

*Labor in America:
Power, Politics, and Policy in the Workplace*

Columbia SIPA Seminar
U6301

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Thursdays, 4:10 PM – 6:00 PM
402B IAB

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“[T]he labor question has never been simply a function of the labor market, the character of production technology, the social composition of the workforce, or the state of business organization. These structures frame the issue and channel the discussion: they set limits on the character of the struggle and debate. But the history and future of the nation’s labor question remains primarily one of ideas, ideology and social combat.”

– *Nelson Lichtenstein, State of the Union*

For most Americans, work and employment not only dominates our day-to-day existence and provides the economic means to support ourselves and our families. Work also structures how we see ourselves and construct our identities. The policies surrounding labor and employment relations, then, are some of the most important decisions that a government can make. These policies determine how safely workers can do their jobs, including the health and environmental risks to which workers are exposed, how employers can treat workers on and off the job, how much workers are paid (and indeed, if they are paid at all), whether and how employers can lay off workers, and how workers can, if at all, form organizations to represent their interests before management.

Consider the following scenarios that come up every day:

- Can an employer fire a worker for failing to participate in a political rally? Should an employer have the right to tell workers how to vote?
- Should college interns be paid for their work? Should interns have federal legal protections against sexual harassment or racial discrimination?
- Who has the right to form a union at their job? Can college athletes unionize? What about doctoral students? Masters students?

- Is Uber an employer? Are Uber drivers employees or independent contractors?
- Which jobs can – and will – be replaced by robots and computers?

In this seminar, we will discuss the issues surrounding these questions – including what American labor law says (and does not say) about them – from a variety of perspectives in history, law, political science, and economics. Our discussions will thus address topics as varied as unions, racial inequalities, globalization, automation, education, out-sourcing, in-sourcing, Uber, the gig economy, internships and the employment status of student athletes. The underlying theme is that we will consider the conditions in which workers do their jobs, the nature of those jobs, the relationship between workers and their employers, and the role of public policy in setting the rules that govern those factors.

By the end of the semester, students in this seminar will:

- (1) Understand the major theoretical perspectives – from political science, law, sociology, and economics – about the relationship between workers and managers, unions, and the development of employment conditions.
- (2) Develop an understanding of the history of American labor relations and the implications of the political development of labor policy for present-day political debates.
- (3) Understand debates over the future of labor policy and the quality of American jobs.
- (4) Advance skills related to critically reading and synthesizing academic and policy research, as well as conducting, writing, and presenting original policy analysis.

Major themes include:

- (1) The distinctive nature of the American labor regime in comparative perspective, especially the discretion given to private-sector employers in setting the terms of employment (“at-will” employment).
- (2) Enduring ways that historical legacies of slavery and the Southern states’ political economies have shaped American labor markets.
- (3) The separation of civil rights law from labor law in the post-New Deal era and its consequences for the fate of American unions, especially in the private sector.
- (4) The economic and social forces, including access to higher education, exposure to global trade, outsourcing, contracting, on-call and contingent employment arrangements, and technology in shaping the jobs that are available to Americans of differing skill levels.

Credits and Prerequisites: This class is worth three credits. There are no formal prerequisites, although the class assumes familiarity with reading and evaluating social science research.

Requirements and Expectations: Evaluations for this class will revolve around two components: student participation each week in the seminar and a final policy project. *Participation* entails coming to class having completed the weekly readings and ready to intervene in the discussion with thoughtful questions and reactions.

In addition, each student will select several weeks in which they will be responsible for launching discussion, which involves offering some framing comments and posing a set of themes or topics that will structure the rest of the class (5-10 minutes). In these framing presentations, student leaders ought to draw on examples and data on the themes we discuss each week. This will require some short additional online research. So, for instance, in the week on public labor unions, students might plan on highlighting some basic facts about the political involvement of government employees in politics, or on the structure of government work pensions in a state. These presentations will help to ground our discussions in actual examples from the states.

All other students who are not presenting in a given week will be required to submit brief (about one paragraph) reactions to the readings each week with one or two questions or overarching comments. Students should post these comments on the Canvas discussion board. These comments should be posted no later than noon on the day of class.

The *final policy project* involves an in-depth analysis of a labor or workplace policy issue, including original research about a policy problem or debate, potential solutions, and relevant political implications and considerations. An especially important part of this project will involve interviewing the major stakeholders involved in the policy issues students choose. So, for instance, if a student were to pick living wage policies in a state as their issue, the student would reach out to important stakeholders in that state, including the major business associations, labor unions, think tanks, legislators on the labor policy committee, and community organizers. Students should use these interviews strategically if they are interested in pursuing a future career in their issue area, as the interviews will provide an opportunity to interact with potential employers.

Students will be responsible for a two-page summary of their proposed policy project for Week 8 of the class, which I will use to offer feedback and advice. That proposal should include a brief discussion of the policy problem, its practical importance, potential solutions to be evaluated, and a plan for gathering the necessary data to conduct a policy analysis. The final products consist of a ~20-page research paper, to be submitted during reading week, and a presentation summarizing the major findings and analysis in the paper, to be delivered during the final week of class.

Final grades will be calculated as follows: 20% participation (10% discussion; 10% weekly reactions), 20% research project proposal, 20% project presentation, and 40% final paper.

Students submitting late assignments will receive an automatic letter grade reduction in their score (that is, an assignment that would otherwise be graded as an “A” would become a “B” and so on).

I will provide comments on your written work, in addition to a grade, and am happy to discuss my grading with you during office hours. You may also request a regrade of an assignment, but I reserve the right to assign either a higher or a lower grade to your work upon further inspection.

Readings: All readings will be posted on Canvas.

Collaboration and Academic Integrity Policy: You will get the most out of this class if you actively discuss the readings and your research projects with your colleagues. At the same time, assignments turned in by students must ultimately reflect the students’ own work and ideas, and must properly cite any material not generated by the student.

The School of International & Public Affairs does not tolerate cheating and/or plagiarism in any form. Those students who violate the Code of Academic & Professional Conduct will be subject to the Dean’s Disciplinary Procedures. Cut and paste the following link into your browser to view the Code of Academic & Professional Conduct online:

http://sipa.columbia.edu/resources_services/student_affairs/academic_policies/deans_discipline_policy.html

Please familiarize yourself with the proper methods of citation and attribution. The School provides some useful resources online; we strongly encourage you to familiarize yourself with these various styles before conducting your research:

http://sipa.columbia.edu/resources_services/student_affairs/academic_policies/code_of_conduct.html

Violations of the Code of Academic & Professional Conduct should be reported to the Associate Dean for Student Affairs.

Week	Date	Seminar Topic	Assignments Due
1	1/18	The State of Working America at the Bottom and Top	
2	1/25	Political, Economic, and Legal Theories of the Workplace and Labor Relations	
3	2/1	What is a Union and Why Are They in Decline?	
4	2/8	Historical Perspectives on Labor in America and the Post-New Deal Structure of American Labor Law	
5	2/15	The Public-Private Divide in the Union Movement and the Backlash Against Public Sector Workers	
6	2/22	The Enduring Legacies of the Peculiar American Institution: Discrimination in the Labor Market	
7	3/1	Missed Opportunity? The Divergent Trajectories of Civil Rights and Labor Rights	
8	3/8	The Changing Landscape of Employment and	Proposals for Papers Due by

		Wages: Should We Blame Schools, China, the Robots, or Something Else Entirely?	2 PM via Canvas
9	3/15	<i>Spring Break – No Class</i>	
10	3/22	The Fissured Workplace: Conditions, Causes, and Potential Remedies – Guest Speaker Catherine Barnett, Director, Restaurant Opportunities Center - NY	
11	3/29	Students, Athletes, and Interns: Who Counts as a Worker?	
12	4/5	Wal-Mart: A Case Study in the Future of Labor Markets OR Sexual Harassment: A Window into The Challenge of Enforcing Employment Law	
13	4/13	Big Data, The Gig Economy, and New Frontiers of Labor Relations – <i>Online Discussion Instead of Class Meeting</i>	
14	4/19	Cross-National Perspectives on Labor: Institutions and Outcomes	
15	4/26	Project Presentations	Project Presentations
16	5/3	<i>Study Week – No Class</i>	Final Paper Due by 2 PM via Canvas

Week 1: *The State of Working America at the Bottom and Top*

- Larry Mishel, Josh Bivens, Elise Gould, and Heidi Shierholz. 2012. *The State of Working America: 12th Edition*. Economic Policy Institute. Chapter 1 (Overview).
- Richard Freeman and Joel Rogers. 2006. *What Workers Want*. ILR Press. Introduction to the Updated Edition.
- Binyamin Appelbaum. “The Jobs Americans Do.” *The New York Times Magazine*.
- Jodi Kantor. “Working Anything but 9 to 5.” *The New York Times*.
- Jodi Kantor and David Streitfeld. 2015. “Inside Amazon: Wrestling Big Ideas in a Bruising Workplace.” *The New York Times*.

Week 2: *Political, Economic, and Legal Theories of the Workplace and Labor Relations*

- Ronald Coase. 1937. “The Nature of the Firm.” *Economica*.
- Karl Marx. *Capital*. Chapters 6 and 14.
- Mancur Olson. 1965. *The Logic of Collective Action*. Harvard University Press. The Labor Union and Economic Freedom (through section B).
- *Skim*: Claus Offe and Helmut Wieselthel. 1980 “The Two Logics of Collective Action.” In *Disorganized Capitalism*. Selections. This is an important but dense piece. I put a nice (and shorter!) summary of the piece by Barry Eidlin in the Drop Box you can read to make sure you get the whole argument.
- Elizabeth Anderson. 2017. *Private Government: How Employers Rule Our Lives*. Princeton University Press. Lecture II: Private Government.

- *Optional*: CORE Open Source Economics Textbook, Unit 6: <http://www.core-econ.org/book/text/06.html>. You can review this chapter if you are rusty on labor markets.

Week 3: *What is a Union and Why Are They in Decline?*

- Richard Freeman and James Medoff. 1984. *What Do Unions Do?*
- John Ahlquist. 2017. “Labor Unions, Political Representation, and Economic Inequality.” *Annual Review of Political Science*.
- James Sherk. 2009. *What Unions Do*. The Heritage Foundation.
- Jake Rosenfeld. 2014. *What Unions No Longer Do*. Harvard University Press. Chapter 1: The Collapse of Organized Labor in the United States.
- Kate Bronfenbrenner. 2009. “No Holds Barred: The Intensification of Employer Opposition to Organizing.” Economic Policy Institute.
- *Optional*: James Feigenbaum, Alexander Hertel-Fernandez, and Vanessa Williamson. 2018. “Demobilizing Democrats and Labor Unions: Political Effects of Right to Work Laws.” Read if you are interested in work in progress documenting the large political consequences of the decline in unions for the Democratic party and public policy in the United States.

Week 4: *Historical Perspectives on Labor in America and the Post-New Deal Structure of American Labor Law*

On the history of American labor and the post-new deal structure of labor unions, see:

- *Skim*: Philip Dray. 2010. *There is Power in a Union*. Doubleday. Chapters 1 through 5.
- *Skim*: Nelson Lichtenstein. 2002. *State of the Union*. Princeton University Press. Chapters 1 through 4.
- Congressional Research Service. 2014. “The Fair Labor Standards Act (FLSA): An Overview.”
- Congressional Research Service. 2012. “The National Labor Relations Act: Background and Selected Topics.”

For possibilities of new unionization efforts, see:

- Kate Andrias. 2016. “The New Labor Law.” *Yale Law Journal*.
- Andrew Stern and Eli Lehrer. 2017. “How to Modernize Labor Law.” *National Affairs*.
- Steven Greenhouse. 2016. “How the \$15 Minimum Wage Went From Laughable to Viable.” *The New York Times*.

Week 5: *The Public-Private Divide in the Union Movement and the Backlash Against Public Sector Workers*

- Daniel DiSalvo. 2015. *Government against Itself: Public Union Power and Its Consequences*. Oxford University Press. Selections.
- Jake Rosenfeld. 2014. *What Unions No Longer Do*. Harvard University Press. Chapter 2.

- *Skim*: Sarah F. Anzia and Terry Moe. 2014. “Public Sector Unions and the Costs of Government.” *Journal of Politics*.
- John Ahlquist. 2012. “Public Sector Unions Need the Private Sector (or why the Wisconsin protests were not labor's Lazarus moment).” *The Forum*.
- Richard Freeman and Eunice Han. 2012. “The War Against Public Sector Collective Bargaining in the US.” *The Journal of Industrial Relations*.
- *Optional*: Alexander Hertel-Fernandez. 2017. “Policy Feedback as Political Weapon: Conservative Advocacy and the Demobilization of the Public Sector Labor Movement.” *Perspectives on Politics*. Read if interested in more details into conservative strategies for curbing the political power of public sector labor unions and their consequences.

Week 6: *The Enduring Legacies of the Peculiar American Institution: Discrimination in the Labor Market*

- Nelson Lichtenstein. 2002. *State of the Union*. Princeton University Press. Chapter 5.
- *Skim*: Gary Becker. 1957. *The Economics of Discrimination*. University of Chicago Press. Chapter 10: Summary.
- *Skim*: Gavin Wright. 2013. *Sharing the Prize*. Harvard University Press. Chapters 1 through 5.
- Mariane Bertrand and Sendhil Mullainathan. 2004. “Are Emily and Greg More Employable Than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination.” *American Economic Review*.
- Devah Pager. 2003. “The Mark of a Criminal Record.” *American Journal of Sociology*.
- Amanda Agan and Sonja Starr. 2016. “Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment.” University of Michigan Law School Faculty Working Paper.

Week 7: *Missed Opportunity? The Divergent Trajectories of Civil Rights and Labor Rights*

- *Skim*: earlier CRS reading about NLRA
- Browse EEOC website about employee rights to bring charges against their employers for various types of discrimination: <https://www.eeoc.gov/laws/types/index.cfm>
- Paul Frymer. 2007. *Black and Blue*. Princeton University Press. Chapters 2 and 5.
- Richard D. Kahlenberg and Moshe Z. Marvit. 2012. *Why Labor Organizing Should be a Civil Right*. The Century Foundation Press. Selections.
- Cynthia L. Estlund. 1995-1996. “Free Speech and Due Process in the Workplace.” *Indiana Law Journal*.
- *Optional*: Alexander Hertel-Fernandez. 2016. “Employer Political Coercion: A Growing Trend.” *The American Prospect*. Read if interested in growing trend of employers recruiting workers into politics, sometimes in coercive ways.

Week 8: *The Changing Landscape of Employment and Wages: Should We Blame Schools, China, the Robots, or Something Else Entirely?*

- Claire Cain Miller. 2016. “The Long-Term Jobs Killer Is Not China. It’s Automation.” *The New York Times*.
- *Skim*: Claudia Goldin and Lawrence Katz. 2010. *The Race between Education and Technology*. Harvard University Press. Selections.
- David Autor. 2010. “The Polarization of Job Opportunities in the U.S. Labor Market, Implications for Employment and Earnings.” Center for American Progress and Brookings Institution: The Hamilton Project.
- Lawrence Mishel and Josh Bivens. 2017. “The Zombie Robot Argument Lurches On.” Economic Policy Institute.
- David Autor, David Dorn, and Gordon Hanson. 2016. “The China Shock: Learning from Labor-Market Adjustment to Large Changes in Trade.” *Annual Review of Economics*.

Proposals for final policy research project due by the beginning of class this week. They should be submitted via Canvas.

Week 10: *The Fissured Workplace: Conditions, Causes, and Potential Remedies – Guest Speaker: Catherine Barnett, Restaurant Opportunities Center NY*

- Sarah Maslin Nir. 2015. “The Price of Nice Nails.” *The New York Times*.
- David Weil. 2014. *The Fissured Workplace*. Harvard University Press.
- Annette Bernhardt et al. 2010. “Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America’s Cities.” *National Employment Law Project Report*.
- *Skim*: Daniel J. Galvin. 2016. “Deterring Wage Theft: Alt-Labor, State Politics, and the Policy Determinants of Minimum Wage Compliance.” *Perspectives on Politics*.
- *Skim*: Janice Fine. 2017. “Enforcing Labor Standards in Partnership with Civil Society: Can Co-enforcement Succeed Where the State Has Failed?” *Politics & Society*.

Week 11: *Students, Athletes, and Interns: Who Counts as a Worker?*

- Steven Greenhouse. 2010. “The Unpaid Intern, Legal or Not.” *The New York Times*.
- Darren Walker. 2016. “Internships Are Not a Privilege.” *The New York Times*.
- Kathryn Edwards and Alexander Hertel-Fernandez. 2010. “Paving the Way through Paid Internships.” and “Not-so-equal protection: Reforming the regulation of student internships.” Economic Policy Institute.
- Congressional Research Service. 2014. “The National Labor Relations Board (NLRB) and the Right of Northwestern University Football Players to Unionize: Background and Related Issues.”
- *Skim*: NLRB Decision in Northwestern University and College Athletes Players Association, Case 13-RC-121359. Read Employer (Northwestern University) and Petitioner (College Athletes Players Association) initial briefs, too.

- *Skim*: NLRB Decision in Trustees of Columbia University in the City of New York, Case 02-RC-143012. Read SEIU briefs and Ivy League briefs, too.

Week 12: *Wal-Mart: A Case Study in the Future of Labor Markets OR Sexual Harassment: A Window into The Challenge of Enforcing Employment Law*

For Wal-Mart Discussion:

- Steven Greenhouse. 2015. “How Walmart Persuades Its Workers Not to Unionize.” *The Atlantic Monthly*.
- Susan Berfield. 2015. “How Walmart Keeps an Eye on its Massive Workforce.” *Bloomberg Business Week*.
- Nelson Lichtenstein. 2009. *The Retail Revolution: How Wal-Mart Created a Brave New World of Business*. Metropolitan Press. Selections.
- *Skim*: Arindrajit Dube, T. William Lester, and Barry Eidlin. “Firm Entry and Wages: Impact of Wal-Mart Growth on Earnings throughout the Retail Sector.” Working Paper.
- Jason Furman. “Wal-Mart: A Progressive Success Story.” Working Paper.
- *Optional*: Bethany Moreton. 2009. *To Serve God and Wal-Mart: The Making of Christian Free Enterprise*. Harvard University Press. Selections. If interested in the religious component of Walmart’s growth over time.

For Sexual Harassment Discussion:

- Ronan Farrow. 2017. “From Aggressive Overtures to Sexual Assault: Harvey Weinstein’s Accusers Tell Their Stories.” *The New Yorker*.
- Susan J. Fowler. 2017. “Reflecting on one very, very strange year at Uber.” Personal blog.
- Elizabeth Dias and Eliana Dockterman. 2016. “The Teeny Tiny Fine Print That Can Allow Sexual Harassment Claims to Go Unheard.” *Time Magazine*.
- U.S. Equal Employment Opportunity Commission. 2016. “Select Task Force on the Study of Harassment in the Workplace.”
- The Restaurant Opportunities Centers United Forward Together. 2014. “Sexual Harassment in the Restaurant Industry.”
- Katherine Stone and Alexander Colvin. 2015. “The Arbitration Epidemic.” The Economic Policy Institute.
- Heather McLaughlin, Christopher Uggen, and Amy Blackstone. 2012. “Sexual Harassment, Workplace Authority, and the Paradox of Power.” *American Sociological Review*.
- Proposal: The Fair Employment Protection Act from the National Women’s Law Center.

Week 13: *Big Data, The Gig Economy, and New Frontiers of Labor Relations*

- Steve Lohr. 2014. “Unblinking Eyes Track Employees.” *The New York Times*.
- *Skim*: U.S. Equal Employment Opportunity Commission Hearing on “Big Data in the Workplace: Examining Implications for Equal Employment Opportunity Law.” All written testimony.

- Lawrence F. Katz and Alan B. Krueger. 2016. “The Rise and Nature of Alternative Work Arrangements in the United States, 1995-2015.” Working Paper.
- Seth D. Harris and Alan B. Krueger. 2015. “A Proposal for Modernizing Labor Laws for Twenty-First-Century Work.” The Brookings Institution: The Hamilton Project.
- Ross Eisenbrey and Larry Mishel. 2016. “Uber business model does not justify a new ‘independent worker’ category.” Economic Policy Institute.

Week 14: *Cross-National Perspectives on Labor: Institutions and Outcomes*

- Peter Hall and David Soskice. 2001. *Varieties of Capitalism*. Oxford University Press. Introduction.
- Kathleen Thelen. 2014. *Varieties of Liberalization and the New Politics of Social Solidarity*. Cambridge University Press. Selections.
- Bruce Western. 1999. *Between Class and Market: Postwar Unionization in the Capitalist Democracies*. Princeton University Press. Chapter 4.
- *Skim*: OECD. 2015. *In It Together: Why Less Inequality Benefits All – Non-standard work, job polarization, and inequality*. Chapter 4.

Week 15: Final Presentations of Papers