

Re-Imagining Labor Law: Building Worker Collectivities After the NLRA

Symposium Jointly Sponsored by UC Irvine Law School and the Labor Law Group

February 22-23, 2013

UC Irvine Law School

Symposium Description

The goal of the symposium is to think about alternatives to the Wagner Act and employment law models of workplace protection. A mix of eminent and rising scholars and, experienced lawyers, and lawyers engaged in working with worker centers and other new types of organizations have been asked to consider fundamental questions: What are alternatives to or improvements upon the Wagner Act model of majority unions and workplace collective bargaining? What institutional structures could be or have been created to provide dignity, opportunity and protection to work?

The panelists present a range of ideas and approaches to the challenge. They propose to increase the voice of workers without unions and to increase transparency about workplace standards; they describe and generalize from alliances between labor and environmental groups to change local law regarding independent contractor status; they propose reforms of immigration law, changes in the structure of bargaining and union elections and changes the legal rights and obligations of unions in right to work states. Each panel combines ideas presented by scholars for legal change with commentary by lawyers with significant contemporary experience in practice with the problems that the papers attempt to address. It is our hope that the conversation between scholars and practitioners about the nature of contemporary workplaces, the weaknesses of the current system, and the proposals for change will yield a wide-ranging and creative discussion about realistic proposals for change and will inspire scholars and practitioners alike to consider new ways of enforcing labor standards.

FRIDAY, FEBRUARY 22:

8:30 a.m. **Welcome and Introduction:** Catherine Fisk and Sameer Ashar (UCI Law)

8:45 a.m. – 10:30 **Considering New Forms and Goals of Organizing**

Lance Compa (Cornell ILR), "Preserving the Best and Exploring the Alternatives"

Scott Cummings (UCLA Law), "Importing Standards: The Los Angeles Clean Trucks Program"

Michael Selmi (George Washington Law), "Workplace Justice: What Workers Deserve in a World Without Unions"

Discussants: Chris Williams (Workers' Law Office, P.C.); Haeyoung Yoon (National Employment Law Project)

10:30 – 10:45 **Coffee Break**

10:45 – 12:30 **Immigrant Worker Organizations**

Stephen Lee (UCI Law), “Can Criminal Justice Address Immigrant Labor Injustice”

Jayesh Rathod (American University Law), “Riding the Wave: Uplifting Worker Organizations through Comprehensive Immigration Reform”

Discussant: Betty Hung (Asian Pacific American Legal Center); Chris Newman (National Day Laborer Organizing Network)

12:30 – 1:30 **Lunch**

1:30 – 3:15 **Re-Imagining Union Relations with Members and Non-Members**

Ben Sachs (Harvard Law) & Catherine Fisk (UCI Law), “A Federal Right to Members Only Representation in Right to Work States”

Michael Oswald (SEIU Law Fellow), “Automatic Elections”

Discussants: Wilma Liebman (former Chair, National Labor Relations Board); Dan Clifton (Lewis, Clifton & Nikolaidis, P.C.)

3:15 – 3:30 **Refreshments**

3:30 - 5:15 **International and Comparative Innovations**

Matt Dimick (SUNY Buffalo Law), “Transforming the Structure of Bargaining”

Chris Tilly & Marie Kennedy (UCLA ILR), “Latin America’s “third left” meets U.S. worker centers: A promising direction for worker protection?”

Discussants: Fran Ansley (University of Tennessee); Katherine Stone (UCLA Law)

5:15 – 6:00 **Reception**

SATURDAY, FEBRUARY 23

8:45 – 10:30 **Enhancing Speech and Transparency**

Marion Crain (Washington University Law), “After Unions”

Cynthia Estlund (NYU Law), “Exploring the Implementation of the Case for Workplace Transparency”

Discussant: Noah Zatz (UCLA Law)

10:30 – 10:45 **Coffee**

10:45 - 12:30 **Roundtable Discussion of All in Attendance About the Ideas Presented**

Deborah Malamud (NYU Law), moderator

12:30 – 1:00 **Concluding Thoughts**

Box Lunches