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Worker Centers and the Moral Economy: Disrupting through Brokerage, Prestige, and Moral Framing

César F. Rosado Marzán[†]

I. INTRODUCTION: CAN WORKER CENTERS HELP TO REBUILD LABOR?

Scholars have linked the serious problem of income inequality in the United States partly to union decline.¹ They showed that labor unions helped to build a so-called “moral economy” (i.e., social and legal norms structuring economic relationships) that kept inequality in check.² The decline of labor unions has not necessarily resulted in bad news for labor, however. Their decline has given relative sway to worker centers—new kinds of worker organizations that diverge from the stereotypical American labor unions.³ Worker centers are “community-based mediating institutions that provide support to and organize among communities of low-wage workers.”⁴ Many worker centers

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¹ See Bruce Western & Jake Rosenfeld, *Unions, Norms, and the Rise in U.S. Wage Inequality*, 76 AM. SOC. REV. 513 (2011).

² *Id.* at 514.

³ See JANICE FINE, *WORKER CENTERS: ORGANIZING COMMUNITIES AT THE EDGE OF THE DREAM* (2006).

⁴ *Id.* at 11.

represent immigrant and undocumented populations.⁵ Some support African Americans and other subaltern groups of workers.⁶ They have been growing significantly in the United States. While in the single digits nationally in the mid-1980s, by 2000 there were 31 worker centers in the United States,⁷ over 130 by 2005, and 214 in 2012.⁸

This article reports exploratory findings related to a research project performed by the author on how worker centers may fill a gap left by receding labor unions: social and legal norms that curb economic inequality—or what the sociological literature refers to as a “moral economy”⁹—an unexplored aspect of worker center research. A growing literature has been documenting the evolution and scope of worker center activities.¹⁰ That literature has detailed the relationship between worker centers, traditional unions, public officials, and employers. It has attempted to estimate the impact of their programs, such as living wage campaigns, the curbing of wage theft, and attempts to recover unpaid wages.¹¹ Others have looked at the issue of whether or not worker centers may be classified as labor organizations under federal labor law.¹² However, how worker centers may contribute to a labor or worker-centered moral economy remains unexplored.

The author spent over one year as a participant observer in one of the leading worker centers in the United States, Arise Chicago. The

⁵ See *id.*

⁶ See *id.* at 9.

⁷ FINE, *supra* note 3, at 10.

⁸ Janice Fine & Nik Theodore, *Worker Centers: Community Based and Worker Led Organizations*, RUTGERS SCH. MGMT. & LABOR REL., http://smlr.rutgers.edu/sites/smlr.rutgers.edu/files/images/news/Center_and_ForeignBorn_2012_orange_layout_current%20%281%29.png [https://perma.cc/Y6M4-9SMY].

⁹ Western & Rosenfeld, *supra* note 1, at 517.

¹⁰ See generally NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT (Ruth Milkman & Ed Ott eds., 2014); WORKING FOR JUSTICE: THE L.A. MODEL OF ORGANIZING AND ADVOCACY (Ruth Milkman et al. eds., 2010); FINE, *supra* note 3; JENNIFER GORDON, SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS (2005); Héctor Cordero-Guzmán, *Worker Centers, Worker Center Networks, and the Promise of Protections for Low-Wage Workers*, 18 WORKINGUSA 31 (2015).

¹¹ See, e.g., Daniel J. Galvin, *Deterring Wage Theft: Alt-Labor, State Politics, and the Policy Determinants of Minimum Wage Compliance*, 14 PERSP. ON POL. 324 (2016); Nik Theodore, *Rebuilding the House of Labor: Unions and Worker Centers in the Residential Construction Industry*, 18 WORKINGUSA 59 (2015).

¹² Eli Naduris-Weissman, *The Worker Center Movement and Traditional Labor Law: A Contextual Analysis*, 30 BERKELEY J. EMP. & LAB. L. 232, 306–307 (2009) (most worker centers appear to be social movement organizations protected by the First Amendment as opposed to labor organizations regulated by federal labor law); David Rosenfeld, *Worker Centers: Emerging Labor Organizations—Until They Confront the National Labor Relations Act*, 27 BERKELEY J. EMP. & LAB. L. 469, 471–472 (2006) (worker centers are in danger of being considered labor organizations under federal labor law if they mount ongoing campaigns over a period of time to pressure employers into “dealing with” the worker center).

exploratory evidence suggests that worker centers, despite their relative lack of money and human capital—of which traditional labor unions have much more—can be rich in social and symbolic capital. Social capital enables worker centers to construct effective political coalitions. Symbolic capital lends prestige to the worker center and helps it to draw significant public attention. Finally, worker centers can frame issues in broad, moral ways that help them to garner popular support. Broad moral framing contributes to a rekindling of social and legal norms for a worker-based moral economy. Further research aiming to map all the relevant actors in the worker center's political network and to analyze electronic and paper documents to provide a more complete picture of the mobilizing frames of the worker center should provide further evidence of the empirical validity of these hypotheses.

This article proceeds in the following way:

Section II summarizes the social science literature on moral economies and the contributions that worker centers make toward a twenty-first century moral economy for labor. While worker centers generally are not vertically organized (bureaucratic)—whereas large, relatively capitalized, well-staffed organizations, such as labor unions generally are—worker centers are networked groupings that can be rich in what sociologists call “social capital” and “symbolic capital.” Their social and symbolic richness can make it possible for worker centers to put together new political coalitions, at least at the local level, that disrupt political realities and compel the powers that be to make concessions in the form of local ordinances that protect workers' rights. Moreover, because worker centers function as social movement organizations, worker centers can frame issues in “right” or “wrong” ways, thereby attempting to garner wide popular support to their causes. When successful worker centers make the public cognizant of how some employers are in breach of social norms and firmly held moral commitments, such as when employers fail to pay workers' wages, the public may be compelled to morally condemn those employers and demand state action to fix the breach.

Section III details the methodology undertaken by the author to provide the exploratory evidence later reported on. It describes an ethnographic methodology based on participant observation in one of the United States' most important worker centers, Arise Chicago. Section IV details how Arise Chicago is contributing towards a worker-centered moral economy in Chicago through policy campaigns aimed at curbing wage theft and providing at least a very basic threshold of paid sick days to workers. The section shows how social capital, symbolic capital, and framing strategies all helped Arise Chicago obtain a

worker-protective local ordinance that also appeared to strongly correlate with the moral commitments of the public. Section V concludes by summarizing the exploratory findings, what they may mean for worker-centered moral economies, and suggestions for further research.

II. MORAL ECONOMIES AND WORKER CENTERS: A REVIEW OF THE LITERATURE

Sociologists Bruce Western and Jake Rosenfeld have linked income inequality to the dissolution of the moral economy of labor unions.¹³ According to Western and Rosenfeld, that moral economy consisted of social norms prescribing “fair” distribution.¹⁴ Those norms were, in turn, institutionalized in formal rules and customs.¹⁵ In a strong moral economy, social actors are said to morally condemn others in breach of those norms.¹⁶ The moral economy is importantly enforced through moral censure.

However, the moral economy is not built purely on moral values and convictions; it is not merely ideational. According to Western and Rosenfeld’s seminal study on inequality and union decline, labor’s moral economy depended on the resources of powerful American unions.¹⁷ When labor unions were more powerful in the United States, or when about one-third of U.S. workers were members of unions or were covered by collective bargaining agreements, labor unions built a moral economy on cultural, political, and institutional foundations.¹⁸

Culturally, unions made constant public pronouncements against inequality.¹⁹ They, *inter alia*, diffused solidaristic values through their own print media and the hundreds of community organizations that they built or promoted with their vast resources.²⁰ They denounced high manager pay and curtailed such high pay in unionized firms.²¹ They

¹³ Western & Rosenfeld, *supra* note 1, at 514.

¹⁴ *Id.* at 517 (emphasis added).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 517–19.

¹⁸ *Id.* at 518.

¹⁹ *Id.*

²⁰ *Id.* (citing NELSON LICHTENSTEIN, THE MOST DANGEROUS MAN IN DETROIT: WALTER REUTHER AND THE FATE OF AMERICAN LABOR 300 (1995) (describing the role of the United Auto Workers in shaping “disciplined trade unionists, militant social democrats, and racial egalitarians”).

²¹ *Id.*

also lobbied intensely for civil rights legislation for the benefit of society at large.²²

Politically, unions lobbied for higher minimum wages that covered all workers, hence advocating for writ-large redistributive policies.²³ Other policies supported by labor unions included universal health care, Medicare, and the federal food stamp program.²⁴

Institutionally, unions participated in national wage-setting institutions convened by the U.S. executive branch until about the presidency of Jimmy Carter.²⁵ Depending on the era, they participated in national wage-setting institutions to control inflation, assist wartime production, narrow inter-firm wage differentials, reduce wage inequality in the larger economy, stabilize prices and promote “distributional equity,” help exercise wage restraint, place a check on executive pay, increase the pay of low-wage workers, and police merit pay increases, among other policy goals.²⁶ Unions also advocated for payment of locally prevailing wages and fringe benefits for non-union employees, which led to the Bacon Davis Act²⁷ and its state-level homologues.²⁸ Finally, many non-union firms copied the terms of union collective bargaining agreements; union agreements set the standard in many industries.²⁹

The unions’ power and cultural, political, and institutional sway enabled what Western and Rosenfeld call a “moral economy.” As such, labor unions in the United States improved the terms and conditions of employment of workers beyond their memberships. With the collapse of private sector labor union membership to approximately 6% today,³⁰ the cultural, political, and institutional sway of unions capable of sustaining a worker-centered moral economy have all but disintegrated.³¹

²² *Id.* (internal citations omitted).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ 40 U.S.C. § 3142 (2006) (requiring prevailing wages to be paid in federally funded projects).

²⁸ Western & Rosenfeld, *supra* note 1, at 518.

²⁹ *Id.* at 519 (internal citations omitted).

³⁰ See Kate Andrias, *The New Labor Law*, 126 YALE L.J. 2, 5 n.2 (2016). Professor Andrias acknowledges that labor unions have “collapsed.” *Id.* at 5.

³¹ Western & Rosenfeld, *supra* note 1, at 519. The industrial relations literature is replete with accounts on how norms, legal and extralegal, structure the labor market. *Id.* at 518 (citing RICHARD HYMAN & IAN BROUGH, *SOCIAL VALUES AND INDUSTRIAL RELATIONS: A STUDY OF FAIRNESS AND EQUALITY* (1975); SIDNEY WEBB & BEATRICE WEBB, *INDUSTRIAL DEMOCRACY* (1911); Jon Elster, *Wage Bargaining and Social Norms*, 32 ACTA SOCIOLOGICA 113 (1989); PETER SWENSON, *FAIR SHARES: UNIONS, PAY, AND POLITICS IN SWEDEN AND WEST GERMANY* (1989)).

However, the concept of the “moral economy” is not uniquely related to modern labor relations. The term is associated with the work of historians and anthropologists who have used it to explain the cultural dimensions of social conflicts in the pre-modern era. Historian E.P. Thompson, for example, explained how English peasants protested and rioted against unfair bread and flour prices in the eighteenth century. Peasants considered “fair” prices to be more important than market-determined prices because market prices could mean starvation to villagers too poor in money capital. See E. P. Thompson, *The Moral Economy of the English Crowd in the Eighteenth Century*, 50 PAST & PRESENT 76 (1971). Anthropologist James Scott similarly explained how the threat of starvation created very strong moral traditions in the countryside to guarantee the survival of the peasantry. See JAMES SCOTT, *THE MORAL ECONOMY OF THE PEASANT: REBELLION AND SUBSISTENCE IN SOUTHEAST ASIA* (1976). Given that peasants live on the verge of subsistence, almost any change in their social environments could put their survival at risk. Perceptions of peasants as backward or overly traditional, even irrational, misunderstood the peasantry. Their hold on tradition was directly linked to their rational understanding of their precarious material conditions. *Id.*

The extension of the concept of the moral economy beyond traditionalistic agricultural societies connotes that the moral economy concept can “illuminate such key features of economic allocation as are motivated by ideational, rather than material expectations of personal gain.” Norbert Götz, *Moral Economy: Its Conceptual History and Analytical Prospects*, 11 J. GLOBAL ETHICS 147, 148 (2015). The renowned economic historian, Karl Polanyi, for example, understood the relevance of moral values and norms in the modern, capitalist economy when he detailed that market societies dis-embedded economic activities from traditional norms and values, generating popular resistance and ultimately leading to a re-“embedding” of the economy in society, hence giving life to his much referred to “double movement” concept. KARL POLANYI, *THE GREAT TRANSFORMATION: THE POLITICAL AND ECONOMIC ORIGINS OF OUR TIME* (1944); Arne Kalleberg, *Precarious Work, Insecure Workers: Employment Relations in Transition*, 74 AM. SOC. REV. 1, 16 (2009). See also SAMUEL BOWLES, *THE MORAL ECONOMY: WHY GOOD INCENTIVES ARE NO SUBSTITUTE FOR GOOD CITIZENS* 2–4 (2016) (stating that policy choices that assume, erroneously, that human beings are rational, profit-maximizing actors create incentives for individuals to become self-interested, “crowding out” civic values and social norms necessary for good government and markets).

However, and as economic sociologists have argued, economic action, including that related to markets, is social in nature and is always “embedded” in society, including morality. See Bernard Barber, *All Economies Are “Embedded”: The Career of a Concept, and Beyond*, 62 SOC. RES. 387 (1995). A view of market activity as being inherently selfish may lead to an empirically inaccurate view of the economy, where morality appears inherently contradictory to the market economy; the market and society are, in this view, “hostile worlds.” See VIVIANA A. ZELIZER, *ECONOMIC LIVES: HOW CULTURE SHAPES THE ECONOMY* (2011). The “hostile worlds” understanding contrasts with the more empirically accurate “connected lives” approach advanced by economic sociologists who view economic activity as always inherently social. *Id.* Just as a matter of example, the articles in this volume of *The University of Chicago Legal Forum* by Richard Epstein and Javier Fernandez-Villaverde, both of whom share strong pro-market perspectives and value individualistic norms, can hardly be called amoral or even immoral. Certainly, during this symposium they were among the most passionate speakers. Perceived limitations on the individualistic norms they advocate for inspired their condemnation and even, one could posit, charges of injustice; limitations on individual liberty constrict efficiency, welfare, and, as such, end up disproportionately hurting many people. And what more condemnatory charge against constriction of individualism than FRIEDRICH VON HAYEK, *THE ROAD TO SERFDOM* (1944)?

Following in the tradition of economic sociology, Marion Fourcade and Kieran Healy have argued that all markets are moral projects that are “saturated with normativity.” Marion Fourcade & Kieran Healy, *Moral Views of Market Society*, 33 ANN. REV. SOC. 285, 299–300 (2007). Hence, we can argue that, to the extent that unions helped to build a “moral economy” in the mid-twentieth century, they did so as part of a “moral project” for pro-redistributive norms that favored workers, or a worker-centered moral economy. We know that labor’s moral project was a struggle. It counterpoised solidarity against a Lochnerian morality based on individual freedom of contract. See WILLIAM FORBATH, *LAW AND THE SHAPING OF THE AMERICAN LABOR MOVEMENT* (1991). As Western and Rosenfeld point out, to the extent that the labor movement was successful in its moral

But if social and legal norms for fair distribution, the so-called moral economy discussed by Western and Rosenfeld, developed with strong unions, can worker centers, generally smaller and much less resourced than traditional labor unions,³² contribute to a new labor- or worker-centered moral economy?

A. Bureaucracies versus Networks, or the Importance of Social Capital

This section details how worker centers, organizations with little money, small memberships, and thin staff—which contrast with larger organizations with bigger memberships and thicker staffs such as labor unions generally are—can contribute to a new labor moral economy, especially given Western and Rosenfeld’s findings that resources matter for moral economies. It argues that worker centers can be formidable labor allies if understood as networked groupings rather than bureaucratic organizations, with the capacity to bring together individuals and groups who normally do not work together and thereby disrupt existing institutional and political orders and extract concessions from the powers that be.³³

Sociologists Frances Fox Piven and Richard Cloward argued in their seminal book, *Poor People’s Movements*, that “lower class” or “poor”³⁴ people’s movements—herein referred to as “the subaltern”—are most effective when they seek to disrupt institutional and political orders.³⁵ Such disruption, they argued, could occur when the subaltern acts collectively to disobey or not perform their institutional roles.³⁶ For example, actions that various subaltern movements undertook in the 1930s and the 1960s, such as striking against employers and requiring the state to provide mass distribution of welfare benefits, could

project, it was in great part due to the relative strength of labor in the three decades following the World War II era. Western & Rosenfeld, *supra* note 1, at 518–19.

The three points here are that (1) all economies are moral economies, even if some of us may disapprove of the particular values undergirding certain kinds of economic systems; (2) the moral economy that Western and Rosenfeld discuss should be better understood not as a generic moral economy, but a specific moral economy aiming to redistribute wealth towards the working class; and (3) that such moral economy significantly hinges on power and resources to be constructed and maintained.

³² See FINE, *supra* note 3, at 254.

³³ See FRANCES FOX PIVEN & RICHARD A. CLOWARD, *POOR PEOPLE’S MOVEMENTS: WHY THEY SUCCEED, HOW THEY FAIL* 24 (1979).

³⁴ By “lower class” or “poor,” Piven and Cloward meant “a stratum within the working class that is poor by standards prevailing in society at the time.” *Id.* at xxiii. Here, the author refers to “lower class” or “poor” people as, simply, “the subaltern.”

³⁵ *Id.* at 24.

³⁶ *Id.*

bankrupt employers and paralyze governments, respectively. Such disruptions could force concessions from those who hired workers and controlled the state.³⁷ According to Piven and Cloward, the goal for the subaltern's movements should thus be to mobilize en masse for episodic concessions, in times of crisis, when disruption gives the ruling class no other option but to concede.³⁸

Piven and Cloward also argued that activists who tried to organize the subaltern into durable, formal organizations with large memberships were condemned to failure. They provided two reasons for such expected failures. First, elites would never make concessions that would provide the subaltern with the resources to mount sustained opposition over time.³⁹ Second, the time that activists spent organizing formal organizations (e.g., "collecting dues cards" and "writing constitutions") could have been spent maximizing disruption and forcing concessions when the subaltern willed.⁴⁰

While we could debate Piven and Cloward's fateful predictions for the subaltern's formal organizations—as many scholars who critiqued Piven and Cloward's book did immediately upon its publication⁴¹—their focus on the particular kind of power that the subaltern can have is well-taken.⁴² In essence, the subalterns do not exist in a vacuum. They are embedded in a larger order where they are related to and needed by others (e.g., employers, politicians, and state administrators, among many others).⁴³ As such, while the subaltern may lack sustained, organized economic and political power, they may have, in the words of Janice Fine, "relational power," or that power derived from the "initiation and multiplication of relationships."⁴⁴

Part of Piven and Cloward's now classic thesis on "poor people's movements" can thus help us to think about the potential of worker centers. While worker centers may not have large budgets, staffs, hierarchies, and memberships, worker centers have proven masterful

³⁷ *Id.* at 27–28.

³⁸ *Id.* at xvi–xvii, xix–xxiii.

³⁹ *Id.* at xx–xxi.

⁴⁰ *Id.* at xxi–xxii.

⁴¹ *See id.* at ix (internal citations omitted).

⁴² *See also* FINE, *supra* note 3, at 267 (arguing that lower classes have some power because they sometimes extract concessions from the powerful).

⁴³ *Id.*

⁴⁴ *Id.* at 255. According to Fine, the Industrial Areas Foundation and other faith-based organizations used the term "relational power." *See id.* at 296 n.10 (citing MARK WARREN, DRY BONES RATTLING: COMMUNITY BUILDING TO REVITALIZE AMERICAN DEMOCRACY 68 (2001)). It was initially coined by Bernard Loomer. *See* Bernard Loomer, *Two Conceptions of Power*, 15 CRITERION 12 (1976).

in building relationships through, and the leverage of, coalitions⁴⁵ and networks.⁴⁶ Some of those coalitions consciously try to bring together low-wage workers across racial, ethnic, and gender lines.⁴⁷ Collaboration with faith-based organizations⁴⁸ and with other community and labor groups has also been common in the worker center movement.⁴⁹ Some worker centers' networks span industrial sectors where the low-wage workers work.⁵⁰ Worker centers are also building "networks of networks," linking worker organizations, consumer groups, and other NGOs in entire production and distribution chains.⁵¹

One scholar-activist and expert on labor-community coalitions, Amanda Tattersall, has pointed out that labor-community coalitions are most successful when individual labor and community leaders are capable of acting as *bridge builders* or *brokers* between organizations.⁵² "Brokers" have been described by one of its foremost students, The University of Chicago Booth School of Business professor and sociologist Ronald Burt, as social actors with "superior networks in a world of separated but important informal relations."⁵³ They span "structural holes" in a network, that is, "the separation between nonredundant

⁴⁵ See VANESSA TAIT, POOR WORKERS' UNIONS: REBUILDING LABOR FROM BELOW 150–57 (2005).

⁴⁶ See FINE, *supra* note 3, at 224–43; Cordero-Guzmán, *supra* note 10, at 40–44.

⁴⁷ See FINE, *supra* note 3, at 42–71; TAIT, *supra* note 45, at 150–57.

⁴⁸ FINE, *supra* note 3, at 42–71, 120–56. See, e.g., Jeffrey D. Broxmeyer & Erin Michaels, *Faith, Community, and Labor: Challenges and Opportunities in the New York City Wage Campaign*, in NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT 70–87 (Ruth Milkman & Ed Ott eds., 2014).

⁴⁹ Lynne Turner, *United New York: Fighting for a Fair Economy in "The Year of the Protester"*, in NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT 88–109 (Ruth Milkman & Ed Ott eds., 2014). See also Jennifer Gordon, *The Campaign for the Unpaid Wages Prohibition Act: Latino Immigrants Change New York Wage Law 7–16* (Carnegie Endowment, Working Paper No. 4, 1999) (describing how ties with traditional, progressive allies and to non-traditional groups, such as business leaders, helped a worker center compel the New York state legislature to pass a new law that increased penalties against employers who failed to pay their workers' wages).

⁵⁰ See Cordero-Guzmán, *supra* note 10, at 41–44.

⁵¹ See *id.* at 50.

⁵² See AMANDA TATTERSALL, POWER IN COALITION: STRATEGIES FOR STRONG UNIONS AND SOCIAL CHANGE 17–21 (2010). See also Stephen McFarland, *Bridging City Trenches: The New York Civic Participation Project*, in NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT 187, 206–07 (Ruth Milkman & Ed Ott eds., 2014) ("Yet [the New York Civic Participation Project's] decade-long effort to promote civic participation among working-class immigrant Latino communities . . . has done much to build bridges across the workplace-community divide, as well as across ethnic lines.").

⁵³ See RONALD BURT, BROKERAGE AND CLOSURE: AN INTRODUCTION TO SOCIAL CAPITAL (2000); Patricia Tweet, *Review: Brokerage and Closure: An Introduction to Social Capital by Ronald S. Burt*, 35 CONTEMPORARY SOCIOLOGY 488, 488 (2006).

contacts.”⁵⁴ Brokers are thus rich in “social capital,” understood as “the advantage created by a person’s location in a structure of relationships.”⁵⁵ Worker centers may thus have something to offer the labor movement—their social capital. They can be quite valuable. Worker centers, as brokers, could also become *tertius gaudens*, “thirds who benefit,” if they so attain such structural supremacy over individuals separated by structural holes.⁵⁶

Hence, the concept of social capital and brokerage can be extremely useful for the worker center movement. Worker centers can serve as bridges between other movement actors, organizations, and state and political leaders. If and when worker centers can create coalitions of actors who normally do not associate, they can create the type of episodic “disruptions” that Piven and Cloward argued were so important for poor people’s movements. In essence, worker centers could reshape and thereby disrupt the political landscape. While lacking the resources associated with bureaucracies, such as money and human capital (expertise), the networked nature of worker centers can make them rich in social capital and, in this manner, strategically important for the reconstruction of a twenty-first century worker-centered moral economy.

B. Symbolic Capital, or the Importance of Getting Public Attention

Another important resource that worker centers may have to build a worker-centered moral economy for the twenty-first century is “symbolic capital.”⁵⁷ While social capital in this article refers to a structural position of actors that provides them with strategic advantages in a network, symbolic capital is generally understood as being synonymous with prestige and status.⁵⁸ We can hypothesize that symbolic capital provides an actor with the capacity to draw attention from others outside his or her network. We can also hypothesize that actors rich in symbolic capital and who speak on behalf of the subaltern, such as low-wage workers, could help the subaltern by attracting

⁵⁴ RONALD BURT, STRUCTURAL HOLES: THE SOCIAL STRUCTURE OF COMPETITION 18 (1992).

⁵⁵ BURT, BROKERAGE, *supra* note 53, at 4.

⁵⁶ BURT, STRUCTURAL HOLES, *supra* note 54, at 30–31.

⁵⁷ Fiona M. Kay, *Intraprofessional Competition and Earnings Inequalities Across a Professional Chasm: The Case of the Legal Profession In Québec, Canada*, 43 L. & SOC’Y REV. 901, 908 (2009) (defining symbolic capital as “a form of capital that lends legitimacy and status”); Pierre Bourdieu & Richard Terdiman, *The Force of Law: Toward a Sociology of the Juridical Field*, 38 HASTINGS L.J. 805, 812 (1987) (defining symbolic capital as those resources of symbolic form, such as, “[a]uthority, knowledge, prestige, reputation, academic degrees, [and] debts of gratitude owed by those to whom we have given gifts or favors”).

⁵⁸ Kay, *supra* note 57, at 908; Bourdieu & Terdiman, *supra* note 57, at 812.

attention to their cause. We can thus further hypothesize that worker centers rich in symbolic capital attract the attention of encircling communities, helping to diffuse worker centers' pleas for more equitable economic norms.

The worker center literature has described instances where we can see the importance of symbolic capital. For example, Professor Jennifer Gordon argued that the business community's support of the Long Island Workplace Project, a worker center, attracted the attention of legislators who then favored a new law against wage theft. Such support from an unlikely ally—employers—made the bill appear unusual to legislators, compelling them to pay attention to the Workplace Project. As Professor Gordon recounted:

I strongly believe, however, that it was the symbolic value of our alliance with less usual suspects that made this bill stand out from so many others, avoided the 'illegal alien' mantra, secured Republican support, and eventually helped to make the difference between winning and losing the campaign.⁵⁹

Support from the interest group most likely to oppose the Act, the business community, brought a lot of attention to the bill and facilitated a constructive, public discussion about it.⁶⁰

Below, we will see that worker centers may accumulate and expend other types of symbolic capital, such as that provided by clergy members and key political leaders who publicly take on the causes of worker centers. As such, symbolic capital may call attention to, excite, and provide high prestige to the campaigns of otherwise resource-poor and not terribly visible worker centers.

C. Framing, or the Importance of Rekindling a Moral Basis for Workers' Rights

Finally, in addition to social and symbolic capital, worker centers seem to wield "moral power."⁶¹ As Professor Fine explains:

Worker centers, through their legal, organizing, and advocacy work, have been able to cast the struggles of immigrant workers to organize for better working conditions and wages in straightforward "right" against "wrong" terms that have piqued the interests and pricked the consciences of opinion-makers,

⁵⁹ Gordon, *supra* note 49, at 15.

⁶⁰ *See id.*

⁶¹ FINE, *supra* note 3, at 256.

elected officials, and the general public. For poor people's organizations, the ability to claim the moral high ground is critical to persuading allies to join the fight.⁶²

Similarly, Professor Gordon pointed out how considerations independent of money and votes, and more related to "empathy" stirred New York state legislators to pass the Workplace Project's Unpaid Wages Prohibition Act.⁶³ She detailed that while illegal immigrants, who were represented by the Workplace Project, were generally scorned for being understood as illicit "takers," the worker-members of the Workplace Project, who personally lobbied the New York state legislature, spoke to the legislators about their hard work, difficult travails, and experiences with exploitation and unscrupulous employers who failed to pay them for their work.⁶⁴ Given that many New York legislators came from immigrant backgrounds themselves, such as Italian and Irish heritage,⁶⁵ legislators began to feel empathy towards the members of the Workplace Project who were victims of dishonest employers, helping them to eventually back the worker center's campaign for an anti-wage theft law.⁶⁶

However, while morality seems fundamental to understanding the successes of the worker center model, moral power, as labeled by Fine, appears to be a misnomer. Morality is not a resource that a movement actor or organization has and wields in the manner that he or she may use money, mobilize network contacts (social capital), or mobilize actors with prestige (symbolic capital). Rather, moral power better refers to what sociologists describe as "framing."⁶⁷ Framing generally refers to the way that movement actors, the media, and others communicate and construct an issue or problem, giving it particular meaning to the public and generating resonance that builds support for or challenges a cause.⁶⁸

Hence, we can posit that worker centers that frame issues in ways that reference breaches of generally held normative commitments can help worker centers to generate wide public support for their causes. When worker issues are morally framed, government activity aiming to

⁶² *Id.*

⁶³ Gordon, *supra* note 49, at 20.

⁶⁴ *See id.* at 21–22.

⁶⁵ *See id.* at 12.

⁶⁶ *Id.* at 22.

⁶⁷ *See, e.g.*, Robert D. Benford & David A. Snow, *Framing Processes and Social Movements: An Overview and Assessment*, 26 ANN. REV. SOC. 611, 613 (2000).

⁶⁸ *See id.* at 613–14 (describing how social movements engage in "framing" or actively providing meaning to issues).

repair those normative breaches could function as formal imprints of more deeply held moral concerns. As such, moral framing may provide the basis for a twenty-first century worker-centered moral economy.⁶⁹

III. THE CASE OF ARISE CHICAGO

This research project is structured as a holistic, instrumental case study⁷⁰ of one worker center: Arise Chicago. In its own words, Arise Chicago is:

[A] membership-based community resource for workers, both immigrant and native-born, to learn about their rights and organize with fellow workers to improve workplace conditions. Since opening its doors in 2002, the Arise Chicago Worker Center has collaborated with nearly 2,500 workers to recover over \$5 million in owed wages and compensation. [Arise Chicago's] workplace justice campaigns train workers to know their rights, file complaints with government agencies, organize direct actions, and access legal representation.

... With over 300 low-wage Polish and Latino immigrant worker members, almost half of whom are women, it is the only [sic] Chicago-based organization that regularly involves the religious community in its campaigns and is the only worker center in the country with a Polish organizer focusing solely on the Polish community.⁷¹

The author chose to study Arise Chicago because it is one of the main worker centers in the United States.⁷² It has existed for over fifteen years in Chicago⁷³ and should thus provide enough depth and scope to

⁶⁹ As bureaucracies, unions wield money capital and human capital. Some would argue that they also wield a different kind of human capital, one over the worker's capacity to work—their labor power—attained through cartel-like qualities. While perhaps the case in prior decades, that specific power has almost completely disappeared as strikes have become a rarity in the United States. See Ruth Milkman, *Introduction*, in *NEW LABOR IN NEW YORK: PRECARIOUS WORKERS AND THE FUTURE OF THE LABOR MOVEMENT* 1, 4–5 (Ruth Milkman & Ed Ott eds., 2014).

⁷⁰ ROBERT K. YIN, *CASE STUDY RESEARCH: DESIGN AND METHODS* (5th ed. 2014).

⁷¹ *About Us*, ARISE CHICAGO, <http://arisechicago.org/about-us/> [https://perma.cc/PS2K-6JYM].

⁷² Janice Fine often discussed Arise Chicago in her book surveying worker centers. When she published her book, Arise Chicago was called the Chicago Interfaith Committee on Workers Issues. Its worker center was called the Chicago Interfaith Workers Rights Center. See FINE, *supra* note 3, at 22, 125.

⁷³ While Arise Chicago opened its doors in 1991, it initially did so only as an interfaith labor solidarity organization called the Chicago Interfaith Committee on Workers Issues. Arise opened the worker center eleven years later, in 2002. Interview with Arise Chicago staffer 2 (Apr. 5, 2016). See *About Us*, ARISE CHICAGO, <http://arisechicago.org/about-us/> [https://perma.cc/PS2K-6JYM].

understand the life of one worker center and its promise to contribute to a worker-centered moral economy. The study does not necessarily attempt to posit Arise Chicago as a model worker center, or as representative of any particular type of worker center, since there are many. Rather, it attempts to draw general lessons, based on the successes and failures of Arise Chicago, for the worker center movement in general.

Despite the relative successes of Arise Chicago, some of which are detailed below, one of the characteristics of this worker center is that, like all worker centers, it has little money and human capital when compared to other parts of the labor movement, particularly traditional labor unions.⁷⁴ In 2016, a relatively good year for Arise Chicago, its budget was about \$600,000.⁷⁵ It had about seven full-time staff members and one part-time staff member. Its budget came mainly from donations received from foundations, religious institutions, labor unions, and other donors. Member dues did not even make up 1% of its budget because out of its 300 members, only about 30 were regularly paying the \$30 a year dues.⁷⁶ Compare those figures with the janitors' union based in Chicago, the Service Employees International Union (SEIU), Local 1, which had a \$30 million budget, 199 total employees to run its operations, and represented over 45,000 members.⁷⁷ Yet, despite its small size and scant resources, Arise Chicago packs a social, symbolic, and morally framed punch, as is detailed below.

The author spent about twelve months (from February 2015 through September 2015, and from January 2016 through May 2016) performing participant observations at the worker center. The author spent between one to three days per week at the worker center as a workplace organizer. As a workplace organizer, the author would perform intakes of workers with alleged complaints against their employers. He analyzed whether the workers had colorable claims and if Arise Chicago could collaborate with the worker to initiate a campaign to remedy those grievances. Some workers had complex legal problems that could not be resolved only, or even mostly, through workplace campaigns. For example, sometimes an employer provided housing to an employee. When the employer fired the worker and ordered the worker to vacate the housing provided by the employer, the worker was left jobless and homeless. In such a situation, the worker

⁷⁴ See FINE, *supra* note 3, at 252–55.

⁷⁵ Interview with Arise Chicago staffer 3 (Mar. 10, 2016).

⁷⁶ *Id.*; Interview with Arise Chicago staffer 7 (Sept. 3, 2015).

⁷⁷ *Service Employees, Local 1*, CTR. FOR UNION FACTS, <https://www.unionfacts.com/lu/23715/SEIU/1> [<https://perma.cc/6CEP-H4CG>].

required immediate injunctive relief or new housing, and perhaps the support of other kinds of community organizations (such as tenant groups). The worker center also did not get generally involved when the workers lived or worked outside the Chicago metropolitan area. The worker center did not have many community allies to help it in a workplace campaign outside of Chicago (such as congregations, aldermen, labor unions, or other community groups). Finally, given legal concerns, and respectful of jurisdictional lines, the worker center generally would not try to stand in for workers who were already represented by a labor union with exclusive representation rights over the worker's grievance.⁷⁸

In some occasions, a campaign, which included writing demand letters to the employer, requesting a meeting with the employer to negotiate the claim with the worker, picketing the employer, and denouncing the employer with state and local authorities, could be effective. If the worker wanted Arise to collaborate with him or her in organizing such a campaign, the author would help the worker in that matter. The author led about a handful of such campaigns and supported another handful of other campaigns led by the full-time staff organizer. He also participated in weekly staff meetings where he could learn about the work of other organizers engaged in strategic campaigns (campaigns that included coordination with labor unions), faith-labor solidarity, policy campaigns (the ones detailed below), and domestic worker organizing. Finally, he also participated in several "Know Your Rights" workshops given to all workers who seek the aid of the worker center.

The author recorded his observations as daily "jottings" in pocket-sized reporter notebooks. Then, he passed down his "jottings" into more formal field notes. At certain times during his fieldwork, he also wrote short memos to himself. These memos served as preliminary analyses of his data, where he tried to make sense of what he was experiencing and establish themes observed in his fieldwork.⁷⁹ The author also "triangulated"⁸⁰ some of the findings reported here through interviews of Arise staffers and through documentary evidence, including press articles and legal texts (such as laws). However, the results of the case study remain exploratory in this paper, meaning that they are

⁷⁸ See *Emporium Capwell Co. v. Western Addition Cmty. Org.*, 420 U.S. 50, 66 (1975) (holding that a minority of workers represented by a community organization could not bypass a union recognized or certified as the exclusive bargaining representative of the employees).

⁷⁹ For a detailed explanation of ethnographic data collection that follows the method detailed here, see ROBERT M. EMERSON ET AL., *WRITING ETHNOGRAPHIC FIELDNOTES* (1995).

⁸⁰ *THE CAMBRIDGE DICTIONARY OF SOCIOLOGY* 638 (Bryan S. Turner ed., 2006).

hypotheses for further study.⁸¹ The author needs to further triangulate his findings with other sources—namely interviews of other worker centers, labor unions, congregations, policy groups, and government officials, among others—who relate with the worker center in the policy campaigns described below. Still, as described below, the hypotheses that the author derived from his ethnographic work appear promising. They seem consistent with prior worker center research,⁸² interviews done by the author, and documentary evidence that he reviewed. They are also significant in explaining the value of worker centers for a twenty-first century moral economy.

IV. EXPLORATORY RESULTS

This study's exploratory results suggest that Arise Chicago has contributed to labor's moral economy by diffusing publicly the travails of low-wage workers and by pressing public authorities to enact laws—namely local ordinances—that help to enforce workers' rights and create new rights. It organizes workers and advocates for them, *inter alia*, by capitalizing on its social and symbolic capital. The worker center also morally frames workers' issues, providing its proposed laws broad acceptability, especially in the U.S. liberal market context where employment law is seen by some critics as an undesirable intrusion into the free market.⁸³

Arise's social capital mainly stems from its connections to low-wage workers, established through workplace campaigns, interfaith qualities, and its community organizing model that compels it to seek ties with local politicians, labor unions, and other community groups. It brings together various religious congregations, mainly those of the "Abrahamic" traditions of Jews, Christians, and Muslims, to favor the cause of workers. Because it is a community organization, it also establishes close relationships with local and state legislators, who have direct political power. As the author explains below, Arise Chicago appears to bridge congregations, politicians, and low-wage, mostly immigrant workers over "structural holes" to create rather new and

⁸¹ See Robert K. YIN, CASE STUDY RESEARCH 9 (4th ed. 2009) (explaining how an exploratory study is one that attempts "to develop pertinent hypotheses and propositions for further inquiry").

⁸² The author thanks Professor Peggie Smith for this point.

⁸³ See, e.g., Richard A. Epstein, *In Defense of the Contract at Will*, 51 U. CHI. L. REV. 947, 951 (1984) (arguing that employment at will, or the freedom of parties to hire and terminate the employment contract at any time, without cause, should be preserved to protect parties' entitlements against regulation and interpret gaps in the contractual language); See Frank Dobbin & John R. Sutton, *The Strength of a Weak State: The Rights Revolution and the Rise of Human Resources Management Divisions*, 104 AM. J. SOC. 441, 441–42 (1998) (noting the lack of legitimacy of employment law in the United States).

likely disruptive political coalitions in the city of Chicago. Arise's network is also infused with symbolic capital. It deploys members of the clergy and brings salient politicians to picket lines and press conferences, raising the profile of its campaigns and the cause of low-wage workers. Finally, it readily frames low-wage worker issues as issues of "right" or "wrong."

Below, this article details three legislative campaigns where social capital, symbolic capital, and framing played important roles. As such, new formal rules were supported by a strong social network, symbolically important allies, strongly held values, and normative commitments. We can observe the rekindling of a worker-centered moral economy in the campaigns below.

A. Anti-Wage-Theft Ordinances: Legal Imprints of Normative Commitments in Favor of Paying What Is Owed

One of the main goals of Arise Chicago, like most worker centers, is that workers get paid what is legally owed to them; Arise works to eradicate "wage theft." One instrument that Arise Chicago has advocated for to attain that goal is blocking employers who fail to pay their workers from doing business in Chicago and Cook County. The worker center was key in proposing and eventually helping to enact city and county ordinances that give public officials the authority to deny employers the right to do business in their jurisdiction, partially or in whole, who have been found liable for not paying their workers under federal, state, or city wage and hours laws.⁸⁴

The policy campaign to revoke business licenses in Chicago appears to have resulted from a workplace campaign where the worker center publicized the realities of wage theft in Chicago.⁸⁵ At first, the worker center had no intention of getting an ordinance enacted; rather, it was supporting a United Steel Workers campaign to organize car washes in Chicago. The organizing drive was part of a larger national campaign to organize car washes.⁸⁶ While Arise Chicago is not a labor union, does not bargain collectively on behalf of any group of workers, and does not even attempt to deal with day-to-day issues affecting any particular groups of workers in a workplace—the sort of things unions do—it

⁸⁴ See Chi., Ill., Ordinance 2012-8533 (Jan. 17, 2013). Cook County, Ill., Ordinance 15-1232 (Feb. 10, 2015). See also Chicago Federation of Labor, *City Council passes wage-theft ordinance*, CFL NEWS (Jan. 22, 2013), <http://www.chicagolabor.org/news/cfl-news/city-council-passes-wage-theft-ordinance> [<https://perma.cc/2GDL-NLT9>] (reporting that the Chicago wage-theft ordinance was the product of collaboration between Alderman Ameya Pawar and Arise Chicago); Interview with Arise Chicago staffer 2 (Apr. 5, 2016).

⁸⁵ Chicago Federation of Labor, *supra* note 84.

⁸⁶ *Id.*

supports union organizing drives.⁸⁷ Sometimes, it supports union drives when workers who show up at their offices want more than just to solve a particular problem (e.g., get their unpaid wages paid) and appear to have enough group cohesion to join a union and bargain collectively with the employer.⁸⁸ In those circumstances, Arise will call union contacts to see which union may be interested in organizing the workers.⁸⁹ Arise will support the union organizing drive by taking clergy and other community allies to picket lines, mobilizing their media contacts, and as an interfaith organization, taking the union message to the “pulpit,” among other solidarity actions.⁹⁰

The car wash campaign ultimately failed to garner the support it expected from workers and did not lead to significant union representation in Chicago’s car wash industry.⁹¹ However, in the organizing process, the public became aware of the grave situation of wage theft at Chicago car washes and likely in other industries.⁹² An alderman who was close to the car wash campaign, Ameya Pawar, became concerned because a number of non-compliant car washes that violated wages and hours laws were in his district. After several meetings, Arise Chicago and the alderman joined forces to try to convince the Chicago City Council and Mayor Rahm Emmanuel to pass a city ordinance that would revoke business licenses for employers who failed to pay their workers or who committed “wage theft.”⁹³

While it is difficult to determine precisely the reasons for Pawar to sponsor the bill without interviewing him (as of this writing the author has not been able to secure an interview with Pawar), it appears that Arise Chicago was an important link between Alderman Pawar and

⁸⁷ Interview with Arise Chicago staffer 2 (Apr. 5, 2016); Interview with Arise Chicago staffer 5 (Feb. 25, 2016).

⁸⁸ Interview with Arise Chicago staffer 5 (Feb. 25, 2016).

⁸⁹ *Id.*

⁹⁰ Interview with Arise Chicago staffer 3 (Mar. 10, 2016).

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.* See also Sarah Flagg, *Pawar Cracks Down on Wage Theft with New Ordinance*, PATCH (Jan. 25, 2013, 2:54 PM), <http://patch.com/illinois/lincolnsquare/pawar-cracks-down-on-wage-theft-with-new-ordinance> [https://perma.cc/R5JX-MYXQ]; Liz Ben-Ishai, *Chicago City Council Unanimously Passes Strong Anti-Wage Theft Ordinance*, CLASP (Jan. 18, 2013), <http://www.clasp.org/issues/work-life-and-job-quality/pages/chicago-city-council-unanimously-passes-strong-anti-wage-theft-ordinance> [https://perma.cc/64BV-Y2EZ]; Ted Cox, *Council Tightens Reins on Debt Collectors, Payday Loans*, DNAINFO (Jan. 17, 2013, 5:23 PM), <https://www.dnainfo.com/chicago/20130117/chicago/council-tightens-reins-on-debt-collectors-payday-loans> [https://perma.cc/QN2K-3YKY]; Yana Kunichoff, *Chicago City Council says no to wage theft, passes ordinance*, CHICAGONOW (Jan. 17, 2013, 5:30 PM), <http://www.chicagonow.com/chicago-muckrakers/2013/01/chicago-city-council-says-no-to-wage-theft-passes-ordinance/> [https://perma.cc/JY77-WAMC]; Josh Eidelson, *Big win for labor in Chicago*, SALON (Jan. 18, 2013, 10:34 AM), http://www.salon.com/2013/01/18/big_win_for_labor_in_chicago [https://perma.cc/JT52-QAZ9].

some of his Latino immigrant constituents who had received significant media coverage during the car wash campaign. This coalition between Pawar and Latino immigrant constituents brokered by Arise then likely generated further momentum to convince City Hall to pass the local ordinance. Arise Chicago believed that the mayor of Chicago, Rahm Emanuel, was particularly interested in buttressing the role of the Chicago Department of Business Affairs and Consumer Protection, which is responsible for providing and revoking business licenses in the city, after President Barack Obama signed into law the federal Consumer Financial Protection Bureau in 2008.⁹⁴ Emanuel wanted Chicago to partner with the efforts of that federal agency, and the wage theft ordinance gave the city an issue where it could lift its consumer protection profile.

Also, Alderman Pawar, a visible alderman, likely mattered for the bill's passage. The press wrote directly about Pawar.⁹⁵ He became a central figure for the ordinance.

Arise's framing of this issue as a basic moral concern—as a “wage theft” bill—seems to have also mattered for the ultimately unanimous vote in favor of the ordinance. Stealing is, of course, wrong. Who can be in favor of wage theft? At least one local media outlet borrowed directly from Arise's talking points in its framing of the issue, stating that wage theft in Chicago was valued at “[m]ore than \$7.3 million” in Chicago and Cook County, and noted that “14 instances of wage theft [had] been reported in [Alderman Pawar's] Ward 47 in the last decade.”⁹⁶ It is also quite interesting that 2013 marked the year when the Chicago-area press began covering wage theft much more frequently, suggesting that framing non-payment of wages as “wage theft”—a crime—was relatively new.⁹⁷ It likely helped to increase public awareness of the problem and mobilize support for the local ordinance.⁹⁸ The ordinance passed unanimously on January 17, 2013.

A workplace campaign that started as a union solidarity action also led to another anti-wage theft ordinance, but this time at the county level. Arise Chicago had been involved in a campaign to support workers who were seeking union representation in a company that provides mailer services (coupon books and other advertising sent to

⁹⁴ Interview with Arise Chicago staffer 2 by Michael Oswald (Mar. 3, 2017).

⁹⁵ Flagg, *supra* note 93; Eidelson, *supra* note 93.

⁹⁶ Flagg, *supra* note 93.

⁹⁷ According to the LexisNexis news database for news sources for Illinois, the phrase “wage theft” appears thirty-three times in Illinois newspapers from 2005-2012, while about eighty-one articles covered “wage theft” from 2013 onwards. See Search: LexisNexis, Lexis Next Advance Research, Home, News, U.S. by State, Illinois (last visited on Dec. 22, 2016).

⁹⁸ See Flagg, *supra* note 93; Ben-Ishai, *supra* note 93; Kunichoff, *supra* note 93.

peoples' homes).⁹⁹ In this particular mailer organizing drive, the workers were able to cast a majority of votes in favor of their union, which was not affiliated with Arise. However, the company suddenly shut down. It did not give the workers the 60-day notice period required by the federal Worker Adjustment and Retraining Notification Act of 1988¹⁰⁰ ("WARN Act").¹⁰¹ Arise then got in touch with the village mayor, Jeffrey Tobolski, to put pressure on the company to pay workers their owed wages.

Like in the car wash campaign in Chicago, a political leader learned of wage theft in his jurisdiction after the workplace campaign. Tobolski had also attended a high school where a group of Catholic nuns active with Arise Chicago taught.¹⁰² Arise Chicago, with the help of the nuns, sought a meeting with the mayor and asked the nuns to speak about the problem of wage theft in the village.¹⁰³ After that meeting, and at least according to Arise, the mayor of the village, who was also a Cook County commissioner, decided to present a formal bill to the Cook County Board of Commissioners to penalize employers who were liable for not paying their workers' wages.¹⁰⁴

On February 10, 2015, the apparent brokering of Arise, which brought together a white mayor, Latino immigrant workers seeking WARN Act rights, and Catholic nuns, paid off. The Cook County Wage Theft Ordinance passed. The support that the bill received from Tobolski appeared fundamental.

The ordinance prohibits employers found guilty or liable of not paying their workers' wages from obtaining procurement contracts, business licenses, or property tax incentives for a period of five years.¹⁰⁵ According to one source, Cook County became the largest county in the nation to pass such legislation.¹⁰⁶ As in the Chicago wage theft ordinance campaign, the law worked as a formal imprint of pre-existing commitments against stealing. Cook County Commissioner Toni Preckwinkle, who co-sponsored the bill, framed the bill as such. She told

⁹⁹ Interview with Arise Chicago staffer 4 (Mar. 10, 2016); Interview with Arise Chicago staffer 2 (Apr. 5, 2016).

¹⁰⁰ 29 U.S.C. § 2102(a) (2012).

¹⁰¹ Interview with Arise Chicago staffer 4 (Mar. 10, 2016); Interview with Arise Chicago staffer 2 (Apr. 5, 2016).

¹⁰² Interview with Arise Chicago staffer 4 (Mar. 10, 2016).

¹⁰³ *Id.*

¹⁰⁴ Interview with Arise Chicago staffer 2 (Apr. 5, 2016).

¹⁰⁵ See Cook County, Ill., Ordinance 15-1232.

¹⁰⁶ See Suburban Life Media, *Cook County Board passes wage theft ordinance*, MYSUBURBANLIFE (Feb. 18, 2015), <http://www.mysuburbanlife.com/2015/02/12/cook-county-board-passes-wage-theft-ordinance/anma0qs/> [https://perma.cc/4YKC-EEYU].

the media in a press conference announcing the new law that it aimed to punish employer scofflaws who cheated workers in difficult times.¹⁰⁷ She also mentioned that employers who did not pay their workers were unfair to compliant employers.¹⁰⁸

We could then posit that the Cook County wage theft ordinance garnered support because Arise Chicago brought the cause of low-wage workers to the Cook County Board of Commissioners; it spanned a structural hole between the commissioners, religious leaders, and a section of their constituency—Latino, immigrant, low-wage workers.¹⁰⁹ Once it made friends with Tobolski, mayor of the village where Arise had a workplace campaign—a friendship perhaps aided by the work of the nuns—it had both a political ally that could get votes in the Board as well as a high-profile public figure that could bring attention to the plight of low-wage workers. Finally, as the Chicago wage theft ordinance, the bill was likely difficult to oppose. The bill became a formal imprint of deeply held moral concerns regarding paying what is owed to others.¹¹⁰

B. The Chicago Paid Sick Leave Ordinance: A Legal Imprint of Dignitarian Values, Public Health, and Equitable Commitments

Another policy initiative that Arise participated in was the Chicago Paid Sick Leave Ordinance.¹¹¹ The ordinance was enacted into law on June 22, 2016. It purports to cover over 400,000 employees in Chicago.¹¹² It passed unanimously, albeit powerful business groups, including the Chicagoland Chamber of Commerce and the Illinois Retail Merchants Association, opposed the measure on the ground that it would increase business costs.¹¹³

¹⁰⁷ *See id.*

¹⁰⁸ *See id.*

¹⁰⁹ Interview of Arise Chicago staffer 2 by Michael Oswald (Mar. 3, 2017) (on file with author).

¹¹⁰ We should note, however, that this ordinance did not pass unanimously. Republican Commissioners and some Democrats opposed it. Personal communication with Arise Chicago staffer 2 (April 8, 2017) (on file with author).

¹¹¹ *See* Chi., Ill. Ordinance 2016-2678 (June 22, 2016). A similar paid sick time ordinance was also passed by Cook County on October 5, 2016. Cook County, Ill. Ordinance 16-4229 (Oct. 5, 2016). Arise Chicago also played a role in that campaign. This article, however, could not detail the story of how it got enacted because it was too recent. *But see* Alexia Elejalde-Ruiz, *Cook County Approves Paid Sick Leave Law, Bringing Suburbs in Line with City*, CHI. TRIB. (Oct. 5, 2016, 4:57 PM), <http://www.chicagotribune.com/business/ct-cook-county-paid-sick-leave-1006-biz-20161005-story.html> [<https://perma.cc/5ENH-HLXP>].

¹¹² *See* Chi., Ill. Ordinance 2016-2678.

¹¹³ *See* Hal Dardick, *City Council Approves 5 Paid Sick Days*, CHI. TRIB. (June 23, 2016), http://digitaledition.chicagotribune.com/tribune/article_popover.aspx?guid=d12d0286-783d-4392-98f0-d6719bc89806 [<https://perma.cc/TPR9-WGGP>].

The ordinance provides every private sector employee who works over eighty hours for a Chicago employer in a 120-day period the right to accrue paid sick time.¹¹⁴ Covered employees can accrue one hour of paid sick leave for every forty hours worked for one employer, which is capped at forty hours per year.¹¹⁵ Employees may carry over up to twenty hours of unused paid sick time to the next calendar year.¹¹⁶ Employers who violate the law may be liable for up to three times the amount of denied paid sick time, along with attorneys' fees and other legal costs.¹¹⁷

The path toward paid sick time in Chicago was circuitous. It was spearheaded by a coalition that included two worker centers (the Restaurant Opportunities Center (ROC) of Chicago and Arise Chicago), two policy groups (Women Employed and the Schreiber Center), and a traditional labor union (the United Food and Commercial Workers Union (UFCW) Local 881).¹¹⁸ According to Arise Chicago, it was a founding member of that coalition.¹¹⁹ At a press conference where the author participated, Arise Chicago was the only organization that brought workers to the conference to speak with reporters and urge City Hall to pass the bill.¹²⁰ *The Chicago Tribune* reported on the presence of the Arise Chicago members and included a prominent picture of persons at the press conference wearing Arise Chicago shirts.¹²¹ As it reported:

Speaking at the news conference, Abraham Cabrera, who works as a food delivery driver for an Indian restaurant in the Lincoln Park neighborhood, said he has never had a paid sick day. He has two children, aged 5 and 7, who have asthma and when they become sick he has to take them to the emergency room. "It

¹¹⁴ See Chi., Ill. Ordinance 2016-2678. There are various exceptions covering certain kinds of employers and employees.

¹¹⁵ See *id.*

¹¹⁶ See *id.*

¹¹⁷ See *id.*

¹¹⁸ Officially, the Chicago Earned Sick Time coalition had dozens of members. However, in his field research, the author observed only a handful of organizations that were actually active in the campaign, rather than passive supporters. Those organizations are the ones listed herein. The author's interview with an Arise Chicago organizer who worked on the campaign confirmed that only the listed names participated in that campaign. Interview with Arise Chicago organizer 2 (Apr. 26, 2016).

¹¹⁹ Interview with Arise Chicago staffer 2 (Apr. 5, 2016); email from Arise Chicago staffer 2 to author (Dec. 22, 2016) (on file with author).

¹²⁰ See Alexia Elejalde-Ruiz, *Proposed Ordinance Would Mandate Five Paid Sick Days a Year in Chicago*, CHI. TRIB. (Apr. 13, 2016, 4:52 PM), <http://www.chicagotribune.com/business/ct-paid-sick-leave-ordinance-0414-biz-20160413-story.html> [<https://perma.cc/6TT9-UB8P>].

¹²¹ See *id.*

means I have to choose between supporting my children's physical health and financial health," said Cabrera, 39. "I should not have to do that. And no one should have to do that."¹²²

In this light, Arise Chicago serves as an important bridge between policy institutions, both public and private, and the workers that they attempt to protect.

The bill also had several leading political figures who attracted media attention. Among them, as in other campaigns where Arise participated, was Pawar.¹²³ Alderman Toni Foulkes, a sponsor of the bill and a former supermarket employee and UFCW Local 881 member also gave an impassioned speech in favor of the bill during the April 13, 2016 press conference that likely brought further attention to the bill.¹²⁴

The issue of paid sick days was also framed as one for the protection of basic human dignity and public health—values and commitments that all city residents should value. Arise argued that paid sick time in Chicago would provide for the respect and dignity of workers who must choose to either go to work sick or stay home and not receive any pay.¹²⁵ Workers should not have to choose between feeding their families and working sick.¹²⁶ Pawar agreed. In the press conference favoring the bill he said that the bill provided “just a baseline of decency.”¹²⁷ Second, Arise and other bill supporters also framed the issue as a public health concern because sick workers, especially in the restaurant and hospitality industries, can infect consumers.¹²⁸ The Chicago Earned Sick Time Coalition voiced similar talking points.¹²⁹ Alderman Toni Foulkes, a former supermarket bakery worker and member of UFCW spoke about her own experiences as a sick worker of the retail industry.¹³⁰ As *The Chicago Sun-Times* reported, Foulkes spoke about the “challenges with taking time off as a cake decorator at Jewel. She

¹²² *Id.*

¹²³ See Fran Spielman, *Council Says Most City Businesses Must Provide 5 Sick Days a Year*, CHI. SUN-TIMES (June 22, 2016, 2:39 PM), <http://chicago.suntimes.com/news/council-says-most-city-businesses-must-provide-5-sick-days-a-year/> [<https://perma.cc/5FRJ-CJTT>].

¹²⁴ See *id.* The author was present at this press conference.

¹²⁵ See Arise Chicago, *Congregation Statement of Support for Paid Sick Time in Chicago* (on file with author). See also *Public Policy Campaigns*, ARISE CHICAGO, <http://arisechicago.org/public-policy-campaigns> [<https://perma.cc/7UUA-Z57N>].

¹²⁶ See *Public Policy Campaigns*, *supra* note 125.

¹²⁷ Elejalde-Ruiz, *supra* note 120.

¹²⁸ See *Public Policy Campaigns*, *supra* note 125.

¹²⁹ *With Voter Support for Work-Family Solutions at All Time High, Chicagoans Call for Paid Sick Days*, THE EARNED SICK TIME CHI. COALITION (Mar. 5, 2014), <http://sicktimechicago.org/wp-content/uploads/2016/04/140305ChicagoansCallForPaidSickDays.pdf> [<https://perma.cc/FYQ4-LG67>].

¹³⁰ Elejalde-Ruiz, *supra* note 120.

stayed home sick with the chicken pox for 18 days—and was paid for only two of those.”¹³¹ Another alderman who supported the bill, Proco Joe Moreno, “called the proposition a no-brainer and a human right.”¹³² He recommended that establishments that oppose it should place a sign in their windows: “Caution—your food may be prepared by someone that’s sick because we don’t support paid sick days.”¹³³

However, the Chicago Earned Sick Time Coalition could not persuade City Hall to pass the paid sick leave ordinance without Mayor Emanuel first convening a wider group of stakeholders, including public officials and business representatives, to produce a report on the issue. The mayor created the Working Families Task Force to study, among other things, the issue of paid sick time and to provide a report that could help the City Council enact an effective ordinance.¹³⁴

The Final Report published by the Task Force on April 16, 2016 noted stark inequalities in Chicago for access to paid sick leave, where mostly higher paid workers had access to it, creating very significant challenges for low-paid workers to balance family and work obligations.¹³⁵ As the Task Force’s report stated, such inequality of paid sick time in Chicago led to physical, emotional, and economic problems for workers, and public health problems for Chicago.¹³⁶ Similar concerns were stated in the ordinance’s final text.¹³⁷ Moreover, the Ordinance recognized the relatively slight costs to business and in the administration of the law in comparison to the benefits gained by it.¹³⁸

In all, the coalition—with Arise Chicago providing the link between workers and policymakers—was instrumental in making the Chicago Earned Sick Time ordinance a reality. Moreover, key visible politicians, such as Alderman Pawar and Toni Foulkes supported the bill and called attention to it. While some business groups opposed it, they could not win the debate, eventually leading all aldermen to vote in favor of the bill. It was hard to argue against the need of basic, paid sick days so that workers are not forced to work sick, risking their jobs, their

¹³¹ Alice Keefe, *Aldermen Try Again to Require Employers to Offer Paid Sick Days*, CHI. SUN-TIMES (Apr. 13, 2016, 6:01 PM), <http://chicago.suntimes.com/news/paid-sick-leave-ordinance-presented-to-city-council/> [<https://perma.cc/FXS9-9QLY>].

¹³² *Id.*

¹³³ *Id.*

¹³⁴ Interview with Arise Chicago staffer 2 (Apr. 5, 2016).

¹³⁵ See WORKING FAMILIES TASK FORCE, FINAL REPORT 16 (Apr. 4, 2016), <https://www.cityofchicago.org/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2016/April/Working-Families-Task-Force-Final-Report.pdf> [<https://perma.cc/BE2X-ZQFT>].

¹³⁶ *See id.*

¹³⁷ *See* Chi., Ill. Ordinance 2016-2678.

¹³⁸ *See id.*

families' well-being, and the public health of the city of Chicago. It was also difficult to oppose once facts surfaced showing that more highly paid workers in the city had paid sick days' rights covered by their employers. Paid sick days thus became an issue of human dignity, public health, and basic equity.

V. CONCLUSION

This exploratory study provides some evidence that, despite their relative scarcity of money and human capital, worker centers can become important agents for economic equity and contribute to a twenty-first century pro-labor moral economy. However, the resources that worker centers come to bear for a pro-labor moral economy differ from those of bureaucratically organized labor unions. The resources of worker centers are social and symbolic. They can span structural holes and call attention to the woes of workers through the participation of persons high in symbolic capital. They also can frame their issues morally, as issues of "right" or "wrong," thereby contributing to the normative foundations for workers' rights. Worker centers can use their social and symbolic capital and moral framing to realign political forces. Through such realignment, worker centers can disrupt extant politics to compel governments to provide formal, legal imprints of normative commitments perceived to be in breach and that require restoration.

Some may argue that the successes of worker centers outlined herein are modest at best and a far cry from the moral economy of labor in the golden era of labor unions. True. But while those critiques may be correct, the worker center's successes detailed herein were all but easy to attain. The policy campaigns did not always follow a planned script.¹³⁹ Sometimes they resulted from trial and error. They proved difficult, complicated, time- and resource-consuming efforts where nothing was guaranteed. At the end, stronger penalties against unscrupulous employers were put in place and over 400,000 private sector workers in Chicago can have some paid sick time in the city. These are rights that did not exist before the worker center got involved and, while perhaps modest, are no sneezing matters.

The evidence presented here about the importance of social capital, symbolic capital, and framing remains exploratory, however, because it is based mostly on the author's participant observation with Arise Chicago, media reports, in-depth interviews of Arise Chicago staffers,

¹³⁹ In fact, many of the new forms of worker organizing, such as the "Fight for 15" also appear to follow a strategy of "improvisation." See Michael Oswald, *Improvisational Unionism*, 104 CAL. L. REV. 597, 603–604 (2016) (describing the new forms of labor mobilizations, such as the "Fight for 15," as experimental and improvised).

and secondary sources. The author of this report will interview other relevant actors of the various policy campaigns documented here—the aldermen, village mayors, county commissioners, labor unions, and others—and analyze more documents, including legislative histories, to better ascertain the impact of networks, symbols, and frames in these events and, therefore, of worker centers more generally. However, the exploratory results, in conjunction with the secondary literature cited herein, do suggest a strong promise for worker centers in spite, or even in light, of their smallness. It appears that a mix of strategic brokerage (social capital), prestige (symbolic capital), and moral framing can provide worker centers, as “poor people’s movements,” the capacity to disrupt political orders and help to cement a new, twenty-first century moral economy for labor.