



**Rebalancing Economic and Political Power:
A Clean Slate for the Future of Labor Law**

Solution Sets

What follows are the five focus areas for the *Clean Slate Project* – five possible sets of solutions to the crisis of economic and political inequality. The goal of each focus area is to generate new approaches to the creation of countervailing power for working people. We stress at the outset that each focus area, in addition to encompassing its specific challenges and opportunities, also must grapple with several overarching issues that are core to any successful labor law reform. Primary among these is how, in building worker economic and political power, we can also address racial and gender subordination. Each focus area will also have to contend with the question of federalism, i.e. at which level(s) of government should these solutions be pursued. Finally, each focus area must consider that any reform will occur in the context of a hostile federal judiciary.

- I. ***Building Worker Power at the Sectoral, Value Chain, Enterprise and Worksite Level and Expanding Who Has the Right/Obligation To Bargain:***
 - A. *Levels of bargaining:* sectoral bargaining; mechanisms for tripartite bargaining; value-chain bargaining; the future of enterprise bargaining
 - B. *Who bargains and what do we bargain over:* definition of employer; range of workers who have the right to bargain; “codetermination,” workers on corporate boards and worker ownership; scope of bargaining subjects
- II. ***Available Forms of Worker Organizations:***
 - A. *Organizations for worker power:* works councils; members-only unions; consumer, community and worker campaigns; political and advocacy organizations for workers; strengthening existing unions
 - B. *Facilitating the formation and sustainability of powerful worker organizations:* models for generation of revenue and for sustaining institutions; facilitating the choice of worker organization (setting the default, mandating elections)
- III. ***Establishing the Scope and Power of Collective Action:*** new pathways for building power; strike rights; defining the scope for boycotts, pickets and other forms of collective action; right to collective action in the nonunion workplace
- IV. ***Building Worker Power Through Benefits Provision and Enforcement:***
 - A. *Benefits:* using worker organizations to administer portable benefits; adapting a Ghent-type system for the U.S.; facilitating use of worker owned/controlled capital
 - B. *Enforcement:* creative redesign of enforcement regimes to build worker power; reopening access to the courts for workers; addressing employer intransigence
- V. ***Empowering Labor Law Reform By Updating Other Legal Regimes:*** antitrust; corporate; immigration; constitutional; criminal; consumer; voting rights and campaign finance