawmakers> [<https://perma.cc/8LMA-U2VW>].

15. Asha Banerjee et al., *Unions Are Not Only Good for Workers, They’re Good for Communities and for Democracy*, ECONOMIC POLICY INSTITUTE (Dec. 15, 2021), <https://www.epi.org/publication/unions-and-well-being> [<https://perma.cc/5KZ6-RVPX>].

16. *Union Members - 2022*, U.S. DEPARTMENT OF LABOR: BUREAU OF LABOR STATISTICS (Jan. 19, 2023), <https://www.bls.gov/news.release/pdf/union2.pdf> [<https://perma.cc/56TU-WLFT>].

17. Paul Frymer & Jacob M. Grumbach, *Labor Unions and White Racial Politics*, 65 AM. J. POL. SCI. 225, 226 (2021).

18. *Id.* at 235.

civil rights organization in the country,” encouraging unions to promote, and progressives to acknowledge, that fact.<sup>19</sup>

Maybe this partly explains what I saw in my own CWA bargaining unit at the call center. The racial diversity and integration of the union created a positive effect. White workers were exposed to people beyond their normal orbit. They worked alongside colleagues of color not only in their jobs but also in doing the work of the union. Collective bargaining requires collective action. Working across race and gender lines on a project as important as forming a union or bargaining a contract is transformative. Unions are a powerful change agent. They impact the lives of working people while they are on the job, and that impact continues to have an effect when they go home. To my knowledge, no study has yet to look at whether the views of the families, friends and other household members of white union members are changed by this same phenomenon. Nor have studies considered whether union membership helps bridge other divisions such as politics, gender, and sexuality. The potential for true and lasting change is mind-blowing. It also increases the stakes for organizing workers. Is today’s racial polarization directly related to the preceding decline in union membership? While unions have often focused on class identity, could a more robust embracing of gender and race create a more just society? Is the current wave of organizing doing just that? These are the questions of the day. And their answers will not only define the future of labor, they will define who we are as a society and what role women and people of color are to play in it.

Why am I spending so much time talking about race and gender in the labor movement? Haven’t we been talking about this for decades? Yes, we have. But we need to keep talking about it. As labor lawyers, we have to think and talk about inequality every time we make a decision. We need to bring a race and gender justice lens to our work every single day. We need to question whether our actions and the actions of others are dismantling or supporting white supremacy every single day. As Angela Davis once said, “You have to act as if it were possible to radically transform the world. And you have to do it all the time.”<sup>20</sup>

I want to give a few examples of how I have been able to put this into practice as a labor lawyer. Most come from the amazing union members who I have had the privilege of working for and with over the years. Because let’s be clear, it is the workers who radically change the world; the lawyers only assist.

---

19. Matthew Rozsa, *Why Labor Unions Make People Less Racist*, SALON (Jul. 1, 2020), <https://www.salon.com/2020/07/01/why-labor-unions-make-people-less-racist> [<https://perma.cc/YM4J-TGRY>].

20. Angela Y. Davis, Distinguished Professor Emerita, Univ. of Cal., Santa Cruz, Lecture at Southern Illinois University Carbondale (Feb. 13, 2014).

## II. PROTESTING RACIAL INJUSTICE IN THE WORKPLACE: *GENERAL MOTORS* AND *HOME DEPOT*

The General Motors case,<sup>21</sup> now overturned<sup>22</sup>, was a thorn in my side for years. When the National Labor Relations Board (NLRB) called for briefing, I co-authored an amicus brief with the American Federation of Teachers.<sup>23</sup> The Board’s notice for briefs sought comment “to aid the Board in reconsidering the standards for determining whether profane outbursts and offensive statements of a racial or sexual nature, made in the course of otherwise protected activity, lose the employee who utters them the protection of the National Labor Relations Act.”<sup>24</sup> That sounded like a noble endeavor if ever there was one. But here’s the problem: the employee who uttered the “offensive statements of a racial. . .nature” in that case was, himself, a Black man protesting what he perceived as racist treatment by company management.<sup>25</sup> Chuckee Robinson was acting as a steward during a series of meetings where he felt he was being perceived as an angry Black man rather than a zealous union advocate. In response, Mr. Robinson made statements such as, “Yes, sir, Master Anthony. . . Is that what you want me to do, Master Anthony? Is that what you’re telling me to do. . . be a good Black man?”<sup>26</sup> At one meeting, Mr. Robinson played music by NWA and Public Enemy to prevent the meeting from proceeding until one particularly problematic manager left.<sup>27</sup> The Administrative Law Judge, herself a Black woman, determined that Mr. Robinson’s conduct was unprotected. The Judge characterized his complaints of racism as gripes based on his personal animosity towards his supervisor and accepted the company’s view of the music as “disruptive” “gangster rap.”<sup>28</sup> That Board ultimately gutted employee protection of speech that their employer believed crossed a race- or gender-based line without considering the real implications on race- and gender-based protest that could follow.

The General Motors case illuminates the importance of thinking deeply about the racial implications of a class-laden labor law analysis. The idea that protests related to racism at work are mere gripes borne out of personal animosity, and thereby unprotected by the NLRA, is not the practice of labor

---

21. General Motors LLC, 369 N.L.R.B. 127 (2020).

22. See Lion Elastomers LLC, 372 N.L.R.B. 83 (2023).

23. Brief for the American Federation of Teachers, et al., as Amici Curiae, General Motors LLC, 369 N.L.R.B. 127 (2020).

24. *Archived Notices for Briefs and Invitations*, NATIONAL LABOR RELATIONS BOARD (May 6, 2021), <https://www.nlr.gov/cases-decisions/filing/invitations-file-briefs/archived-notices-briefs-and-invitations> [<https://perma.cc/G24V-BXV3>].

25. *Id.*; Brief for the American Federation of Teachers, *supra* note 23, at 7.

26. General Motors, 369 N.L.R.B. 127 at \*16 (2020); Brief for the American Federation of Teachers, *supra* note 23, at 4.

27. 369 N.L.R.B. at \*2; Brief for the American Federation of Teachers, *supra* note 23, at 5.

28. 369 N.L.R.B. at \*19, 23.

law through a racial justice lens. As I pointed out in our amicus brief, a complaint lodged by an employee regarding their race or other group characteristics is, at bottom, a complaint that reaches every other similar individual in their workplace and beyond.<sup>29</sup> Such a complaint should never be dismissed as a “personal attack” unrelated to the larger cause of others in their affinity group.<sup>30</sup>

Although our argument did not win before the Board, NLRB General Counsel Jennifer Abruzzo understood the fallacy of the General Motors decision and, successfully, sought to overturn it.<sup>31</sup> Now the Board has the opportunity to set new precedent in a case related to Black Lives Matter buttons worn by Home Depot employees.<sup>32</sup> In that case, the General Counsel argues that protests of racial injustice are inherently “concerted” and therefore protected under the NLRA.<sup>33</sup> Under Board law, an employee engages in “concerted” activity by discussing vital terms and conditions of employment, such as wages and job security, even though the discussions are not yet at the stage of inducing group action.<sup>34</sup>

As labor attorneys, we must be prepared to address these issues whether we work for unions, law firms, or the federal government. Racial justice issues are inextricably tied to labor issues, and we need to be prepared to meet the challenges they present.

### III. CWA AND ANTI-RACISM

CWA is a union of hundreds of thousands of public and private sector workers in communities across the United States—including Puerto Rico, the U.S. Virgin Islands, and other U.S. Territories—and Canada. CWA members work in telecommunications, technology, the airline industry, manufacturing, news media, broadcast and cable television, education, health care, public service, the video game industry, and other fields. For generations, CWA members have fought to improve their workplaces while articulating a vision for a just, inclusive, and democratic society. CWA believes that organizing for bargaining power strengthens our communities by providing workers with the tools to remove systemic barriers that hinder fair and just treatment of working people. CWA works to create a society where members of all races, cultures, religions, sexual orientations, genders, abilities, ages, and nationalities feel welcomed, respected, and heard.

---

29. Brief for the American Federation of Teachers, *supra* note 23, at 9.

30. 369 N.L.R.B. at \*22-23.

31. *See* Lion Elastomers, 372 N.L.R.B. at \*1.

32. *See* Home Depot USA, Inc., Case No. 18-CA-273796 (N.L.R.B.) (filed Mar. 8, 2021).

33. Reply Brief To Respondent’s Answering Brief To Exceptions By Counsel For The General Counsel at 7, Home Depot, Case No. 18-CA-273796.

34. *See* Brief in Support of Exceptions at 9, Home Depot, Case No. 18-CA-273796; Meyers II, 281 N.L.R.B. 882, 887 (1986).



CWA demonstrates its commitment to practicing anti-racism by maintaining a policy on Mutual Respect, which calls on all members to fight discrimination, including sexual harassment, whenever and wherever they see it. The policy states: “Freedom from discrimination within our Union is a right and privilege of all CWA members. Any abridgement of this right and privilege shall be subject to a complaint under the CWA Internal Appeals Procedures and should be investigated immediately without fear of reprisal and retaliation.”<sup>35</sup>

CWA is also committed to ensuring diversity in its national leadership. At the 2007 convention, CWA delegates voted to expand the Executive Board to ensure that CWA leadership fully reflects the diversity, experiences, and perspectives of local union leaders and membership.<sup>36</sup> The delegates created four at-large diversity seats with the goal of having three people of color and two women join the Executive Board. That decision, combined with new leadership in elective positions, changed the complexion of the Executive Board.

CWA and its members rely on their union as a way to shine a light on and affirmatively address racial and gender justice issues at work. Workers at the National Audubon Society, Google, and Maximus call centers all harnessed their power through CWA to incorporate a racial and gender justice lens to their labor organizing.

#### IV. THE BIRD UNION

In September 2021, workers at the National Audubon Society (NAS) headquarters voted overwhelmingly to form a union with CWA.<sup>37</sup> The issues facing NAS workers are familiar to labor activists, labor lawyers, and workers alike: toxic organizational culture, especially for women and employees of color; limited protection from layoffs; and a lack of voice at work, particularly organizational decision-making done behind closed doors. After two rounds of layoffs, including one on Earth Day, and increases to their health care costs amid the pandemic, NAS employees began organizing their union.<sup>38</sup>

---

35. *CWA Policy on Mutual Respect*, COMMUNICATIONS WORKERS OF AMERICA (revised Dec. 17, 2009), <https://cwa-union.org/for-locals/cwa-constitution#discrimination> [<https://perma.cc/SF87-EBNK>].

36. *CWA 2007 Convention: Delegates Approve Diversity Proposal, Call for Movement to Rebuild America's*, COMMUNICATIONS WORKERS OF AMERICA (Aug. 1, 2007), [https://cwa-union.org/news/entry/cwa\\_2007\\_convention\\_delegates\\_approve\\_diversity\\_proposal\\_call\\_for\\_movement](https://cwa-union.org/news/entry/cwa_2007_convention_delegates_approve_diversity_proposal_call_for_movement) [<https://perma.cc/FV3W-W63D>].

37. Jeremy P. Jacobs, *Audubon Forms Union*, E&E NEWS (Sept. 23, 2021), <https://www.eenews.net/articles/audubon-forms-union> [<https://perma.cc/DK44-YXSQ>].

38. *More than 120 National Audubon Society Workers Across 11 Regions Vote to Form Union with Communications Workers of America*, COMMUNICATIONS WORKERS OF AMERICA (Dec. 20, 2021), <https://cwa-union.org/news/releases/more-120-national-audubon-society-workers-across-11-regions-vote-form-union> [<https://perma.cc/V6AN-CTKU>].

NAS is one of many environmental organizations grappling with its racist history.<sup>39</sup> John James Audubon was a racist white man who enslaved Black people and contributed to racist junk science that claimed white superiority over other races—ideas criticized at the time and now completely discredited.<sup>40</sup> Initially, the union was named “Audubon for All,” after the employer. However, history would suggest that an organization named for John James Audubon was not, in fact, for all. And in this moment of racial reckoning, it was time to make a choice: support white supremacy or dismantle it.

The workers made their choice. In February 2023, they announced that they would no longer be named for John James Audubon.<sup>41</sup> Until a new permanent name could be chosen, the new moniker would be “The Bird Union,” a name that lends itself to their amazing slogan: Solidarity is for the Birds.<sup>42</sup> The Bird Union saw this as a small but important step to demonstrate their commitment to antiracism. In their own words: “We are fighting for a contract that helps ensure inclusion is the norm and not an afterthought, that provides underrepresented groups with support and protection, and that guarantees working conditions that are beneficial and accommodating for all of our members.”<sup>43</sup> The Bird Union also called upon NAS to change their name as well, a request that NAS rejected.<sup>44</sup>

## V. ALPHABET WORKERS UNION - CWA LOCAL 1400 (AWU-CWA)

In early 2020, CWA launched the Campaign to Organize Digital Employees (CODE-CWA), a new initiative to support workers’ organizing efforts in the technology and game industries.<sup>45</sup> Tech and game companies

39. See Zack Colman, *‘It’s Just Wrong’: Internal Fight over Sierra Club Founder’s Racial Legacy Roils Organization*, POLITICO (Aug. 16, 2021), <https://www.politico.com/news/2021/08/16/sierra-club-racist-internal-fight-505407> [<https://perma.cc/RAN4-T8ZH>]; *Reckoning with Our Past, Present, and Future*, WILDLIFE CONSERVATION SOCIETY (July 29, 2020), <https://www.wcs.org/reckoning-with-our-past-present-and-future-at-wcs> [<https://perma.cc/96JU-UPUA>].

40. Matthew Halley, *The (Literal) Skeletons in the Closet of American Ornithology* (June 16, 2020), <https://matthewhalley.wordpress.com/2020/06/16/the-literal-skeletons-in-the-closet-of-american-ornithology> [<https://perma.cc/T87C-RJD4>].

41. Richard Luscombe, *Bird Union Drops Audubon Name to Distance from Namesake’s Racist Past*, THE GUARDIAN (Mar. 5, 2023), <https://www.theguardian.com/us-news/2023/mar/05/bird-union-audubon-society-name-change> [<https://perma.cc/83PV-LYWP>].

42. BIRD UNION, <https://www.birdunion.org> [<https://perma.cc/2TQA-7Q8B>] (last visited Nov. 9, 2023).

43. *Staff Union of the National Audubon Society Changes Its Name, Severing Tie to Enslaver*, BIRD UNION (Feb. 22, 2023), <https://www.birdunion.org/posts/name-change-announcement> [<https://perma.cc/B9HN-97ZV>].

44. Bill Chappell, *Audubon Faces a Backlash After Deciding to Keep Name That Evokes a Racist Enslaver*, NPR (Mar. 18, 2023), <https://www.npr.org/2023/03/18/1164293652/audubon-faces-a-backlash-after-deciding-to-keep-name-that-evokes-a-racist-enslav> [<https://perma.cc/3ZS6-66EL>].

45. *About CODE-CWA*, CODE-CWA, <https://code-cwa.org/about-code-cwa> [<https://perma.cc/8W3U-QC6E>] (last visited Nov. 9, 2023).

have experienced meteoric growth in recent years. This has been accompanied by growing concerns around workers' rights and workplace conditions, including the disconnect between the companies' stated values and the societal impact of the technology. CODE-CWA's goal is to provide resources for workers who are joining together to demand change. As part of this campaign, workers at Google and other Alphabet companies formed the Alphabet Workers Union (AWU)—the first of its kind in the company's history.<sup>46</sup>

Google began as a small tech company with a simple mantra: "Don't Be Evil." But the company has quickly become one of the most influential in the world. Alphabet, Google's parent company, now has more than 120,000 workers. It's responsible for vast swaths of the internet and controls tools used by billions of people across the world. Yet half of Google workers at Alphabet companies are hired as temporary staff, vendors, or contractors—without the benefits afforded to full-time employees.<sup>47</sup> Google awarded executives tens of millions of dollars in exit packages after documented sexual harassment against fellow Googlers.<sup>48</sup> The company has taken on unethical government contracts, like drone targeting for the military, while keeping the nature of that technology secret even to the Googlers working on those projects.<sup>49</sup> In 2018, Google removed its mantra from its mission statement.<sup>50</sup>

The AWU, which is open to all employees of Alphabet regardless of their role or classification, has provided the structure that ensures Google workers can actively push for real changes at the company. For example, in June of 2021, AWU members launched a campaign calling on Google to stop requiring transgender workers to use their "deadnames" on company badges.<sup>51</sup> A deadname is the name a transgender person was given before

---

46. Kate Conger, *Hundreds of Google Employees Unionize, Culminating Years of Activism*, NYTIMES (Jan. 4, 2021), <https://www.nytimes.com/2021/01/04/technology/google-employees-union.html> [<https://perma.cc/L6NW-4GV3>].

47. Jillian D'Onfro, *Alphabet Reportedly Had More Contractors than Direct Employees This Year*, CNBC (July 25, 2018), <https://www.cnbc.com/2018/07/25/alphabet-google-employed-more-contractors-than-direct-employees-report.html> [<https://perma.cc/8PXR-KCW5>].

48. Jillian D'Onfro, *Google's Approval of \$135 Million Payout to Execs Accused of Sexual Misconduct Sparks Fresh Employee Backlash*, FORBES (Mar. 12, 2019), <https://www.forbes.com/sites/jilliandonfro/2019/03/12/googles-approval-of-135-million-payout-to-execs-accused-of-sexual-misconduct-sparks-fresh-employee-backlash> [<https://perma.cc/4CV8-32EH>].

49. Isaac Brekken, *Google's AI Drone Project with U.S. Military Provokes Outrage Among Employees*, NEWSWEEK (Mar. 7, 2018), <https://www.newsweek.com/googles-ai-drone-project-us-military-provokes-outrage-among-employees-833869> [<https://perma.cc/2TNG-QKJ5>].

50. Anthony Cuthbertson, *Google Quietly Removes 'Don't Be Evil' Preface from Code of Conduct*, INDEPENDENT (May 21, 2018), <https://www.independent.co.uk/tech/google-dont-be-evil-code-conduct-removed-alphabet-a8361276.html> [<https://perma.cc/Z3ER-VY6W>].

51. Aleeya Mayo, *Google Workers Are Pushing the Company to Use Preferred Names on ID Badges and Drop Deadnames*, BUSINESS INSIDER (June 2, 2021),

transitioning. For many transgender people, changing their names is an important part of their transition. Calling someone by their deadname can make them feel disrespected and may lead to misgendering and harassment. An AWU member tried for three years to have his deadname removed from his badge and was told by HR there was no remedy. The union launched a petition demanding that Google create a chosen names policy that allows all workers to choose the names displayed on their badges. More than 1,000 employees signed on and the company agreed to issue the worker a new badge with his chosen name.<sup>52</sup> Inspired by victories like these, a growing number of Alphabet workers are joining the union and the battle for equality and justice in the workplace and beyond.

## VI. CALL CENTER WORKERS UNITED-CWA (MAXIMUS)

Maximus is a multi-billion dollar government services company that employs one of the largest federally contracted workforces in the country through contracts with the Centers for Medicare and Medicaid Services (CMS).<sup>53</sup> Maximus workers staff call centers that handle Medicare and ACA Federally Facilitated Marketplace calls. Workers at multiple Maximus call centers have been organizing with CWA, including in Hattiesburg, MS, Bogalusa, LA, and Chester, VA, all of which have workforces of more than 75% people of color.<sup>54</sup> The workers have organized multiple walkouts to protest poor working conditions, including Maximus's failure to protect them from racially abusive callers.<sup>55</sup>

Maximus has done everything in its power to silence these workers. The company has even resorted to intimidation tactics including calling the police on workers for talking to their co-workers in the company parking lot.<sup>56</sup> Instead of addressing its workers' concerns, Maximus, which receives taxpayer dollars as a federal contractor, has offered bonuses to workers willing to work during a strike. Black women workers, who represent a

---

<https://www.businessinsider.com/alphabet-union-google-workers-id-name-change-deadnames-trans-employees-2021-6> [<https://perma.cc/4UAG-V2EX>].

52. *Members of Alphabet Workers Union Call on Google to #DropTheDeadNames*, COMMUNICATIONS WORKERS OF AMERICA (June 24, 2021), <https://cwa-union.org/news/members-of-alphabet-workers-union-call-on-google-dropthedeadnames> [<https://perma.cc/6KJ2-X82U>].

53. *Maximus Awarded Centers for Medicare & Medicaid Services Contract for Contact Center Operations*, MAXIMUS (Sept. 1, 2022), <https://maximus.com/news/maximus-awarded-centers-medicare-medicaid-services-contract-contact-center-operations> [<https://perma.cc/4GTK-P9J8>].

54. *Racial Inequities Exposed at Maximus, the Largest Federal Government Call Center Contractor*, COMMUNICATIONS WORKERS OF AMERICA (Mar. 21, 2023), <https://cwa-union.org/news/releases/racial-inequities-exposed-maximus-largest-federal-government-call-center-contractor> [<https://perma.cc/9DXA-ALY5>].

55. *Id.*

56. Sarah Jones, *A Call Center Giant Is Responding to COVID-19, but Not Its Own Employees*, NYMAG (May 8, 2020), <https://nymag.com/intelligencer/2020/05/call-center-workers-say-their-giant-employer-endangers-them.html> [<https://perma.cc/P2C4-597H>].

significant bloc of the workforce at the largest Maximus call centers, have been leading this fight with tremendous courage and persistence. For years, they have raised concerns about the lack of equity and reported the disconnect between the frontline workers and the top executives. CWA, the Strategic Organizing Center, and the NAACP released a report that exposed significant racial inequities at Maximus.<sup>57</sup> The results included in the report clearly show outrageous racial and gender disparities between the low-wage hardworking frontline employees and the executives at the top getting wealthy off of their work.<sup>58</sup> The report centered the voices of Black women, who report feeling stuck in dead-end poverty wage jobs without any career path, despite their dedication to the company.

The workers' fight for better working conditions is also a fight for racial equity and justice. They are continuing the legacy of generations of Black workers and activists with a rich history of organizing for change in the South and across the country. CWA is proud to have their backs.

## CONCLUSION

Coming from a union household and being a union member early in my career made me realize the protection and value of unions. In addition to ensuring my coworkers and I received fair compensation, adequate benefits, and the ability to address workplace challenges, a union job afforded us the opportunity to have dignity, respect, and a voice on the job. However, as a Black woman from a low-income household, I constantly faced challenges that extended to the workplace and beyond. I strongly believe in building a more inclusive and progressive labor movement that not only promotes better wages and working conditions but also empowers workers to protect and advance their rights as human beings and full citizens. This begins with the understanding that our fight for labor rights and economic advancement is intrinsically tied to our fight for civil rights and social justice.

Forming a union is one of the most effective means for workers to ensure equity and combat various forms of systemic oppression in the workplace and beyond. Through unity and solidarity, union members can build power to negotiate strong collective bargaining agreements that can significantly improve their lives and serve as a pathway to rectify societal inequities. Unions are not immune to racism, sexism and other forms of systems of oppression that plague the rest of society, which is why building solidarity

---

57. *Calling for Justice: Racial Inequity at the Largest Federal Call Center Contractor*, COMMUNICATIONS WORKERS OF AMERICA (Mar. 2023), [https://cwa-union.org/sites/default/files/2023-03/202303\\_Federal\\_Contracting\\_Racial\\_Equity.pdf](https://cwa-union.org/sites/default/files/2023-03/202303_Federal_Contracting_Racial_Equity.pdf) [<https://perma.cc/J9KD-63T4>].

58. *Id.* (“While white men make up only 9 percent of frontline workers, they account for nearly 50 percent of executives. Black and Latina women are the single largest group of frontline workers at 48 percent, but they represent only five percent of executives.”).

requires us to look within and take intentional steps to be inclusive of all workers.

Every time workers come together and build power to form a union and win a contract, they are not only improving their wages and working conditions but also raising the standard for all workers. The power of the labor movement comes from representing our union members on the job, organizing new people into our ranks, and building solidarity with other movements for social and economic justice through politics and movement building. This work doesn't stop when workers clock out for the day.

If you look behind the curtains of our current societal and political discourse, you will find the forces constantly launching attacks on our civil rights and democracy are the same anti-union and anti-worker forces. As Dr. King said during a speech to the 1961 AFL-CIO Convention, "The labor-hater and labor-baiter is virtually always a twin-headed creature spewing anti-[Black] epithets from one mouth and anti-labor propaganda from the other mouth."<sup>59</sup> Our capacity to fight back is tied to our ability to effectively communicate our shared values and help workers and all communities see behind the curtain. As law students and future legal professionals, you can play a critical role in defending the rights of workers in the workplace and beyond against those who seek to exploit working families for profit.

Right now, support for unions is near its all-time high.<sup>60</sup> Workers are stepping up to address the inequalities exacerbated by the pandemic. Workers are taking collective action to form unions and fighting back against employers who interfere with their right to organize. They are mobilizing to negotiate contracts that are more inclusive. They are advocating for progressive policies and changes in their unions, their workplaces, their industries and their communities. Most of all, they are collectively saying NO to corporate greed, corruption and exploitation. My hope is for all of you here to go out there and have their backs. You can be their lawyer—their advocates in the courtroom, at the negotiating table, and in the streets.

---

59. Dr. Martin Luther King, Jr., *Address Delivered at the Fourth Constitutional Convention of the AFL-CIO*, in THE PAPERS OF MARTIN LUTHER KING, JR. VOLUME VII: TO SAVE THE SOUL OF AMERICA, JANUARY 1961–AUGUST 1962 333, 336 (Clayborne Carson & Tenisha Armstrong eds., 2014).

60. Justin McCarthy, *U.S. Approval of Labor Unions at Highest Point Since 1965*, GALLUP (Aug. 30, 2022), <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx> [<https://perma.cc/9TPQ-GC9G>].