

## Nonprofits & Unions: A Fall 2022 Update

09.22.22 | Linda J. Rosenthal, JD



At the height of the pandemic in the fall of 2020, we wrote about an intriguing labor-market anomaly in the nonprofit sector. [\*Nonprofits: Unions & The Pandemic\*](#) (November 19, 2020).

After a few hundred years of showing little interest in union organizing, or success at it, the workers at rank-and-file tax-exempt organizations – (that is, other than the big healthcare or educational institutions, which had already been unionized) – suddenly wanted to try it out.

In the November 2020 post, we pointed to articles including [\*Nonprofit Workers Join the Movement to Unionize\*](#) (November 19, 2019), Sarah Jaffee, *The Progressive* [there had been “a rash of union victories in supposedly white-collar workplaces, from prestige publications to art museums to nonprofit think tanks and service organizations.”]

See similarly: [\*Workers are forming unions at nonprofits and think tanks. Their bosses aren’t always happy\*](#) (February 4, 2020) Eli Rosenberg, *The Washington Post*.

When COVID-19 struck just a month after Mr. Rosenberg’s Washington Post article, it seemed unlikely that any such trend towards unionization would continue. After all, there were massive shutdowns and employment disruptions including layoffs and worker furloughs. As a society, we were mired in the deep and unfamiliar muck of uncertainty and confusion.

Nevertheless, in that first year of the pandemic, more nonprofits gave it a try. See, for instance, [\*Nonprofit Workers Turn to Unions During Pandemic Uncertainty\*](#) (May 11, 2020) Andrew Wallendar, *newsbloomberglaw.com*. In the course of a sixteen-day span in April 2020, seven workplaces announced organizing campaigns with the Nonprofit Professional Employees Union [NPEU]. That local’s total of bargaining units grew 35% in less than a month.

A week later, Hamilton Nolan, in [\*A Quiet Frenzy of Union Organizing Has Grippped the Nonprofit World\*](#) (May 19, 2020), *inthesetimes.com*, confirmed this trend. “There has been a legitimate boom in non-

profit union campaigns. All of those that have gone public have been successful....Alongside the recent rise in unionization at media outlets, museums and cultural institutions, nonprofit workers are part of an unprecedented uprising of labor organizing in white collar professions.”

And a week after that, journalist Rachel Cohen writing in *Strikewave* quoted the organizing director of NPEU’s parent organization, Paul Thurston: “A lot of these campaigns were going on before this whole pandemic, but I think the uncertainty has really brought into clear relief the need for a collective voice in both things like safety and PPE when we eventually come back to the workplace, and how funding cuts and all that is going to be dealt with.” Mr. Thurston added: “It’s just getting people to the realization that you’re better off in an uncertain situation when you have the ability to advocate for yourself as opposed to whatever your boss dictates.” See *Mission-driven and worker-driven: Inside the wave of nonprofit organizing* (May 28, 2020).

The conclusion of our blog post summarized the situation at that moment in time: “It’s apparently full-steam-ahead in 2020 for the labor movement among nonprofit-organization workers in the United States.”

### *What’s New*

Now, almost two years later, it’s time to catch up with union-organizing activity generally and in the nonprofit sector.

Did it continue to grow in 2021 and so far in 2022? What is the forecast for the near future?

Not only has interest in union-organizing continued, it has grown significantly. High-profile labor actions at companies like Amazon, Starbucks, and fast-food chains have sparked a national debate about the abysmal pay and working conditions of employees who, earlier in the pandemic, were hailed as “essential worker” heroes.

The National Labor Relations Board reported a 57% increase in union election petitions filed during the first six months of fiscal year 2021.”

During the pandemic, workers at many nonprofits were also called upon to come to work, despite health risks, to meet the dramatically increased needs of the communities they serve. In many cases, already simmering – (that is, pre-pandemic) – tensions and resentment about inadequate compensation and other conditions of their employment were set aside temporarily. But it was inevitable that this simmering anger would boil over eventually.

And as 2021 rolled over into 2022, it did. See, for example: *Unionization Trend Continues in Nonprofit Sector* (January 21, 2021) Sid Davis, GS Insights, *grantstation.com*; and *The Quiet Frenzy of Union Organizing In Nonprofits* (September 5, 2022) Roger Craver, *agitator.thedonorvoice.com* [“The nonprofit world is not immune from this burst of toward unionization. Alongside the rise in unionization at media outlets, museums and cultural institutions, nonprofit workers are organizing white collar workers across a wide variety of nonprofits.”]

“A variety of unions ranging from affiliates of the AFL-CIO to the Service Employees International Union (SEIU), to the Nonprofit Professional Employees Union (NPEU) are now actively expanding the

scope and ranks of union membership in the nonprofit world,” according to Mr. Craver. For example, the Nonprofit Professional Employees Union (NPEU) now counts among its 300+ affiliated nonprofits, the American Civil Liberties Union, The Urban Institute, the Feminist Majority Foundation, the Brookings Institution, and Friends of the Earth.

### ***A Rough Road***

Roger Craver explains that, despite the burst in union-organizing activities by nonprofit workers, it’s not always easy to navigate the pathway from initial efforts through to the eventual negotiation of a contract acceptable to both sides.

“From what I’ve seen first-hand among some of the organizations I work with few internal topics create as much discomfort as whether an organization should unionize. While union organizing by now has been pretty well accepted by many colleges, universities and hospitals most nonprofit executives and boards don’t welcome the notion of unionization. Sometimes the reaction is downright hostile....[S]ometimes it’s greeted with less grace than I would have expected by those who tout a ‘nonprofit ethic.’”

High profile examples from the art world illustrate the challenges. See, for instance, the continuing drama in the City of Brotherly Love: *Philadelphia Art Museum Workers Struggle for a Contract* (June 22, 2022) Ramenda Cyrus, *prospect.org* [“Two years after winning a union vote, workers are still negotiating with the cultural icon. They’re raising the pressure on management”]; and *Philadelphia Museum Workers Vote to Strike after Accusing Leadership of Union-Busting* (August 31, 2022) Alex Greenberger, *artnews.com*.]

And on the West Coast, consider this drama: *Two years after forming union, MOCA Los Angeles employees still negotiating first contract with museum leaders* (December 22, 2021) Anni Irish, *theartnewspaper.com* [“Negotiations have been delayed, with wages proving a major sticking point and with administrators proposing increases well below union members’ demands.”]

In the *The Art of Organizing* (January 31, 2020), *prospect.org*, author Beige Luciano-Adams discusses several additional examples from the arts world. “Union drives in cultural institutions like museums are exposing hypocrisy ....”

### ***New Sheriff In Town***

It’s hard to understate the importance of Inauguration Day 2021 in the context of labor-relations in the United States. The switch from an Administration relatively hostile to unions to one that now touts itself – fairly – as “the most pro-labor administration probably ever” is a seismic change. See *Kamala Harris Tells The Nation, “This Is the Beginning of the Next Era of the Labor Movement”* (September 5, 2022) John Nichols, *The Nation*.

While “[t]he progress of labor is never simply about the actions of presidents and vice presidents,” Mr. Nichols explains, this Administration – literally on Day 1 – took swift action to sweep away the [...] anti-union...] personnel and policies of the previous one. *President Biden Moved Quickly to Re-Direct NLRB in First 100 Days* (May 24, 2021) Adam Doerr, Esq., et al, *The National Law Review*. And the selection of former Boston mayor and union official, Marty Walsh, as Secretary of Labor sealed

this new path.

Of course, President Biden is unabashedly pro-union as is Vice-President Harris. Not many people know much about her personal experience growing up as the “daughter of an activist mother who brought her along to join picket lines.” Because she is so “informed and engaged with labor issues, the President has made her the point person in the administration. In the interview with John Nichols on Labor Day weekend, Kamala Harris said that she believes “...this is the beginning of the next era of the labor movement—the modern labor movement.”

Vice President Harris offered some helpful analysis of the role of the pandemic in spurring on a new wave of union activities. “There’s so much about the pandemic that, I think, really highlighted for all to see what some of us have known to be the fractures and the fissures and the failures of systems—including the systems that should support working people but don’t.... We saw, for example, at the height of the pandemic, that 2 million women had to leave the workforce because a real issue for all workers is child care.”

And the term “essential worker,” she added, “.... resonated with the people who were putting their lives on the line. “Workers started realizing their value and started demanding that the dignity of their work would be respected in every way, including through their wages and benefits.”

The goal of this Administration is making the Department of Labor both a resource center for information on how to initiate and navigate union-organizing as well as a reliable enforcer of the law. See, for example, *Feds accuse Starbucks of unfair labor practices in Buffalo* (May 6, 2022), *Associated Press*.

Of course, the process continues to be long and arduous. See, for example, *Even With Biden as a Pro-Labor Champion, Unionizing Is Still a Grind* (September 5, 2022) Farah Stockman, *The New York Times*.

### ***Conclusion***

The heyday of the American labor movement was the 1950s. But for decades, it has been declining in popularity and widely viewed as a moribund relic of a past era.

There’s a big surprise, though, in the latest Gallup poll with results from August 2022 that turns this common wisdom on its head. Apparently, the American public are back on board as enthusiastic labor supporters. *US Approval of Labor Unions at Highest Point Since 1965* (August 30, 2022) Justin McCarthy, *newsgallup.com*.

“Seventy-one percent of Americans now approve of labor unions,” Mr. McCarthy reports. “Although statistically similar to last year’s 68%, it is up from 64% before the pandemic and is the highest Gallup has recorded on this measure since 1965.”

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