Way forward, if any: Comment on Harry Arthur's Paper

Arthur's dystopian question : Are existing institutions , based on and protected by laws developed in the past century, more of an historical anachronism than the way forward? His answer is Yes

Agree but there is competing view: Spurts in worker activity in past have come when existing institutions decayed or failed to grow and new institutions jumped in, aided by the old anachronisms.

Alternative US view is that … "lopsided union wins at more than 100 Starbucks across the nation, the landmark unionization victory at an Amazon warehouse on Staten Island, the first-ever unionization of an REI store, wins at two Google Fiber stores in Kansas City, a growing campaign to organize video game companies and Apple Stores, and undergraduate student workers at Grinnell voting 327 to 6 to unionize. " (Greenhouse and Myerson, June 9, 2012).

In Internet social media world, possibly contagion of ideas/behavior → new sudden breakthroughs? Could be but highly speculative.

Richard B Freeman June 10, 2022

For future: Non-work non law inventions + some old stuff

Arthur says "We need to invent or borrow new ways of thinking and talking about work law, some of which — paradoxically – may involve neither work nor law

Thinking anew: start with the future. New ways of thinking and talking can use the past as input to what may/may not be possible, but we must start with the changes and likely future to invent new solutions.

Who should be talking to whom -- Workers to bosses as in past or to algorithms? Workers at workplace when large proportion work at home?

Should thinking be about labor rights or …

Two New Features of world of work

1) **Technologies of work place.** Software (for the white collar majority) and AI-enhanced robot/machines (for many of the rest) at the heart of work, determining what workers do and how they do it?

Do I benefit more from a knowledgeable colleague or Google? Do I worry about invasive software or some supervisor?

In the future people's work lives will depend on technology, so we must start with technology and finding ways to direct that technology, where directing technology means …

Incentives/regulations/ OSHA or FDA regs to make sure that new tech advanced in worker-friendly ways. Nonwork, nonlaw part is technology

The Tech-driven WFH Revolution

Digitalization of work has created a huge divide between white collar workers who can work-from-home and blue collar and service workers who cannot.

We need to develop technologies so that those who cannot currently work from home can work safely outside their homes in what may prove to be the coming age of pandemics.

For those who WFH need some policies to protect family/work balance … regulate what employer software/equipment at home can do but also to establish some safety for home equipment and limits to employer liability?? Nonwork//nonlaw … family and home privacy issues?

2) Business world where 75% of value of firms is in intangible knowledge capital

Most of capital is not traditional capital which ancient laws and institutions that Arthur judges as having failed the present but collective knowledge in the heads of many.

Who develops/controls that capital may be at the heart of future economies and what workers do.

One solution is to expand employee ownership in ways that most workers can influence employers' policies as OWNERS or to increase profit-sharing so workers can get a share of pay-off from advances in knowledge. This involves major changes in corporate law, operation of pension funds (which own lots (vide Drucker 1976) but act in the interests of capital not labor); accounting for profits, etc.

What forms of worker voice are feasible when AI is boss?

Many of the HR policies and practices that affect work life and many of our bosses are AI algorithms.

Any labor organization or law to help workers in the future has to address the algorithms as much as the power of supervisors.

Is the route through "political organizations" organized outside workplace in terms of personal attributes such as gender, ethnicity, race, age that can influence workplace decisions through outside publicity, consumer boycotts, work laws?

Tech seems to be creating more individual rights while weakening collective workplace rights, so do we need outside groups to pressure companies to adopt workplace regulations, as is done (weakly) through anti-sweatshop campaigns for developing country workers.

What Can Unions or other forms of collective worker voice do to be part of Arthurs' new world?

Arthur does not place failure of institutions on unions per se. But unions have lost their rebellious spirit and turned into another bureaucracy. Workers doing most dramatic stuff in US were non-union teachers. In Canada rightwing truckers.

Working folk outside of unions appear to have a penchant for seeking to restore the past through authoritarian actions rather than making a better future, partially motivated by misinformation.

Can the conservative energy be turned into new union-type activism? Is there any way to create a forward looking technologically-oriented unionism? How can unions unite WFH and WAW workers? What is a WFH strike? Will unions find new tech weapons – cyberstrikes by forcing web sites down?