

UMMER 2023 SAW RECORD HEAT AND A SPIKE in workplace strikes. Dubbed "hot strike summer," Americans in work as diverse as Hollywood screenwriting, hotel service, nursing, teaching and auto manufacturing hit the picket lines.

Overall, more than 300,000 American workers have joined more than 230 strikes so far in 2023, according to tracking data from Cornell's School of Industrial and Labor Relations. Public sympathy has risen in tandem with the picket lines. Gallup has been measuring American opinion on labor unions since 1936. In 2022, Gallup measured approval of labor unions at 71%, the highest approval rating since 1965. In 2023, union approval dipped to 67%, still higher than any other year between 1965 and 2022, and far higher than its 2009 nadir of 48%.

Are we witnessing a labor comeback in the US?

Before exploring the question, it's important to put the present moment in historical perspective. Union membership in America peaked at the end of World War II and began rapid decline with transition to a service and information economy in the late 1970s. In 1945, 33.4% of the workforce was unionized, according to the Economic Policy Institute. This fell to 20% of the workforce by 1983. By 2022, the share of the US workforce that was unionized had shrunk by half, to just 10%. According to

HOTSTRIKE

SUMMER

Gallup, 16% of Americans live in a household in which at least one person is a union member.

The composition of union members has also changed over time. In 2022, roughly half of all unionized workers labored in the public sector as government employees—7.1 million workers. The other half worked in the private sector. While only 6% of private sector workers are unionized, 33% of public sector workers are union members.

The Bureau of Labor Statistics has tracking data for "major strikes" of 1,000 or more impacted workers, going back to at least 1947. In 1947, there were 247 major strikes involving 1,629,000 workers. Labor's high-water mark was 1952 to '53. In 1952, organized labor catalyzed a post-war high of 470

Is 2023 the beginning of a labor comeback? By Brunswick's **ROBERT MORAN.**

ROBERT MORAN is a Partner in Brunswick's Washington, DC office. major strikes and 2,746,000 workers on strike. And in 1953 labor unions recorded their highest approval rating in all of Gallup's tracking, with 75% of Americans approving of organized labor.

Labor also heavily flexed its muscle in the 1970 to '71 period. In 1971, the BLS recorded 298 major strikes and 2,516,000 workers on strike. Strike activity began declining precipitously in 1980, at the dawn of the Reagan era. By 2017, BLS recorded only seven major strikes and only 25,300 workers participating in major strikes. But 2018 and 2019 saw upticks before the COVID-19 pandemic, and 2023 is on pace to set the record for the largest number of major strikes in roughly 20 years.

Taken together, this data highlights the current paradox of reality versus potential. The reality is that union membership is historically low. And, though we witnessed a summer spike in the number of strikes, that is still historically low when compared to America's industrial era. On the other hand, the potential is that Americans are very close to historical highs in terms of support for unions.

Despite the "hot strike summer," the future of labor in the United States is difficult to forecast. Gallup polling suggests that Americans themselves are split on labor's future: 34% think organized labor will become stronger, 36% say it will become weaker, and 27% say it will stay the same.

A skeptical forecast would focus on post-industrial decline, historically low membership, and the economic transition toward hard-to-organize knowledge, gig and independent workers. On the other hand, a renaissance forecast would focus on the frustration over increased concentration of wealth, and public sympathy for striking workers.

A 2022 Pew Research Center survey found that 61% of American workers say the decline of organized labor has been bad for workers. A majority of Americans, also 61%, say there is too much economic inequality in the United States. And public sympathy during the "hot strike summer" has been heavily in favor of labor. Recent Gallup polling finds public sympathy for striking automotive workers (75% for workers, 19% for employers), screenwriters (72% workers, 19% employers) and actors (67% workers, 24% employers). In each case there is lop-sided support for the workers over management.

American workers are clearly sympathetic to strikers and unions, but will they join? The answer is murky. A Gallup poll published in August 2022 asked non-unionized American workers how interested they would be in joining a union on a scale from one to five, with five being "extremely interested." More

than half, 58%, reported that they were "not interested at all," giving a rating of one. Another 22% reported their interest at a two or three. But, 20% reported their interest at a four or five. That 20% could be decisive to American labor. The challenge is that only 11% of non-unionized workers responded with a five, saying they were "extremely interested" in joining a union. If labor could unionize that 11%, it would enjoy a very real surge, nearly doubling its strength. But, even if that were to happen, organized labor would be back only to its 1980s strength, not its 1950 to '70 peak.

Four large and unresolved questions will determine the strength of American labor in the 21st century: generational attitudes, political and legal support, in-shoring of American manufacturing, and automation and AI.

First, will Gen Z be more supportive of organized labor than older generations? We don't know yet, but we do know that Gen Z exhibits political opinions just a bit to the left of politically liberal Millennials. Second, will labor enjoy political support at the federal and state levels? This is also unclear. Politics is downstream from culture. If we continue to see robust public support for labor, then we can assume similar or marginally greater policy support. But, tempering this is the fact that most of the highgrowth states are currently conservative, sunbelt and right-to-work. That could slow labor's momentum.

Third, geopolitical considerations appear to be driving a surge in American industry. Even with a high level of automation this should increase unionizable, industrial employment. Finally, what role will automation and AI play? It could put downward pressure on employment and labor. But that pressure itself could drive collective action.

With all this in mind, the most likely scenario appears to be a labor boomlet, with public support and increased organizing, but tempered by an evolving workforce, the 58% disinterested in unionization, and the geography of American economic growth.

Alternatively, what if our historic reference point is wrong? What if the future of labor looks less like industrial and government unions of the past 75 years and more like the guilds of the High Middle Ages? More internally focused, guilds can still, through strict rules, define work conditions and prices, while proving less vulnerable to political and employer pressure. What if medical workers, data miners and critical slices of knowledge workers embrace a 21st century guild model? In the 21st century, it could offer labor a step back to the future. •

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