

Tanya Domi: Hi. This is Tanya Domi. Welcome to The Thought Project, recorded at the Graduate Center of the City University of New York, fostering groundbreaking research and scholarship in the arts, social sciences, and sciences. In this space, we talk with faculty and doctoral students about the big thinking and big ideas generating cutting edge research, informing New Yorkers and the world.

Tanya Domi: This week's guest is Ruth Milkman, a sociologist of labor and labor movements who has written on a variety of topics involving work and organized labor in the United States past and present. Her most recent book is "Unfinished Business: Paid Family Leave in California and the Future of US Work-Family Policy," co-authored with Eileen Appelbaum. She has also written extensively about low wage immigrant workers in the United States, analyzing their employment conditions as well as the dynamics of immigrant labor organizing. She helped lead a multi-city team that produced a widely publicized study documenting the prevalence of wage theft and violations of other workplace laws in Los Angeles, Chicago, and New York, and recently co-authored a study of the Occupy Wall Street movement. Milkman's prize-winning book, "Gender At Work: The Dynamics of Job Segregation by Sex During World War II," is still widely read and cited. She currently serves as the director of the Joseph S. Murphy Institute for Labor Studies at the Graduate Center. Milkman served as the 107th president of the American Sociological Association 2015 through 2016, and taught sociology for more than 20 years at the University of California Los Angeles.

Tanya Domi: In 2009, she returned to the Graduate Center, where she began her distinguished career in the 1980s. She holds a PhD in sociology from the University of California Berkeley. Welcome, Ruth, to the program.

Ruth Milkman: Thanks for having me.

Tanya Domi: It seems across the fields of your research, from women to wages and the fight for \$15 by food workers, immigrants, their work, sick leave, and paid family leave here in New York and around the country, seem to have been not only ... we've had significant progress, but many positive developments over the past 15, 20 years. But now we are confronted with this new Trump presidency and its apparent retro policies. So are all these advances in jeopardy and how can you ... where do you look at all of this right now? The politics really appear to be quite grim in this moment.

Ruth Milkman: At the federal level, you're absolutely right. However, that's actually been true for some time, even under Obama, the Congress was controlled by the Republican Party, and a lot of the kinds of issues that you just listed, there was no possibility of any progress at the federal level anyway. So, I'm not saying it's fine that Trump's there in terms of the fate of American workers, but on those particular issues, paid sick leave, paid family leave, minimum wage increases, that's all state and local stuff, and so I expect the progress will continue. And in some ways, the campaigns have been reinvigorated by the Trump situation. People feel like take it to the blue states is the way to go.

Ruth Milkman: And so actually the immediate threat to those campaigns is a little different, which is that in some states, these are basically red states that have blue cities or blue urban areas inside them, the right wing has tried to pass preemption legislation to prohibit cities, for example, from passing their own minimum wage laws without consent from the state legislature, and they're doing the same thing with paid sick leave. So in some locations, that is the immediate issue, but it's not really Trump, it's more right wing mobilization on other fronts.

Tanya Domi: Very interesting.

Ruth Milkman: This all started really after the 2010 midterm elections, the right wing offensive on the state level. So the most high profile example is what happened in Wisconsin under Scott Walker, which began exactly then, right after he was elected in 2010, in January 2011.

Tanya Domi: The right to work laws.

Ruth Milkman: Yeah, well, and the sort of ... the public sector union laws changing, which is now ... I know we're gonna get to this, which is now looming as a threat at the federal level in a sort of different form, but Walker was the kind of poster child for that. And many other states, where it wasn't as high profile, did things like that in that period because a lot of states were then taken over by Republican trifectas where the Republicans controlled both the governorship and both houses of the legislature as in Wisconsin. Well, Wisconsin wasn't actually a trifecta. There was this big fight, as you may remember. But anyway, that was sort of the beginning. So it predates Trump is what I'm trying to say, the kind of anti-labor offensive.

Tanya Domi: So that's the other offensive that people are dealing with. And so surprisingly, and actually with really a positive development, New York State adopted paid family leave this year. And you've written this book and basically looked at California, and there is this saying, "What happens in California, goes national." Are you surprised by how many states have adopted paid family leave? And what are your thoughts on that?

Ruth Milkman: No, I think there will be more states in the absence of any progress at the federal level, which seems unlikely, although even ... Well, the reason that this has gathered so much momentum in my view, and we argue this in the book which I co-authored with Eileen Appelbaum, is that this is a political crossover issue. Across the political spectrum, most voters support paid family leave. It's kind of an issue whose time came a long time ago. So California was the first state to pass legislation of this kind, that was back in 2002, and their law took effect in 2004. And a bunch of states, not just New York, have followed: New Jersey, Rhode Island, Washington State, and New York. And there are more coming. There are campaigns around the country. So this is another case of take it to the blue states. And even more than some of the other issues where we've seen the developments you talked about before in terms of raising the

minimum wage and whatnot, this is just extremely popular politically, to the point that even Ivanka Trump has put out a version of a federal paid family leave plan. I doubt that it has legs. It seems to be rhetoric more than a real campaign.

Tanya Domi: No substance.

Ruth Milkman: But that's a signal of just how bipartisan and across the board popular this is.

Tanya Domi: In how popular it is, yeah. There's been significant union organizing activity in recent months among media organizations, including this really surprising victory with the Los Angeles Times. And predating that was the unsuccessful effort last year here in New York City at DNA Info and the Gothamist. When they organized and were successful, the owner shut it down the very next day. What's driving this organizing activity besides the obvious desire for higher wages? It does seem that in the mix nationally, New York still remains a really strong union state too.

Ruth Milkman: Well, let's put that second thing aside, because of course the L.A. Times is not in New York.

Tanya Domi: That's true.

Ruth Milkman: And not all of the recent campaigns that you describe are based here. I think what they're about ... it's actually not so much higher wages, although I'm sure that's part of the mix, but more some sense of security. Journalism is, I don't have to tell you, is a field that is in great turmoil. Lots of changes in ownership, lots of shifting tides. No journalist feels secure in her employment or his employment these days. And that's what these campaigns are really about. And they're also driven by a new generation of journalists who I think are the victims of a sort of block desperation. So in other words, these are young, highly educated people, men and women, who believed that their futures were bright. And then came the great recession, then came Trump, then came all the restructuring in the world of work and in journalism in particular. And they're very frustrated by that. And they're also pretty highly skilled individuals in most cases, so they have some leverage vis-a-vis the employer, unlike say factory workers or anybody in a relatively unskilled job who can be replaced overnight, which is what employers increasingly do when there's labor unrest as they call it.

Ruth Milkman: Here, it's not so easy to replace people overnight. And management is often not very sympathetic, at least initially to these kind of things. So it's low-hanging fruit for organized labor, and some very creative organizers have gone after these publications. I happen to be familiar with the people who did the campaign at the L.A. Times and they are very talented. It was also what we call in the labor business a hot-shop, meaning the workers were raring to go. Sometimes they say the boss is the best organizer if you have bad management.

Workers get annoyed and sometimes fight back by organizing a union or something, so that's part of the story too at the Times, as I understand, the L.A. Times.

Ruth Milkman: But do you want me to talk about New York State and why it's so ...

Tanya Domi: Yeah, in New York State, I know it's a non sequitur, but it sort of reinforces the idea that well, there's a lot of unions here. And as a matter of fact, I belong to a union.

Ruth Milkman: As do I. Well, New York State is the most highly unionized state in the United States. And New York City is the most highly unionized major city, there actually are some state capitals that have slightly higher union density around the country. So why is that? Well, it's mostly historical. And the odd ... the sort of historical background to this, the kind of thing that people don't realize is that 50 years ago, New York's unionization rate was roughly average for the United States. It wasn't anything special. So what's exceptional about New York is that the de-unionization, the decline in union density that occurred in many other parts of the country, didn't really happen here to nearly the same degree. It happened a little, but it was very mild compared to other places. And that's a mixed bag. On the one hand, it means that unions still have a lot of political influence and power in the workplace and all that. But they are increasingly isolated politically and socially from the rest of the country in that regard.

Ruth Milkman: And the other thing that's changed is there's an enormous gap, actually nationally too, but in New York in particular, between the unionization rates in the public sector and the private sector. So in the public sector, it's really high, about 70%. So you and I as New York City employees, it's not a surprise that we're union members. In the private sector it's more like 15%, which is still much higher than the national average. But that kind of gap means that the vast majority of private sector workers in New York City and in the state too are not union members and are not particularly sympathetic to the concerns of union members who they often see as sort of pampered, not entitled to all the things that they have that this other 85% of the workforce lack, like pensions. So that's a very unstable situation.

Tanya Domi: So that's a gap. That's a serious gap there.

Ruth Milkman: Yeah, and it makes for a certain amount of isolation and lack of popular support. And that's even more true in the rest of the county. But even here in New York with being at the top of the list in terms of unionization rates, that issue is there.

Tanya Domi: So that's a factor.

Ruth Milkman: Definitely.

Tanya Domi: Yeah. And speaking of unions, you mentioned in your 2017 labor report, which I do work with you on, about this upcoming case being argued in front of the Supreme Court this next week, the Janus case. Tell our listeners why this is such an important decision that will be issued this year.

Ruth Milkman: Okay. It's a little bit inside baseball, but I'll try to explain it as clearly as I can. It is enormously consequential despite the fact that it sounds technical. So what's at stake in this case is what are called "fair share fees," or sometimes "agency fees," in the public sector. So, for many decades now, partly because of an earlier Supreme Court decision, it has been the common practice and legally sanctioned for public sector unions to collect fees from workers who are in their bargaining units, meaning covered by a union contract, but choose not to become members. So those fees are called fair share fees because legally unions are required to represent all of those workers whether they're members or not. And the idea is that they benefit from collective bargaining and grievance handling and all the rest of it. They are covered by all the same provisions as the people who choose to become members, and therefore they should not be free riders. They should pay for their share, their fair share of those services. They do not, by the way, pay for political action activities on the part of the unions if they're paying agency fees. So the fees are typically somewhat lower than if they were full-fledged union members.

Ruth Milkman: But anyway, a bunch of groups led by the Koch brothers and other very conservative business interests, have been filing cases in the courts to try to change that, to challenge that common practice. And Janus is the most recent one. There was actually this amazing drama a couple years ago, because there was an almost identical case before the Supreme Court called *Freidrichs vs. California Teachers Association* almost two years ago now. And the timely in my view, or as some people would say untimely death of Antonin Scalia, led to that case being a split vote four to four, which meant that the lower court decision, which was won in favor of fair share fees, held. So Scalia died, as we know, suddenly, nobody expected it. That case was a deadlock.

Ruth Milkman: And then they brought another one, Janus, which is coming up on Monday. Of course there's a whole backstory to that as well because you may recall that when, in the last six months or so of the Obama administration, when Scalia died, Obama was blocked from replacing him. And he done so, perhaps that would have been a fifth vote in favor of fair share fees, we'll never know. Instead we got Neil Gorsuch. And sometimes these predictions are wrong, but virtually all commentators expect that the case will be decided against the unions, which will mean that all of a sudden you'll be able to get all the purported benefits of union membership without paying a penny. And not only will that ... So, there's some people who already are not members of unions who are paying those agency fees, and so the unions immediately get that hit to their treasuries. But on top of that, once the word spreads and you can be very sure that these same groups that brought these cases will make sure that workers are informed about this, because we've seen previews of this at the

state level in some places, when the word is out to everybody that you don't have to pay these dues anymore, it's expected by pretty much everybody that that will be a second hit to union treasuries. So this is a very big deal.

Tanya Domi: Sounds like it.

Ruth Milkman: All over the country, but especially in places like New York where union density is so high among public sector workers, 70%0. Nobody knows what it will go down to. But Wisconsin, which we mentioned earlier in this conversation, passed ... it's not identical, but a different kind of law also restricting the rights of public sector unions. And unionization rates went down by about 40% as a result of that. So no one knows what that will look like on the national level, but it's not gonna be pretty from the labor point of view.

Tanya Domi: So, not only are workers gonna be concerned about an upcoming Supreme Court decision, but given that Trump has been cracking down on deportations of undocumented people in the US, how have these ICE policies really affecting work now? Because it would seem that if a DACA solution isn't delivered by the Congress, we may lose 800,000 DACA status workers, many of whom are teaching, they have professional degrees, they're working. They can't have a criminal record. You're talking about the teacher of the year in the state of New Mexico is a DACA non-citizen. Anyway, how is this new policy and anticipated policies which the President has promised to say, "Well, if it's not fixed after March 8th, that's it," what kind of effect is this gonna have on the US economy notwithstanding the effect on millions and millions of people's lives?

Ruth Milkman: It's a huge issue. Unfortunately the story doesn't begin with Trump here either, in that some of the immigrant rights advocates, they did get DACA out of the Obama administration, but Obama deported a lot of people too. Some people called him at the time deporter in chief. This is very different in that, well, as you said, the DACA recipients themselves are now potentially threatened. In addition, under Obama the deportations were overwhelmingly at the border. What's happening now is that ICE, Immigration, Customs, and Enforcement, the agency that is supposed to enforce immigration law, is going after undocumented individuals throughout the interior of the country, sometimes in their homes, in front of their children's schools, even in courtrooms. So this is a new level of aggression so to speak on the part of the ICE agents in terms of enforcing immigration. And whereas under Obama there was a sort of priority given to people with criminal records, although that was not 100% true under Obama either, but now there's no regard for that. They'll apprehend anybody who comes on the radar. And they seem to be targeting activists for immigrant rights in particular, judging from some recent incidents. Where people speak out, they're more likely to be targeted.

Ruth Milkman: So what does this mean for the economy? It's very complicated. Look, this was Trump's signature issue when he ran for president, and he's gotta deliver red meat to his base and he's been doing so. At the same time, the business wing of

his party, the Republican Party, is not too happy about this because they want immigrant workers. They see immigrant workers as the best possible workers. The public is not too happy about this either, particularly in relation to DACA. There's something like 75% support from the general public for letting the DACA kids ... well, they're not all kids anymore, but young people, have a path to legalization. So it's not just the 800,000 DACA workers we're talking about. There's around 11 million unauthorized immigrants present inside the United States. And I think even under Trump it's not likely that every single one of them will be hunted down and deported. That would essentially be fascism. I don't think, thought I've been wrong before about Trump, I don't think that's very likely. But what the situation has created, and what terrorism from the part of a state like our state creates, is arbitrary action of this kind. Nobody knows who's gonna be targeted next, so everyone is terrified. That's what terrorism looks like.

Tanya Domi: Sure.

Ruth Milkman: And in this case, the terrorism is coming from the Trump administration. So that's really the problem. So whereas in recent years we've seen a lot of organizing among immigrant workers, demands for justice for immigrants and so on, now everyone is busy battering down the hatches and just trying to hold on for dear life.

Tanya Domi: To survive.

Ruth Milkman: So that's gone away. And the other thing that's changed ... Well, since the ... again, this predates Trump, this next thing, since the financial crisis of 2008 and the unemployment that followed, there's been almost no new undocumented immigration to the United States, very, very little. So what's happened instead is there's been an expansion in guest worker programs that are temporary programs where employers can request and get authorization to bring over, say, farm workers or hotel workers or various other categories of workers. That has actually expanded quite substantially since 2008, even as the undocumented immigration has declined. But the numbers are still smaller than what employers want and there's a lot of talk in a period where we already have pretty low unemployment by historical standards, a lot of talk about labor shortages in some key parts of the economy that would result if this trend continues, which no one knows if it will.

Tanya Domi: Sure. And there's an area actually in Massachusetts, up on Cape Cod, where they were bringing a lot of people in from Ireland and Eastern Europe, and they still have shortages up there. People have been talking about this. It's a real problem up there. They can't staff restaurants and hotels. It's a big problem.

Ruth Milkman: It's a problem for the construction industry, which has become extremely dependent on immigrant labor. It's a problem for farm workers, for employers of farm workers and lots of other things. And home care workers is the next big

one that we haven't heard much about, because that's experienced at a very micro household level. But overwhelmingly, home care workers are immigrants, and that's an exploding ... that's the occupation that the Bureau of Labor Statistics predicts will grow the most in the next decade with the aging of the population and so on. So, this is not good for the US economy.

Tanya Domi: I can't imagine it's gonna be a positive. I'm just gonna ask another question because so much of your research and work has been done on the history of women's labor in the United States and unionism with respect to gender. And we're now in this moment, this new, new moment, Me Too, with regard to sexual harassment, sexual assault in the workplace, and it's really unprecedented. When I look back, going back to before Title IX, which was 1972, the year I graduated from high school, it's just pretty amazing what has happened. And yet, in this moment that Trump sort of illustrates, sort of a distillation of male hegemony, toxic male hegemony in the culture. What do you think about all this right now? And what does it mean for women workers?

Ruth Milkman: Well, I could speculate as I have not studied this as a scholar I'll just say, but I have been personally involved in this issue since the late 1970s myself. I was part of a group that filed the Title IX complaint, one of the very first in the country back when I was in graduate school in 1978. So I've been following the issue ever since. And the big question in my mind is why is this happening now? Because it's not like sexual harassment just started last week. It's been going on for as long as women have been in the workplace, maybe even longer. And I think the reason it's happening now, though I have no way to prove this, is precisely because we have the harasser in chief in the White House. I think that women are outraged by the fact that those videos that came out right before the election and the way Trump speaks about women and treats women has created a new ... we've seen it in the women's marches, a new level of outrage, and that has led people to mobilize. So we're seeing the results in the Me Too stuff.

Ruth Milkman: I have to say, I'm a little apprehensive because I feel that it's not clear to me how effective this movement will be. It's enormous and it's been effective in toppling some very powerful men from their positions in various companies, as we all know, from Harvey Weinstein on. But what will be the lasting legacy of this? I think we don't really know yet. So having been around the block around this issue before, I'm a little bit apprehensive. But you're right, this is completely unprecedented, the scale of it, and that it's happening in so many different arenas, both in politics and in high level kinds of employment, but also people are now talking about in among non-famous men.

Tanya Domi: Yeah, kitchen tables and workplaces. Very interesting, though, one of the things that has come out of this which is also unprecedented is that there's over 500 women that have filed for office who are going to run in this election in 2018, and that's unprecedented in the Democratic side. Never, ever has there been more than 500 women filed.

Ruth Milkman: I think that too is a reaction to the Trump administration and its sort of explicitly sexist policies. Look, just like with race, it's not like we ever thought that equality had been won and everything was perfect on the gender front, but there was a sort of decades long incremental progress that seemed like it was moving along pretty well until Trump. And now everything that's been achieved feels like it's on the line. And so I think that's why you're seeing both the political activism among women and running for office and so on as well as Me Too, but again, this is just a comment based on reading the newspaper. I haven't done any research on this.

Tanya Domi: I understand. Well, Ruth, thanks very much for being with us today.

Ruth Milkman: My pleasure. Thanks for having me.

Tanya Domi: Thanks for tuning in to The Thought Project. And thanks to our guest, Professor Ruth Milkman.

Tanya Domi: The Thought Project was produced in partnership with CUNY TV, located at the Graduate Center in the heart of New York City, with production, engineering, and technical assistance by Sarah Fishman and Jack Horowitz. I'm Tanya Domi. Tune in next week.