

## Getting Curious with Jonathan Van Ness & Rebecca Givan

**JVN** [00:00:01] Welcome to Getting Curious. I'm Jonathan Van Ness and every week I sit down for a 40 minute conversation with a brilliant expert to learn all about something that makes me curious. In advance of Labor Day, we're re-releasing an episode from 2018 with Rebecca Givan, an associate professor of Labor Studies and Employment Relations at Rutgers University, where I ask her: Are Unions A Good Bargain? This is Jonathan Van Ness. I'm very excited this week because we're hearing so much right now about trade unions. I feel like over my life I've heard a lot about, like, unions. I think Jimmy Hoffa, I think, I think mob. I think, I don't, I don't know what a union is like. I'm a millennial, so I brought an amazing professor. You're full of knowledge. Rebecca Givan. Right?

**REBECCA GIVAN** [00:00:48] Yeah.

**JVN** [00:00:48] I nailed it.

**REBECCA GIVAN** [00:00:49] You nailed it.

**JVN** [00:00:49] Thank God, I didn't put too much emphasis on the on the "van" part so, like, Givaan. It's just Givan. I love that. So what do you mean to call you? Like professor Givan. Do you want me to call you Rebecca?

**REBECCA GIVAN** [00:00:59] Rebecca.

**JVN** [00:00:59] OK, Rebecca, welcome.

**REBECCA GIVAN** [00:01:01] Thank you.

**JVN** [00:01:01] Thank you so much for coming. So you know unions. What are they? Are these something from the 40s? Are they? Why does the Supreme Court seem to hate them? Like what's going on?

**REBECCA GIVAN** [00:01:13] Those are great questions. Unions were actually at their biggest in the 40s. So you're totally right to wonder if there's something from the 40s. And they also have this funny reputation throughout our history where people think Jimmy Hoffa. Or maybe they think of autoworkers in Michigan from, you know, 50 years ago. But there are still about 15 million Americans in unions. More than 1 in 10 of US workers are in unions. And at the most sort of basic level, unions are just groups of working people who come together to speak in one voice because they can speak more effectively when they

go to their bosses for something together than if you as an individual, go to your boss and say, you know, I'm really struggling to get by, I need a raise, or I noticed a safety problem at work. So unions are just working people coming together in bigger groups. And it could be a group of two or it could be a group of hundreds of thousands of people. So, and unions are very much a presence in, in our workplaces, in our economy, from teachers that we've seen go out on strike, to people, across, in all the Hollywood production houses to all kinds of, all kinds of areas. The engineers that designed Boeing planes are union members, all kinds of places we find people who have come together at work to say, you know what, we think we can be more effective if we come together.

**JVN** [00:02:44] Like the public transport. I feel like is union.

**REBECCA GIVAN** [00:02:46] Exactly. Transport is very, very heavily unionized. And they work not just on, you know, you can imagine they would come together to get better wages, but they also do things like pointing out safety issues, right? Where you can safely speak up at work. If you have the protection of a union to say, I notice something that might be unsafe for workers, but also for passengers.

**JVN** [00:03:06] So, like, where did unions get their power and how did they wield them in their heyday?

**REBECCA GIVAN** [00:03:11] Those are great questions. So back before we had what we consider the New Deal laws that gave us all kinds of workplace rights and really happened primarily in the 1930s, it was kind of chaotic because working people would come together and they would walk out on strike. The strike would be illegal. There would be no sort of legal or institutional way for managers to say, hey, let's sit, let's talk, let's bargain a contract. People would go on what we call wildcat strikes, which is where they just walk off the job because they're mad. They haven't voted for a strike. They just say we're done. And in the 30s, they said, you know, that's kind of a problem for the economy, for American industry to have everything be so chaotic. And so let's create some sort of ground rules, some legal structures to say if you want to have a union, you have to, you have to vote in the union and the employer has to agree to negotiate. And we'll have a negotiating procedure.

And if you want to go on strike, you'll vote for a strike. And when that legislation came into place, it was the National Labor Relations Act. It actually promoted collective bargaining, which is funny now because most government entities don't, don't really promote unions in collective bargaining. They might say they're sort of fine, but they don't say like they're preferred. But then they were preferred because if you want successful companies and industries, you want a way to stop people going out on strike. Right? So at that point, the

laws really promoted collective bargaining and tons of unions sprung up or got bigger. Lots and lots of workers organized. In 1947, there was some pushback, especially from Southern states who wanted to limit workers rights, especially the workers that have always been discriminated against, so especially black workers. And so some of those workers were excluded. But we had stronger protection-.

**JVN** [00:05:04] Wait. Some of those workers were excluded.

**REBECCA GIVAN** [00:05:06] Yeah. So it's a really interesting story. So the New Deal legislation I mentioned, there's the legislation promoting unions, but there's also things like what the Fair Labor Standards Act, which is how you get overtime if you work, you know, over a certain number of hours, how you're, how you're entitled to overtime. Right? And in, in Congress, the southern senators really didn't want to give power to black workers and to form unions or to get paid better. And so what they did was they said where black workers mostly found, well, they're found primarily in agriculture and domestic work. Disproportionately, not necessarily primarily. And so still to this day, agricultural workers and domestic workers actually don't have any of those workplace rights. They have a few workplace rights, I should say, but they don't have these rights to things like overtime.

But they still form unions. Right? So one of the interesting things about unions is there are laws that say, you know, these are the people who can come together and vote in a union. But what we saw, like in the teacher strikes is even people who didn't have that right would do it anyway. They'd say, you know what, we're mad. Education's been underfunded in our state. We're going to walk off. We're gonna go on strike. So there's this tension between what's legally allowed, the institutions that have been created, and people just acting because they're frustrated, they're fed up, they're mad, and they can't see any other strategies other than going out on strike.

**JVN** [00:06:32] So how did, you know, it seems like, you know, unions were kind of created by the government in the 40s to help prevent, like, you know, quick disruptions in transportation. And, you know, I would imagine, like banking, education, blah, blah, blah. And so when did they really start to try to come in and chip away at the rights of unions and the ability of them to really function? Like when did they become like an, an enemy or whatever?

**REBECCA GIVAN** [00:06:57] So it's been, it's been really gradual over time. But some of the families that you're familiar with that we consider sort of the dark money in politics, the Kochs, the Broad family, the Waltons, all of those-.

**JVN** [00:07:09] The Broad.

**REBECCA GIVAN** [00:07:10] Yeah.

**JVN** [00:07:10] Like the museum people?

**REBECCA GIVAN** [00:07:11] Those people, the Devas family. They don't have a museum. Well, they may have a museum. I don't know.

**JVN** [00:07:16] But the Broad does.

**REBECCA GIVAN** [00:07:18] Yeah.

**JVN** [00:07:18] Those people?

**REBECCA GIVAN** [00:07:19] Yeah. They put a lot of money into fighting unions and they do it in a number of ways. They do it at the state level where they say we're going to change the laws. In Missouri, there was just an attempt to change the laws to make it harder to unionize and the people voted-

**JVN** [00:07:33] Shut it down.

**REBECCA GIVAN** [00:07:34] And they said, no, we want it to be easier for unions. We don't want it to be harder for unions. So the same kinds of-

**JVN** [00:07:40] And is that essentially, not to keep interrupting you, but is that essentially because, you know, these big families with dark or the big families with the money like they run corporations, and if unions are able to chip away at the profits on a corporation, like if, if the family or the, you know, the corporate side of it's keeping 80 percent of the profits and the workers like, hey, we think that we should get like 40 percent and you can have 60 percent or whatever, the family is like, well, we don't want to lose our 20 percent to you, so we're gonna make this legally harder for you.

**REBECCA GIVAN** [00:08:07] Yeah, they, they don't want to pay workers more. And we know workers and unions get paid about 20 percent more than workers without unions. So that's very significant. If you think about what you're, what you're taking home so they don't want to pay workers more. And then unions, one of the things unions do, as well as bargaining in the workplace is they do advocacy and lobbying. So teachers advocate for better public education funding. And so a lot of these, these families, a lot of these big corporations, they don't want corporate taxes that would pay for sort of public goods like,

like education. So they feel that by chipping away at union rights, making it harder and harder for workers to organize unions, even if they clearly want them. And we know that many workers who don't have unions want them. They will kind of be more and more profitable. They'll have lower corporate taxes and they won't have to pay their workers as much.

**JVN** [00:08:55] With the thing that just happened in Missouri. So there was a law that was passed that, that was going to make it harder for unions to unionize. And then there, and then there was a referendum that was like, hey, we don't want this law. And then that referendum is what passed?

**REBECCA GIVAN** [00:09:06] Yeah. So what we see, which is really interesting, is there are all of these, this, as I said, chipping away at the ability for workers to have unions and that things like minimum wage laws and all of that. But what we also say, and this is where millennials come in, every time it's put to a vote, people say, yes, I want to vote for a higher minimum wage, or in this case, yes, I want to vote for it to be easier, not harder for people to have unions and be represented at work. So there's this tension between the sort of money that drives a lot of politics at the state and the federal level. And then if you actually ask people what they want. So people think unions should have more influence. It should be easier. More people should be able to be in unions. But then there are these very well resourced entities that are, that are, that are trying to stop that.

**JVN** [00:09:53] Which are like the Koch, the Kochs of the world, the big, the big monies of the world.

**REBECCA GIVAN** [00:09:57] Exactly.

**JVN** [00:09:59] And so what does that the, well, I guess really what I'm trying is, what I'm asking is how do unions work when they are functioning in a like-?

**REBECCA GIVAN** [00:10:07] Yeah. So that's yeah. That's a that's a great question. And I think, you know, a lot of people have never been exposed to unions. I may never have had a family member in a union. Basically, unions do kind of three things which are kind of under the category of collective bargaining. Which is they bargained a contract that covers everybody. They also do the advocacy that I mentioned, and then the third thing they do is what we kind of consider, like we can call it mutual aid. All that means is helping people. It could be anything from a little welfare fund that is a hardship fund to providing your health insurance. Right? So one interesting thing that happened and then I'll come back to how unions work is there's been a lot, a big growth in the marijuana industry, especially in states where it's legalized. And so there's a union called the UFCW. that's trying to say, you know

what, these are retail workers. These are agricultural workers. These are low wage workers. We should see if they want a union. And there's one boss who said, you know what, I wanted to provide health insurance for my workers, but I can't because the federal government doesn't think I'm a legal business, even though the state of Washington does. And so he worked with the union to say, let's get them union health insurance. Right? So there are some really cool things where bosses actually can recognize, you know, the union can be good for everyone, but.

**JVN** [00:11:23] Right, they're like not a threat.

**REBECCA GIVAN** [00:11:25] They're not a threat. They're helpful. The boss wants the workers to have health insurance. They'll be happy. They'll be healthy. They'll stay longer. They won't quit to go get another job with better benefits.

**JVN** [00:11:33] Yeah.

**REBECCA GIVAN** [00:11:33] So there are many reasons why bosses might want the benefit of a union. But I guess in terms of how they work, the, you know, the workers come together and kind of talk about what they want. And eventually that is sort of funneled into this collective bargaining process, which is where you negotiate a contract that covers a whole set of workers. And it might say, you know, it might say, what your days off are. It might say what your work process is. It usually has a lot of transparency about pay. So instead of having that sort of arbitrary thing where you don't know what the person next to you is getting paid and they negotiated individually, the pay is kind of set on a scale that might be based on your experience, your skills, your job title, your role, all of that, and they bargain that.

So in the best case scenario, everybody's had a chance to put their input and say, you know what, it's really important to me to have flexible working hours because I'm a parent and sometimes I leave early to pick my kid up from school. So I'm going to prioritize that when we come to bargaining. And the other person says, you know, I'm an older worker, I'm getting close to retirement. I want to make sure our retiree benefits are prioritized. So they all come together collectively and negotiate and depending how willing the management is to negotiate with them, but also how much leverage they have, how strong they've proven themselves to be. They'll get a contract that hopefully will be, will be good for the members and for the workers.

**JVN** [00:12:53] So does each union kind of have like a board?

**REBECCA GIVAN** [00:12:56] Yeah. So the unions are democratic and legally they have to be. So they have you know, they'll have a vice president and a president of the local, but then they'll also often elect their negotiating committee so that everybody has a chance to sort of vote on who their representatives are that are going to talk to management. It's often those like workplace leaders, like every job you've had. You know, there's that person who really knows what's going on. They are the person you ask for advice for if there's something you're not sure about. And often those people can be, end up being in union leadership positions because they're kind of naturals.

**JVN** [00:13:28] OK. So basic-, so they legally have to be democratically elected so that you can get that kind of like, I imagine her like Red in "Orange is the New Black," but not in prison, you know?

**REBECCA GIVAN** [00:13:37] Yeah. Yeah.

**JVN** [00:13:38] So like the Reds of the group is kind of like-.

**REBECCA GIVAN** [00:13:39] Exactly.

**JVN** [00:13:40] Who ends up being like your negotiating person.

**REBECCA GIVAN** [00:13:42] Exactly.

**JVN** [00:13:43] And that's how it works. Cute. So I feel like I have a much better working understanding of how this works. But I wouldn't get into another gorgeous can of worms which is going to come up right after this break. So guys, not to leave you hanging. But listen to our gorgeous commercials. They're gonna be entertaining. They're gonna be as insightful as you can make a commercial. And you know, so just strap in your seat belts, hold on tight and we'll be right back with more "Getting Curious" after this. Welcome back to "Getting Curious." This is Jonathan Van Ness, we are with Professor Rebecca Givans and what, what, or Rebecca Givan. Singular. What are you a professor of?

**REBECCA GIVAN** [00:14:24] That's a great question. I am a professor of Labor Studies on Employment Relations. So I think about research, about teach, about basically, work, all day long.

**JVN** [00:14:33] Love it. That almost leaves me speechless when I think about it, because as a, you know, as a hairdresser, my goal was to always get the fuck out of any sort of that. You know, lifestyle, not the teaching, but like any salon, like any mandatory salon meeting, I

literally would find myself in a corner doing like crunches or like push ups on like a cutting stool or like just or like fidgeting. Like, I, I really don't love mandatory group meetings.

**REBECCA GIVAN** [00:15:03] So let me ask you, when you had a mandatory meeting, you were probably an independent contractor and you probably didn't get paid for that, for the mandatory meeting, right?

**JVN** [00:15:11] No.

**REBECCA GIVAN** [00:15:11] So that's a really big issue. Independent contractors usually have no ability to form unions. We talked about those excluded workers and freelancers. And it's a really complicated gray area.

**JVN** [00:15:22] 'Cause I got straight up abused in like a lot of my jobs. I feel like, I mean, it is like a not coo.

**REBECCA GIVAN** [00:15:28] Yeah, and from and all kinds of workers, from Uber drivers to UFC mixed martial arts fighters are legally or are classified by the people they're doing the work for as independent contractors. So they don't have any of the rights of employees for overtime, for unionizing.

**JVN** [00:15:44] But I also don't really mind, but I also don't care because I don't have to go to fucking meetings now.

**REBECCA GIVAN** [00:15:51] Exactly.

**JVN** [00:15:51] 'Cause I have my own little salon, so I don't have to deal with any of that stuff.

**REBECCA GIVAN** [00:15:55] And people-.

**JVN** [00:15:56] Not to cuss.

**REBECCA GIVAN** [00:15:57] And, no. People who are independent contractors, some of them truly should be classified as independent contractors. You're independent, you can set your hours, you can set your location, all of that and some of them it's sort of questionable.



**JVN** [00:16:11] Yeah. Yes. Yes. Because actually this one salon where I worked out you had to be independent contractor, but then like, she wanted you there for certain hours and wanted, like, all this stuff. But it wasn't really truly independent.

**REBECCA GIVAN** [00:16:29] Yeah. And you probably should have.

**JVN** [00:16:31] And it was also really fucked up because she wouldn't let you buy her own hair color. So then you couldn't even, like you couldn't write off your stuff like you couldn't, like, write off your stuff even though she was really the worst.

**REBECCA GIVAN** [00:16:32] Yeah. And actually now in the gig economy, when that's proliferating, there are a lot of-

**JVN** [00:16:36] What's pro-, what's that mean?

**REBECCA GIVAN** [00:16:37] The gig economy is things like Uber and TaskRabbit and a lot of the app based programs where people are sort of, the apps matchmake you. So if you're an Uber driver, they matchmake you with a passenger. And so they say you're just an independent contractor. But actually, Uber sets all these rules. What kind of car you have to have, how much you have to drive, all of that. So there's a lot of legal cases working through the courts about are they really independent contractors.

**JVN** [00:17:03] If that's their primary source of income.

**REBECCA GIVAN** [00:17:03] Or are they? Exactly.

**JVN** [00:17:03] And they're doing it for like 40 hours a week.

**REBECCA GIVAN** [00:17:05] And it's the main business of the company. They're supposed to use independent contractors, for things that aren't their core.

**JVN** [00:17:11] Random stuff.

**REBECCA GIVAN** [00:17:11] Exactly. And so there's a lot of questions and we don't know how all those legal cases will be settled.

**JVN** [00:17:16] And was, like, even, like, Glam Squad and stuff, like, if you're doing like house call beauty stuff.

**REBECCA GIVAN** [00:17:21] Yep. That's all gig economy stuff.

**JVN** [00:17:23] But also it's like, you know, and I think this is the classic differentiation between like Republicans and Democrats is that in my mind, a Republican would be more like hands off, don't legislate that. Like let the Glam Squads work, let the Ubers work, let the AirBnBs work, like let these, like, let them.

**REBECCA GIVAN** [00:17:39] Yeah.

**JVN** [00:17:40] Let it prosper and like, don't regulate it too much. And whereas a Democrat would say, like, well, you know, some of these workers are having like, you know, there's abuses taking place and there's like unsafe conditions and-

**REBECCA GIVAN** [00:17:49] Right. And historically, the main way that we've been able to let workers fight back against abuses is letting them come together. So if you say to people, you can't be a union, you can't come together and say, you know, this is unsafe, or why are you allowed to, to drive passengers around for so many hours, even when you might be overtired and unsafe on the road? The best way to fix things like that is by letting workers be in unions. If you don't have the protection of a union, even if you are classified as an employee, you can be fired pretty much at any time for any reason or no reason at all. You have basically no protections with just a few small exceptions.

**JVN** [00:18:27] I wonder if there's ever a world where you could, like, remove the whole independent contractor thing from being able to be unionized.

**REBECCA GIVAN** [00:18:34] Exactly. So that's something that people are working on. There's a case in Seattle, actually, the Teamsters have been working with the drivers from, from Uber and, and all the other app base driving services to say, you know, it shouldn't matter. You should still be able to unionize. These, these drivers still deserve to come together collectively and have some protection when they advocate for themselves, for their passengers, for road safety, for all those things.

**JVN** [00:18:59] And also like these massage apps and beauty apps, because I do think it's, like, the idea of, like, I've worked for salons where it was like commission. And then it would like it's one thing if it's like 50/50, but it's another thing if it's like 20/80. And I think a lot of these house call places, because they are hooking you up with a client, like, I don't know exactly how it works, I'd imagine there's like a sliding scale sort of a thing. But I do feel like those people need to be able to, like, come together.

**REBECCA GIVAN** [00:19:23] Yeah. And right now, they're totally excluded unless they can get themselves classified as employees to come together. And if you, if you're an

employee and you start working with your coworker on unionizing, you actually have a protection where legally they're not allowed to fire you for saying, for working with them. But if you're, you know, a Glam Squad or a massage app and they say you're not an employee, they can just kick you off the app, which looks to everybody like being fired. But they say you can't be fired. You weren't an employee. So there's a lot of questions. You also don't have all the workplace protections against things like sexual harassment, if you're not classified as an employee. So there's a lot of problems and there's some creative solutions out there. Although as you picked up on, there's a lot of people who say, no, no, we don't want more regulation and we don't, even if it's working to protect people.

**JVN** [00:20:12] Yeah, well, I mean, and I think that that can be problematic because I think that, like I am, I do feel, I identify as a Democrat, but like I definitely have experienced and seen where overregulation and, like, with Obamacare, that happened. I think that that did kind of, I mean, I want healthcare for people, but also like, you know, making people that had like the 50 employees and over, there was still many companies that had like 53 employees, 60 employees that had to, like, fire people in order to like-

**REBECCA GIVAN** [00:20:42] Yeah.

**JVN** [00:20:42] To be able to, so I think with regulation that does, there are real world consequences where like businesses are impeded from thriving because things are overregulated and I, so I, but I don't know what the sweet spot is. Sometimes I think that, like, you know, the left comes in too fast and too hot and then the right, like, doesn't come in enough.

**REBECCA GIVAN** [00:21:00] Yeah. And I think in the, I mean, in the case of unions, we've moved so far away from unions sort of as a country. And there's lots of examples of unions being good for the workers and for the management. Right? So union, unionized workplaces, not only do they have better wages, which, which is great for workers and management may not like it, but they also have you know, people stay in their jobs longer. They have better safety records. So hospitals with unionized nurses have better healthcare outcomes. Right?

**JVN** [00:21:30] Oh that's cool.

**REBECCA GIVAN** [00:21:30] So there are lots of, yeah, there are lots of ways in which, you know, unions can make things better for everyone. Construction sites, unionized construction sites are much, much, much safer. So when we have a lot of nonunion construction, you have workers dying. So there are a lot of places where in a way, having a union is sort of, it's not a massive form of regulation because you're actually negotiating.

You're not saying you have to do things one way or you have to do things another way, you're saying you have to let your workers speak collectively and then you negotiate with them and figure it out. So maybe you want this kind of health insurance or maybe you want that kind of health insurance that's not imposed by the government.

**JVN** [00:22:07] Yeah, yeah. Well, and I think that I'm not, I don't think I'm conflating, like, unionized stuff with regulating stuff. I'm just trying to imagine, like, how politically, politicians would approach, would approach unions.

**REBECCA GIVAN** [00:22:21] Absolutely. Yeah. And I think in a lot of cases, you know, Democrats have generally supported unions, but not as strongly as they have. And, you know, half a century ago, Republicans didn't oppose unions as strongly as they, as they, as they do now. But everything is so much more polarized. And it's sort of every, everything is, is an opposition. The Koch brothers have some unionized workplaces in their conglomerate. Right? So you wouldn't necessarily expect that. But, you know, there are some strange, I guess, bedfellows, although the Koch brothers are very, very anti-union. But there are cases where there are unions in the workplaces.

**JVN** [00:22:55] Well, that's probably because like legally, they, they have employees and like they have to-

**REBECCA GIVAN** [00:23:00] And they came together and unionized.

**JVN** [00:23:00] Yeah.

**REBECCA GIVAN** [00:23:01] Yeah.

**JVN** [00:23:01] Yes. So I guess I'm not really, that doesn't surprise me as much. One thing that I'm curious about is what happens when unions go bad? Are you able to, what if you are at a workplace where there's a union where you don't like how it's governed or you don't like how it is? Are you allowed to be at the workplace?

**REBECCA GIVAN** [00:23:16] Yeah.

**JVN** [00:23:17] And not like, because I think that was like a case that I remember hearing about at NPR was, like, there is a workplace union where someone didn't want to be a part of it and they didn't, but then the union was still collecting mandatory fees.

**REBECCA GIVAN** [00:23:28] Exactly. So this is something that, this is the case that just went to the Supreme Court and ruled in June of this year where the unions, the legal, the

legal structure, say that if you have a union in the workplace, let's say you have a union of nurses in a hospital. The union has to represent all the nurses in the hospital and they don't all have to be members, but they're all covered by that collective bargaining agreement. They're all covered by the wages that you, that you negotiated and everything else. And it used to be that before this Supreme Court case, it's called Janice. Well, it still is the case that the unions represent everyone, but it used to be they could collect some of their costs for collecting everyone. They called it a fair share fee. So it wasn't full union dues, but it was a percentage of that to say, you know what, we're negotiating on your behalf. If you have a problem and need to bring a complaint, if you get disciplined and we represent you, we're gonna do all those things that costs money.

So we're going to collect this sort of fair share fee. And that case, which was brought by the, you know, it was funded by the think tanks that are funded by the Koch brothers. It wasn't just someone who an idea occurred to him at work one day. They said we don't want to pay fair share fees. We want unions to have to spend their money to represent us, to negotiate our wages, to help us if we have a disciplinary problem and we want to bring a case, but we're going to bring a constitutional challenge. And they won. So now unions have to represent everybody. This is a place the public sector works, so state employees, teachers, that kind of thing. Unions still have to do all the work that costs them money for everybody, but they don't get to collect some of those fees. So that's, you know, that's now public sector workers can opt out of paying fees, but still receive the benefits, which is, again, this way that it sort of tries the, the anti-union forces, try to attack unions and say, no, we're gonna make you do work that you can't recover any resources for. So we're going to try to, you know, bankrupt you if we possibly can.

**JVN** [00:25:20] Right. And then would the, what does the union do with that now? Like do they, can they try to collect, like, you know, voluntary fees?

**REBECCA GIVAN** [00:25:27] Yeah, exactly. So what they wanted to-.

**JVN** [00:25:29] But then could they, like, light your ass in, in public and be like, well it's a voluntary fee, but like Susie in row 24 didn't pay it and neither did Karl in row 25 or whatever. And here's the list of people who didn't pay it.

**REBECCA GIVAN** [00:25:40] They absolutely could. And most unions believe in sort of, you know, solidarity and coming together and being supportive. So I don't think that's the first thing they're gonna do is try to really embarrass people. The thing they're going to try to do is what we call organizing. Right? Talk to your workers. Why? Why, why do you think it's good to have a union here? You know, maybe you're in a unionized grocery store and you can compare what you have compared to what someone in a nonunionized grocery store

have and say, you know, if nobody pays and if everybody's what we call a free rider, just riding on the goodwill of the people who are paying in, the union won't exist and you'll be able to be fired for no reason. You won't have due process rights. You won't have any of those things. So you try to talk to those workers. You could embarrass them. And in some cases, that may be something people would consider. I would say that the thing is to try to talk to them, to persuade them, to help them understand that if you're paying dues and they're not, you're actually subsidizing many of the advantages that they're getting. And that's kind of not fair. So just appeal to their sense of fairness. Or you, I mean, you could shame them, I would say appealing to-

**JVN** [00:26:43] Fairness first and then do shame second.

**REBECCA GIVAN** [00:26:44] Maybe shame second.

**JVN** [00:26:46] Yeah. So what is the argument for, not, like what is really the argument against unions?

**REBECCA GIVAN** [00:26:56] Yeah, I mean, I think that argument against unions comes down to people who think that bosses should have all the power. Right? And in this country, we have really weak protections for workers who aren't in unions. So I mentioned most workers are at will employees, which means you can just be fired. You know? You can be fired because I don't like the, even though we don't have a dress code. I don't like the color of your shirt. You wore a team hat for a team that I don't like. Most people can be fired for a good reason, a bad reason or no reason at all. So bosses like that, they don't have to actually be fair. They don't have to be equitable. We've heard a lot about, like, pay inequality. Right? Where different workers are getting paid different amounts in a way that might be because of favoritism or discrimination.

And, you know, bosses like to keep that power. When you have workers acting collectively, it shifts the balance of power a little bit. And if you can come together and say, you know what, we're not going to take it anymore. Right? We're not going, we're either gonna go on strike or we're gonna make demands in another way or we're gonna start to talk to customers. We're gonna tell patients in a hospital that we have patient safety concerns and you're not listening to them. Whatever it is, it takes away power from the bosses. And in some cases, many cases, bosses say we want all the power, we want the power to pay you less or give you worse benefits or fire you for any reason at any time.

**JVN** [00:28:25] Yeah. I mean, it's, it's really confusing trying to untangle the web of, like, government vs. like corporations and the handholding or bedfellows is, you know, if you

will or as you will, of like, you know, where like money and power and working in corporations and all of those things intersect.

**REBECCA GIVAN** [00:28:46] Yeah.

**JVN** [00:28:46] And then like human nature. And yeah, it's really confusing. The whole thing is like just a mess. For some reason in this, my mind keeps coming back to a worker in a workplace who has like a shitty union.

**REBECCA GIVAN** [00:29:01] Yeah. So let me talk a little bit about that. I mean, most workers don't have, most jobs are either union or they're not. There's a union there or they're not. You start your job and you're, you find out that there's a union or it's a nonunion workplace. Most workers don't have the experience of participating in and organizing drive and getting the union. Those workers that do tend to understand a lot and, and they're really engaged. But for most workers here, here I am at work and there's a union and, you know, we joke. Those of us who think about this, that a lot of union leaders are what we call pale, male and stale. Right? They're sort of old white man. Maybe they've been in the leadership for, for longer. And so, you know, you have choices. You can disengage. You can just say and, you know, union meetings are totally optional. You don't have to get involved or you can get involved. They legally have to be democratic. So you can start talking to your coworkers. You can, you can take it over. You can say, you know, I want to demand more. Why is the leadership of my union old? And they're only focusing on retiree benefits where I'm young and I'm thinking about what's the educational benefit or what's the health insurance for dependents or other things. So one of the things you can do if you think that the union that already exists in your workplace is shitty, is, you know, take it over.

**JVN** [00:30:13] Yeah.

**REBECCA GIVAN** [00:30:14] Which is a really a really cool thing. And there's a lot of young people who are thinking about either organizing new unions or taking over their unions and actually some of the teachers strike. So the big teachers strike a few years ago in Chicago, that happened after people felt that their union leadership wasn't particularly good. They voted them out. They got more active and engaged union leadership. And then they said, you know, we're gonna take this on. We're going to go on strike. So because they have to be democratic, you always have the opportunity to get involved.

**JVN** [00:30:42] Love. And I guess, too, if, like, if the government ever really started to really, like, make, I mean, you can still come together and make like a faux union.

**REBECCA GIVAN** [00:30:52] Yeah. I mean, so a lot of times things that look like unions aren't even recognized as unions. So when the teachers walked out in West Virginia, they don't have any, collective bargaining rights for public employees are mostly governed by the state law. And in West Virginia, most of those teachers, all those teachers don't have any legal right to collective bargaining. And so, and so most of them weren't union members because, you know, if you don't have bargaining rights, a lot of people won't choose to join the union.

**JVN** [00:31:17] Right.

**REBECCA GIVAN** [00:31:17] But they acted like they were a union. They didn't have the right to strike. That was illegal. They said, you know what, we're mad. We've tried all the other options. This is the only way to make our voices heard. And before all the legislation, all strikes were illegal and people did it all the time anyway.

**JVN** [00:31:32] Did any of them lose their jobs?

**REBECCA GIVAN** [00:31:32] In West Virginia. No. And not only that, they got raises. They got better funding for public education. And they, their strike was so solid that they actually got raises for all public employees in West Virginia, not just teachers.

**JVN** [00:31:45] Good for them.

**REBECCA GIVAN** [00:31:45] So a show of strength is amazing. Yeah.

**JVN** [00:31:48] So I guess it's like, because sometimes when I read certain things in the news, I feel like really threatened or worried about certain things. So I guess just if we are reading about like, I mean, you should still definitely be active. We should obviously, like, encourage people to vote for unions. But it's like, if there is like some random court case that you can't, like, become a lawyer about, you know, tomorrow and go defend, like, right now, like know that there, we are a resourceful people and we will figure out a way to protect ourselves.

**REBECCA GIVAN** [00:32:13] You can always act collectively, even if, you know, the laws keep clamping down on unions. People can always act collectively. And people have you know, strikes have, have existed since the beginning of time, far before we had any legislation about them. Right? So you can always, whether it's walk off the job, you know, make demands of your boss, refuse to work somewhere or talk to customers about working conditions, whatever it is, you can always, always do that regardless of the law. And I think that's really important.



**JVN** [00:32:40] And then so, OK, I feel like that. I feel like that makes sense to me. What did your experience of, you know, being a professor or professor of, of, of Labor Studies and all these things? What can you impart on, you know, young people or really any people in the workforce about the way that, you know, the American economy continues to change and the way that, you know, labor is? Like, how can people be more successful? How can people be more resourceful? Like.

**REBECCA GIVAN** [00:33:12] Yeah. So it's yeah, it's a great question. Right now I mean, the economy is doing really well, but wages aren't going up. And one of the things that research really shows is that one of the reasons wages aren't going up is because workers have lost their power to bargain up wages. Right? People take whatever wage their boss gives them. They don't have a union to, to kind of negotiate for a better wage. And so wages have, have really, you know, remained static even when the economy is booming and jobs are plentiful. And one of the things that's really interesting is unionizing in sort of different areas of the economy. So like digital news rooms, new media, different places where people, where sect-, kinds of work that didn't exist before and people have said, you know, newspapers have had unions forever.

Why can't online publications have unions? Right? And so there are these ways in which people are coming together and say, you know what, I want those protections. I don't trust my boss to do the right thing out of the goodness of her heart. And I want to come together and make sure that that we're really protected. And I think right now, this sort of upsurge of activism, especially since 2016, people are really thinking harder and starting to understand, you know, wait, why can I be fired for any reason? That doesn't seem right. I can be fired for no good reason. And then they sort of understand that the main way to protect against that is to form a union. We're getting, you know, small groups of workers and, you know, bakeries. You know, there's a burger chain in, out in the Pacific Northwest, Burgeville, that's the first fast food restaurant with a union. So people are saying, you know what? This is an opportunity to reclaim some of those rights that are, that are disappearing.

**JVN** [00:34:51] Yay! So that's great. So, I mean, I feel like-. What about in your line of work? I mean, like, what do people really study about, like labor? And why is that important and why should people get involved in what you study?

**REBECCA GIVAN** [00:35:10] Yeah, I mean, I think work is a great thing to study because it's a bit of everything. It's what most of us do for, you know, at least a third of the hours in the day, sometimes more. And, you know, it reflects everything in society. So, you know, when we have racism and we have sexism or we have a sexual harassment epidemic or whatever it is, all of those things come out in the workplace and you can kind of go at it from every

angle. You can look at the legal angle. You can look at a more sociological angle, psychology. Why are people so attached to their jobs? Why do they always want to please their boss? There's so many angles you can look at. That to me, it's just, it's just endlessly interesting. And there's so many issues, you know, from immigration to elections where it all comes together and has an effect on people at work.

**JVN** [00:35:55] So where do you see? I mean, for me, I feel like, and I'm not an economist. But I think some of the things that, that are going on in this economy, the hotness of it, the stock market, the numbers, it does feel very a la 2008 like I do feel like we could be on the precipice of like it feels like it could be crashy a little bit because it just feels so high and I feel like we have a crazy person, you know, running the country. And it seems very corporate in that bubble did burst when we rode that wave last time.

**REBECCA GIVAN** [00:36:19] Yep, yep.

**JVN** [00:36:19] You know, it feels fast and it feels loose. Where do you see us going? Where do you think that? What do you think the temperature is? Like?

**REBECCA GIVAN** [00:36:27] Yeah. I mean, I think, you know, historically, our economy goes in cycles, so it'll go up for a while and then eventually it'll come down and the people that will be hurt the most by it are the people that are the most vulnerable. Right? So they're the people that are have those lowest wage jobs that are the bottom of the pecking order that, you know, will potentially lose their jobs first. And, and, you know, it will happen. I'm not, I'm not in the business of predictions, but it will happen. We don't know when and sort of understanding what that means, what that looks like and how, how the government probably not this government, but a government can intervene to sort of soften the blow to say, you know what, if the economy's in a downturn and people are losing their jobs, can we give better unemployment benefits? That gives people more spending money that improves the economy. What else can we do? Right? So sort of understanding to me, that's where there is a role of government and sort of smoothing out the cycle. So when they're up, you can collect more taxes and then you have money to help people when they're down to give people more spending money.

**JVN** [00:37:30] But that's not even like what they're doing at all right now.

**REBECCA GIVAN** [00:37:31] Not at all.

**JVN** [00:37:31] Because it's up right now and we're collecting less taxes.

**REBECCA GIVAN** [00:37:33] That's exactly right. I mean, right now the main agenda is sort of, you know, give big business everything they want. So lower taxes, don't give their workers any rights because that might constrain what they can do and how much they can profit. So that's exactly right.

**JVN** [00:37:49] What's that thing about, like how, 'cause you know like unemployment continues to go down?

**REBECCA GIVAN** [00:37:53] Yeah.

**JVN** [00:37:54] But is that because more people are just leaving the workforce and aren't even taking those surveys or something?

**REBECCA GIVAN** [00:37:59] Not right now, but that's a great question. So the unemployment number only includes people who are actively looking for work. So if you are not looking for a job, you just don't have one. You won't be included as unemployed. And so we talk about the-

**JVN** [00:38:11] But how do we determine who is and is not really looking for a job?

**REBECCA GIVAN** [00:38:15] Well, if you're eligible for unemployment, you actually, like, file a thing that says this is how many jobs I applied for this week. So we have pretty good, we have pretty good numbers on that. There's a whole Bureau of Labor Statistics, but there are other issues with people who are employed who might be underemployed. So people who especially in things like retail, where maybe you have a job, but maybe this week you only got 4 hours on the schedule and next week you got 38 hours on the schedule. And that kind of inconsistency is a problem. So even when, you know, that worker would be classified as having a job, but the week where they only had 4 hours because maybe it was a beautiful day and everyone went to the beach instead of a restaurant, they got, they, you know, they didn't get to get called into work that day. And, you know, they have problems.

**JVN** [00:38:58] That's a huge issue.

**REBECCA GIVAN** [00:38:59] Yeah. The scheduling issue is something that both unions and then other organizations are working on. But there's lots of areas where we can say people have jobs, but they don't necessarily have good jobs like they used to. And some of that can be explained by the fact that not as many of them are covered by unions.

**JVN** [00:39:14] So this is the point in the podcast where it's like we're winding up. It's towards the end. Like, what have we not covered? What do people each know about whether it's, you know, labor, the economy, what you study, what, what do I left out?

**REBECCA GIVAN** [00:39:26] I would just say, you know, I think a lot, that, there's a new, there's many opinion polls that show a lot of people want a union who don't have one. And so thinking about what it would be like if people who didn't have a union could have one. And the thing, you know, the way to get a union is to start by talking to your coworkers. What's wrong? What's your experience at work? Could we, could we do better if we acted collectively than each person going to the boss and sort of making an individual request that might, you know, you might be fired for making an individual request. So I think, you know, I think people should talk to their coworkers more and figure out if a union would be helpful in your workplace. But just talk. Don't let the boss control the communication. Share what you're getting paid. Share the problems. Share your harassment story. Share your racist and sexist experiences at work, whether they're from coworkers or bosses or customers or whatever it is, you know, talk to each other and start to think about, could we organize to make things better for all of us.

**JVN** [00:40:20] Got it. Love that story. Do it. Thank you so much.

**REBECCA GIVAN** [00:40:25] Thank you.

**JVN** [00:40:25] For giving us your time and really opening up our eyes on, on, on labor and on collective bargaining. And I just really appreciate your time, Professor. So thank you so much.

**REBECCA GIVAN** [00:40:34] Thank you.

**JVN** [00:40:35] You've been listening to Getting Curious with me, Jonathan Van Ness. My guest for this week's episode, which first aired in 2018, was Rebecca Givan, an associate professor of Labor Studies and Employment Relations at Rutgers University. You'll find links to her work in the episode description of whatever you're listening to the show on. Our theme music is "Freak" by Quiñ - thanks to her for letting us use it. If you enjoyed our show, introduce a friend - show them how to subscribe. Follow us on Instagram & Twitter @CuriousWithJVN. Our socials are run and curated by Emily Bossak. Getting Curious is produced by me, Erica Getto, Emily Bossak, Rae Ellis, Chelsea Jacobson, and Colin Anderson, with associate production by Alex Murfey.