

# And the Virus Rages on: “Contingent” and “Essential” Workers in the Time of COVID-19<sup>1</sup>

*Annelise Orleck*

*All that the virus has laid bare*

“It affects your nerves, your mental state, your way of thinking—because you have to be cautious in everything you do now,” Rosie said. “It’s like I’m risking my life for a dollar. It’s twisted.” Rosie is an Amazon worker in New York City. She made these comments during the summer of 2020 after learning that a colleague in his twenties had recently died of COVID-19.

Rosie’s words capture the stress, the fear felt daily by many US workers who have been deemed “essential” and so are ineligible to work from home during the pandemic. They are the front line workers in this crisis. A majority are women. A disproportionate number of them are people of color.

Early in the Coronavirus pandemic it became clear that, despite politicians’ bromides about the virus being “a great equalizer,” it is poor people and people of color who have been moat hard hit, getting sick and dying at higher rates than other demographic groups. Most endangered by COVID-19 are the fifty-five million mostly low-wage workers deemed “essential” by state governors—produce pickers, public transport workers, food servers, meat processing workers, health care aides, grocery clerks, even legal marijuana lab workers.

These workers live in places like Queens and the Bronx in New York City, early epicenters of the disease, and in the agricultural regions of Florida, California, Arizona, Texas, that became, by summer 2020, raging virus hot spots. They are the workers who have not been able to work from home. They have had to commute on crowded, inadequately sanitized buses and trains, sleep and eat in overcrowded bunkhouses, and work without adequate protection in New Jersey electronics warehouses, Walmart groceries, New York City laundries, California berry fields, Vermont dairy farms, Florida tomato farms, and Phoenix public hospitals. A good many of them have had little or no access to paid sick leave, inadequate protection in the workplace, no access to health care, or the right to form unions. Many, especially in agriculture and restaurant work, are undocumented. They fear detention and deportation if they report workplace violations of COVID-19 health and safety protocols, or even if they become ill and seek medical care.

Although the Occupational Safety and Health Administration (OSHA) does still exist and purports to put the power of federal law behind the notion that workers deserve safety on the job, the number of inspectors nationwide is at an all-time low. Since OSHA was established in 1970, its standards and inspections have halved the number of workers in the United States who die

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on the job every day. But before the pandemic OSHA had approximately one inspector for every fifty-nine thousand workers at eight million job sites across the nation. Between 2017 and 2020 the number of compliance officers was reduced by two thirds. When the pandemic began, there were approximately 870 inspectors for the entire country. To try to inspect all of the workplaces under their purview, it has been estimated, would take 165 years. From the time the pandemic began to July 2020, OSHA received twenty thousand employee complaints about COVID-19-related workplace hazards. OSHA is handling these complaints “informally,” asking employers to do the investigations. Not surprisingly, the federal agency has issued only one citation from these twenty thousand complaints, to a company it accused of covering up COVID-19-related hospitalizations of its employees. Workers quickly came to realize that they could draw attention to their concerns only through concerted action.

As the illness spread among health care aides, transit workers, teachers, and grocery and farm workers, labor unrest grew. In the spring and summer of 2020, workers began to strike, protest, lobby their city and state governments for paid sick leave, personal protective equipment (PPE), access to health care, unemployment insurance, and a share of the emergency coronavirus aid legislated by Congress that February and March. Though not widely noticed at first, their labor activism soon became one of the news stories of the pandemic. It was unmissable because their labor was, low-paid and unprotected as they were, after all essential.

On July 20, 2020, tens of thousands of essential workers in two hundred cities across the United States walked off their jobs in a “Strike for Black Lives.” Six thousand nurses from eighty-three New York City nursing homes joined in. Fifteen hundred janitors in San Francisco struck. Fast food workers picketed McDonalds restaurants across the country. The strike was organized and supported by a number of large labor unions including the American Federation of Teachers (AFT), the Service Employees International Union (SEIU), and the Teamsters, along with scores of other community and labor groups. The strikers picketed, marched, chanted, and went down on one knee for 8 minutes and 46 seconds, the amount of time that, on May 25, 2020, Minneapolis police knelt on the neck of an unarmed African-American man named George Floyd, leading to his death from asphyxiation and to months of marches, protests, and sit-ins across the United States.

The living wage movement in the United States has always been tied to the struggle against police violence and it still is. As Fight for \$15 activist Bleu Rainer put it in 2015: “We are the same people. When we get off shift from our third job in the middle of the night, it is us who the police harass and beat when we are walking home.” At the large Fight for \$15 march in Manhattan in 2015, activists wore sweatshirts emblazoned both with the demand for a living wage and the last words of Staten Island cigarette vendor Eric Garner as he was being choked to death by a New York police officer in the summer of 2014: “I Can’t Breathe.”

African Americans make up 37 percent of health care aid workers, 17 percent of food service workers, and 26 percent of Amazon warehouse workers, though African Americans make up only 13 percent of the US population overall. Since the beginning of the Fight for \$15 living wage struggle in 2012, young African American workers have led the movement. “We stand on the shoulders of our grandparents in the civil rights movement,” said a young Tampa-based activist named Reika Mack. Brooklyn based fast food activist Naquasia LeGrand quoted civil rights era leader and former sharecropper Fannie Lou Hamer: We are sick and tired of being sick and tired. Says Bleu Rainer: “We are the new civil rights movement.”

Between 2012 and 2019, the US-based living wage movement won twenty-two million workers \$68 billion in wage increases—through municipal and state minimum wage laws (especially statewide raises in New York, Illinois, and California all of which legislated the \$15 minimum in 2016) and negotiated victories with major employers including Amazon and Walmart. This living wage movement paved the way for the Strike for Black Lives and other labor actions across the United States as the COVID-19 pandemic wore on.

The movement of low-wage workers is also inextricably bound to the #MeToo campaign against sexual violence and sexual harassment in the workplace that exploded in 2018 and 2019. In the United States and around the world, low-wage workers explaining why they became involved in activism listed the fights against gender-based violence in the workplace and pregnancy discrimination, as well as the fights for gender pay-equity and greater representation of women in union leadership as primary motivators. In the fall of 2019, women McDonalds workers waged a twelve-city strike against sexual harassment and gender-based violence in the workplace. That strike was part of a redefinition of the very idea of “safety” that has animated both the movement for police reform and the labor protests of the COVID-19 summer.

Organizers described the July 20 Strike for Black Lives this way: “All over the United States, farmworkers, nurses’ aides, hotel housekeepers, Uber, delivery, truck and bus drivers, airport cabin cleaners, Amazon warehouse workers, Walmart associates, and more walked off the job to demand an end to police violence against Black people and call on companies to move beyond tweeting that Black Lives Matter and take real action to improve Black lives.” What that meant to strikers was pretty basic: a living wage, safer working conditions, paid sick leave, and the right to unionize and bargain collectively. McDonalds workers who struck on July 20 explained their action in words that were not all that different than those they used before COVID-19: “When the CEO of McDonald’s is making more than \$18 million dollars a year—2,000 times what the average worker makes—and an employee is sleeping in her car, something is fundamentally broken.”

COVID-19 has made clearer than ever to a majority of Americans that “something is fundamentally broken.” As a result, 2020’s uprisings by “essential workers” received relatively widespread and sympathetic coverage even in corporate media outlets. Perhaps this has been a moment of national reckoning, not

unlike that of 1911, after the Triangle Shirtwaist Factory killed 146 young workers (mostly girls and women) in broad daylight in the middle of Manhattan. The fire galvanized a new attitude toward low-wage work. There was increasingly widespread agreement in the United States that people should not have to face death in order to earn a living. And in the years and decades after the fire, factory safety regulations at the state and federal levels began to reduce rates of worker injury and death.

Then came the Reagan years and the rise of neoliberal governance. Manufacturing and agriculture globalized. After widespread Republican victories in the 2010 mid-term elections, labor unions came under ever-more-severe attack in the United States. “Right-to-work” laws written and sponsored by the American Legislative Exchange Council (ALEC), which claimed one quarter of all elected officials in the country as members, broke out of the South and started passing state legislatures even in former union strongholds, for example, Michigan and Wisconsin.

The unrest of COVID-19 summer did not happen only as a result of the economic devastation of pandemic related shutdowns that caused tens of millions of Americans to lose their jobs. That was simply the trigger after forty years of neoliberal policies and austerity politics, withered public services, and stuck wages. The value of the wages earned by US workers has been falling since the 1970s. (If the value of the minimum wage was the same today as it was in 1973, workers would earn more than \$23 an hour.) Union density has plummeted. Now, in the midst of COVID-19, for the first time in forty years, a growing share of US voters are again thinking positively about workers’ rights, safety, and the benefits of unionization. That is one of the unexpected “silver linings” of the pandemic. But it is also the result of eight years of constant organizing by low wage workers. And it is, even now, very far from a universal belief in the United States.

In summer 2020, the Trump Administration, along with GOP mayors and governors, demanded that workplaces remain or re-open, and that schools reopen for in-person learning in August and September, putting millions of lives at risk. Disproportionately those most affected would be people of color and women, who make up three of four essential workers in health care, government, and community services and almost four of five public school teachers. Children of color represent three out of four public school students in more than one third of the country’s public school districts—including COVID-19 hotspots like New York, Texas, California, Arizona, and Florida.

Teacher rebellions in Los Angeles, San Diego, Florida, and elsewhere convinced local authorities in some of the country’s most crowded districts to keep schools online throughout fall 2020. These uprisings were launched to protect students and school staff from infection but they were also a continuation of a wave of teacher strikes that swept the country from 2017–9. Funding cuts to schools, low pay for teachers, and overcrowded conditions were problems that predated COVID-19. The pandemic and demands to reopen schools without providing funding to make them safe simply laid bare these problems and re-energized teacher protest.

The question of the moment is this: Much progress was made between 2012 and 2020, as a result of city, county, and state living wage, paid sick leave, and scheduling ordinances for which low-wage workers protested, lobbied, walked off their jobs, waged hunger strikes, blocked roads, and sat in at state capitols. By the end of 2020, with the country in the throes of the worst economic depression since the 1930s, the fiercest racial justice uprisings since the 1960s, a pandemic that is projected to kill over three hundred thousand Americans, and a presidential election on the horizon that will be a referendum on the most divisive and unpopular president of modern times, it seems possible that widespread and dramatic change is on the horizon. Maybe.

Will low-wage workers finally get paid sick leave, consistent scheduling, a living wage, protection from workplace hazards, job security, access to health and retirement benefits, protection from sexual violence in the workplace and the right to unionize? If Trump is defeated and Joe Biden becomes president, there is a chance for these long-overdue policy shifts. But the talons of neoliberal ideology that have, since the 1980s, held profit sacred above all else, are deeply entrenched in our society and across the world. It's possible that sweeping change is coming for workers but that's all—just possible.

### *Farm workers*

COVID-19 has run through farm worker communities like a terrible flood. Like farm workers around the world, most who plant and harvest produce in the United States are migrant workers. Some have guest worker status. Many are undocumented, gripped by a fear of deportation that employers exploit at every turn. Most have no health care, inadequate workplace protections, paid sick leave. Farm workers labor close together—bending or kneeling amidst rows of berries, lettuce, or tobacco. They live close together, sleeping in rooms jammed with bunk beds, showering in rows, lining up to eat at long cafeteria tables. It's a perfect environment for COVID-19 to spread. Living from one paycheck to the next, and deemed essential, which means employers can fire them if they stay home, most feel that they have little choice but to continue working, even under dangerous conditions.

In Immokalee, Florida, the capital of winter tomato production in the United States, coronavirus ran rampant from March to July 2020. Workers say it touched every family in town—through sickness, grief at the loss of a loved one, fear of exposure at work or at home, fear of losing work and ending up homeless. Desperate for testing and treatment, the Coalition of Immokalee Workers—an innovative and successful labor organization made up mostly of Central American and Caribbean workers—asked Doctors Without Borders (DWB) to come to Immokalee. DWB treats patients in the world's most troubled spots. Its domestic unit established bases in the Navajo Nation, Puerto Rico, and New York to fight the pandemic. With little to no help coming from either the federal or Florida governments, infection rates exploded among Florida farmworkers. DWB began testing and treating in Immokalee.

By summer, the need for workers in Immokalee waned and migrants packed for the annual journey north to follow the picking routes for blueberries, watermelons, sweet potatoes, and apples. Many of these workers, consciously or not, brought COVID-19 with them up the East Coast. Unless workers are protected on the job, the Immokalee workers rightly argue, public health is at risk far beyond the confines of migrant agriculture camps.

What they encounter as they head north has also included the latest round of scandals in the sordid history of the H2A guest worker visa program, which has doubled in size during the Trump years. These guest farm workers are supposed to be protected by federal regulations and inspectors. But increasing use of labor contractors by less scrupulous farmers has revealed widespread trafficking even in these temporarily documented workers—some of whom have had passports confiscated, wages withheld, and been housed in horrific bug-infested and COVID-19 infected conditions. Though organizations like Farm Labor Organizing Committee (FLOC) in North Carolina have been trying for years to bring these issues to public attention, under COVID-19 the dangers they create are now affecting more than just the farm workers. And so, suddenly some attention is being paid to these human rights violations—even if the federal government insists that employers can be trusted to inspect and regulate their own workplaces.

The same is true in the fields of Ventura County, California. In June 2020, 80 percent of the residents at the Las Brisas farm worker housing project tested positive for COVID-19. Of 200 residents, there were 176 cases. Las Brisas had housed 400 but, as workers were laid off in a slumping economy, the project cleared out. Workers warned that hundreds of untested, infected farm hands could be spreading the virus to farming communities throughout California.

In early July, the Mixteco Indígena Community Organizing Project (MICOP) and Central Coast Alliance for a Sustainable Economy (CAUSE), noted that “farm workers remain the disposable essential worker.” That “disposability,” they warned, endangers more than just farm workers. Prior to COVID-19, campaigns to improve working and living conditions for farm workers required that organizers evoke a sense of empathy in consumers, employers, and government officials. COVID-19 has made the problems of farm workers everyone’s problems, California activists now argue. The dangers farmworkers face are now everyone’s dangers.

MICOP director Arcenio Lopez, a former migrant farm worker from Oaxaca, insists that widespread use of third party labor contractors takes “Big Ag” off the hook for maintaining safe conditions under COVID-19. It is a myth that farmworkers are all employed by farmers who cannot afford to make their workplaces safe. The Las Brisas housing project is owned by the Reiter Brothers, he notes, owners of Driscoll’s berries, the largest berry corporation in the world. They can easily afford to disinfect bunk houses, to establish health and safety protocols in the fields, and to pay for farm workers’ health care. But the Reiters claim that those suffering in Las Brisas are not their employees. They work for a separate company that supplies laborers. This is the sleight of hand of the gig economy. The labor contractor for Las Brisas also works for the Reiters, Lopez says.

The use of third party labor contractors in many low wage industries allows big corporations plausible deniability when it comes to worker safety and health. Driscoll's and Anacapa, major berry producers in California, depend on a patchwork of farms run by what are essentially sharecroppers. They employ contractors and undocumented workers so that they don't need to pay minimum wage, overtime, or benefits. California farmworker advocacy groups have pushed for the state to make all workers, including the undocumented, eligible for MediCal, state health insurance for the indigent. In a pandemic, they say, this is not a "progressive" move. It is common sense. People's lives depend on it.

Since the pandemic began, MICOP and CAUSE have called on growers, agricultural distributors, and government officials to provide Ventura County farmworkers with protective gloves, face masks, sanitizing stations. Simultaneously they have built independent programs such as the Undocufund to protect and treat infected farm workers, and to provide them aid. MICOP has asked state officials to provide health care to undocumented workers, to give them access to paid sick leave and unemployment insurance, and to publish essential information about COVID-19 and how it spreads in the indigenous languages spoken by so many twenty-first-century farm workers—Mixteco, Zapoteco, and Triquis.

On the dairy farms of Vermont, upstate New York, and Wisconsin, workers are also predominantly undocumented. The dairy industry—year round rather than seasonal—is not allowed to apply for guest workers. So, although the dairy industry is crucial to these regional economies, and though few Americans are willing to do the cold, dirty jobs that dairy farms require, ICE and Border Patrol agents incessantly harass migrant dairy workers. They must fight ICE even as they struggle to stay safe from COVID-19. Because these regions are overwhelmingly white, Mexican and Central American dairy workers are easy targets. Border Patrol and ICE agents racially profile cars and vans of Latin/x and indigenous workers when they leave their workplaces to shop, visit friends, or seek medical attention. This harassment leaves many dairy workers feeling like prisoners on the farms where they labor. "Without us there is no production," members of the activist group Migrant Justice say. Vermont's undocumented dairy and farm workers have received vocal support from the state's Congressional delegation—US Senators Patrick Leahy and Bernie Sanders and Congressman Peter Welch. But federal authorities continue to harass, detain, and deport them.

Harassment of dairy workers has intensified under the Trump Administration and made it exceedingly difficult for dairy workers to fight for COVID-19 protections, a living wage, safe housing, and freedom from gender-based violence. Although Migrant Justice spearheaded the passage of state laws banning racial profiling by police and enabling Vermonters to get driver's licenses irrespective of immigration status, CBP and ICE, sometimes with the help of Department of Motor Vehicles employees, have targeted drivers with "south of the border names" and focused on arresting, detaining, and deporting Migrant Justice activists.

On July 1, Durvi Martinez, a Mexican transwoman who was working on Vermont dairy farms while seeking asylum from gender-based violence in

Mexico, died of COVID-19 after they were deported. Durvi was arrested in January, held in an all-male detention prison for months, and denied medical treatment for COVID-19. Durvi's case makes painfully clear that, for undocumented farm workers, their fight is not only for protection against COVID-19, not only for a living wage, safer conditions, and decent housing. It is also a fight against the cruel detention and deportation regime that has intensified since 2016. Migrant Justice is calling for the release of all immigrant detainees in the dairy industry. Meanwhile, they continue their struggle to get large dairy buyers like Ben and Jerry's and Hannaford's grocery chain to pay more for milk from farms that pay and treat workers humanely as well as protect them from COVID-19 and other dangers. Ben and Jerry's signed on after a two year dairy worker campaign. Hannaford's has not yet agreed.

*Restaurant, laundry, bakery, grocery, and warehouse workers*

"I am an essential worker in a laundromat in NYC. Right now I am in danger, fighting on the front lines without protection. Laundry workers like me are getting sick. Even before the corona virus, we were exposed to chemicals, blood and bodily fluids. I am called "essential" but my work, my life is not valued or respected. For all laundry workers we demand paid sick days and the personal protection we need to do our work." Juana, an activist in New York City's Laundry Workers Center, described her situation under COVID-19.

In New York City, Chicago, Los Angeles, and many other cities across the country, undocumented workers predominate among restaurant, laundry, bakery, grocery, warehouse, and food delivery workers. For these workers, the Restaurant Opportunities Council, the Laundry Workers Center, the Food Chain Workers Alliance, and other worker-led advocacy groups have been leading the fight for many of the same things as farm worker groups are demanding: government enforced protection from COVID-19 exposure on the job; hazard pay while the pandemic continues; a living wage; access for all essential workers to unemployment insurance and health care; a \$15 per hour minimum wage; protection from sexual harassment and violence at work; a consistent and reliable work schedule conveyed to workers at least two weeks in advance, allowing single mothers (who make up a disproportionate segment of the lowest paid essential workforce) to arrange childcare. Like farm workers, the undocumented among them seek protection from deportation. Mexican immigrant Mahoma Lopez, president of the Laundry Workers Center and a former bakery worker who led a successful bakery strike in 2012, has been negotiating intensively with New York City Mayor Bill DeBlasio since the pandemic began to ensure paid sick leave for laundromat, bakery, and restaurant workers.

Restaurant employees do face a somewhat different issue, though, than others. They are tipped workers and the tipped minimum wage is only \$2.13 per hour in many states. Before COVID-19, they launched a ONE Wage campaign to end the slave wage for those who receive tips, creating one minimum wage for all

workers. More than two thirds of the six million tipped workers in the United States are women; more than one third are mothers. Women servers in restaurants make only 79 percent of what male servers do. Women of color make up the majority of tipped workers and earn less per hour than white women and than all men.

Along with laundry, warehouse, and retail workers, restaurant employees are also seeking paid sick leave, retirement benefits, healthcare, and childcare. Their immediate legislative goal is for state and federal governments to pass the Healthy Families Act, which would give workers in businesses with more than fifteen employees a chance to earn one hour of paid sick time for every hour worked up to seven paid sick leave days per year. They are also asking that workers be able to use paid sick days for “safe days,” giving survivors of domestic violence, sexual assault, or stalking time off from work to recover and seek assistance. The Food Chain Workers Alliance seeks—via local and state legislation—at least fifteen paid sick days per year.

Grocery and retail workers have both similar and distinct challenges. Though they are more likely to be citizens than other groups of essential workers, are more likely to be classified as regular employees rather than contract workers, and are more likely to be unionized than other essential workers, they are up against the power of massive grocery chains. One in four US grocery dollars is spent in a Walmart. Add Kroger, Albertsons (which also owns Safeway and Vons), Whole Foods, B.J.s, and Trader Joe’s and that accounts for more than three in four American grocery workers. The United Food and Commercial Workers (UFCW) represents Kroger and Albertson’s workers and together with corporation management have asked that grocery workers be designated emergency first responders with government aid for emergency childcare and with hazard pay.

UFCW estimates that thirty-three thousand of its members have become sick with COVID-19. Two hundred and seventy-eight members have died. Kroger, Amazon, and Walmart ended hazard pay in June. In the beginning of September, the UFCW launched a national campaign to reinstate hazard pay. In addition, the provisions for paid sick leave in the March 2020 CARES Act exempt companies with fewer than fifty (mom and pop stores) or more than five hundred employees (all the major chains.) This effectively means that almost no grocery workers in the United States are covered. Though some unionized stores have been able to negotiate paid sick leave as part of workers’ packages, non-unionized grocery workers are unlikely to have any paid sick leave—meaning that food handlers, cashiers, and grocery warehouse workers are very likely to be coming into work sick, with COVID-19 or with other illnesses. The dangers, not just for grocery workers, but for consumers as well, are considerable.

As always, Walmart is the least amenable to workers taking time off when they are ill. Walmarts in Quincy and Worcester, Massachusetts, were reported to the Massachusetts Attorney General’s office for refusing to let in contact tracers to figure out which of their workforce was sick with COVID-19 and who they had come in contact with at work and at home. The sixty-nine-year-old Quincy store greeter Yok Yen Lee was on a ventilator dying of COVID-19 when store managers reported that the long-time worker “disappeared” and

they didn't know what had happened. Despite the pandemic, in most states and cities, grocery stores are not obligated to publicly inform workers or customers about outbreaks in their stores. Meanwhile, grocery workers share break rooms, bathrooms, clocks for clocking in and out. One worker can infect hundreds of coworkers and customers in a day. Workers at numerous stores have been fired for going public about outbreaks in their store.

Some chains have plexiglass at the registers but overall conditions for grocery workers remain dangerous, stressful, and exhausting.

### *Higher education and adjunct professors during COVID-19*

Use of contingent labor is widespread, and is rising, in all sectors of the US economy, but perhaps nowhere more dramatically than in higher education. Over the past thirty years, college teaching has been transformed by a decline in tenure track jobs and the increasing use of contract workers of all kinds—including adjunct professors. Before COVID-19, an estimated 70 percent of teaching PhDs in the United States were already non-tenure track workers—used to precarity and insecurity, paid by the course, many without long term contracts, job security, benefits, or research funding. They were paid so little that one in four needed food or medical aid to support their families. Some adjuncts had full time instructorships or multiyear contracts at a single institution. But most held two, three, or even four jobs for which, paid by the course, they commuted between multiple institutions every day. So, even before COVID-19, adjunct college teaching had become a poverty profession.

With COVID-19 shutting down campuses across the country, the costs of COVID-19 nearly bankrupting many states, and colleges, and universities losing millions in room and board fees, not to mention lowered enrollment as students debate whether online courses are worth full tuition, adjunct professors have entered what they are calling “next level precarity.” Since adjuncts are usually hired on semester or single year contracts, the university-wide hiring freezes that almost every campus has set in place under COVID-19 have left most adjuncts stranded without pay.

Adjunct layoffs spread in waves, with the public universities hit the hardest. The City University of New York laid off upwards of two thousand people city-wide with one campus cutting 40 percent of its teaching staff. Twelve hundred were fired in the University of Massachusetts system. The Delaware system and University of Ohio have also made significant cuts. The University of California system is making across the board cuts of at least 30 percent. These positions are filled overwhelmingly by women and people of color who make up two thirds of lecturers in the UC system.

Because the adjunctification of college teaching has become even more widespread since the 2008 recession, union drives among non-tenure track faculty have been building momentum for some years now. Organizations such as the American Association of University Professors (AAUP), the American Federation of Teachers (AFT), Faculty Forward, affiliated with SEIU, Faculty Majority, Tenure

for the Common Good, and campus union drives affiliated with the United Auto Workers union have begun to reshape the environment for college teachers who are not and probably never will be on the tenure track.

In many ways, college teachers are back where they were in the 1930s, when union drives brought tenure to many campuses and enabled faculty to begin to enshrine protections on academic freedom. Like frontline retail workers, fast food workers, farm workers, and K-12 teachers, college teachers have been protesting in greater numbers since the dawn of COVID. And this shows no sign of abating. One promising initiative, in which I've been involved, is a campaign for a New Deal For Higher Education that is calling for an infusion of federal money back into the higher education system—particularly public universities (which have been increasingly starved of public funds since the 1980s) and non-elite four year private colleges and universities. AAUP and AFT have taken up the campaign for a New Deal for higher ed with a platform that calls for enough money to regularize adjunct positions, forgive student debt, put an end to the endless rounds of layoffs, and subsidize purchase of and training in technology that is becoming a lifeline for teachers and students in this time of COVID-19.

### *What else does the future hold?*

COVID-19 has brought the issue of paid sick leave and safe working conditions front and center after years of organizing by low-wage workers. It has made real the possibility that the denial of sick leave, protective gear, and family leave to low-wage workers could result in widespread infection and serious illness among a broad swath of the US population. A lawsuit against OSHA and Secretary of Labor Eugene Scalia by workers at the Maid Right meat processing plant argues that federal agencies can be sued for “arbitrarily and capriciously” failing to protect workers from “imminent danger” by not following COVID-19 protocols. California launched an investigation of Amazon for the same issues.

Low-wage workers' demands for safety in the workplace have been heard and reflected in Senator Elizabeth Warren's Essential Workers Bill of Rights, which will not pass the Senate or be signed under Mitch McConnell and Donald Trump, but which could well become law after January 2021 if Joe Biden beats Trump and if the Democrats take the majority in the Senate. The bill promises robust hazard pay to workers during pandemics, universal paid sick leave, family leave, and free childcare. It also promises enforceable health and safety protections on the job.

In February 2020, the Democratic-controlled US House passed a bill backed by Democratic nominee Joe Biden, ending right-to-work laws, forced class-action waivers, mandatory anti-union meetings for workers, and the right of employers to permanently replace strikers. The bill, if signed into law, legalize a range of strike tactics that have been banned under federal law since the 1947 Taft-Hartley Act. The law would also begin to address the rise of contract labor, expanding the definition of “employee” to encompass a far greater number of workers than it has since the 1980s. Finally, the bill would give the National

Labor Relations Board power to strongly penalize companies and hold executives personally liable for breaking labor laws. Again, this wide-reaching bill can only become law if Democrats not only take the White House in 2020 but the Senate as well. But if this bill becomes law it will put the labor movement on a stronger footing under federal law than it has been in decades. Support for this bill reflects the economic impact of COVID-19 on American workers, with tens of millions out of work as a result of shutdowns and a new sense of gratitude and respect for the fifty-five million workers who do the “essential” work to feed, transport, and care for the health of the nation.

The Families First Coronavirus Response Act, which took effect on April 1, 2020, mandating and funding paid sick leave in companies with more than fifty but fewer than five hundred employees, is a step in the right direction but obviously pressure by workers will be necessary to extend that coverage to workers for smaller businesses and, more importantly, large corporations such as Amazon, Walmart, and McDonalds.

The HEROES Act (Health and Economic Recovery Omnibus Emergency Solutions Act), which passed the House but not the Senate, allocates a significant but insufficient amount of federal aid for one-time stimulus checks, longer term hazard pay for front line workers, enhanced unemployment benefits for the duration of the pandemic, compensation for landlords whose tenants cannot pay rent and a ban on evictions, and provides up to \$10,000 in student loan forgiveness. On July 20, during the Strike for Black Lives, home health care workers, hospital workers, and others advocated for the passage of this bill. Passage again is contingent on a Democratic victory in November 2020. As President Donald Trump lay in Walter Reed hospital fighting COVID, Republican Majority Leader Mitch McConnell refused to negotiate with the House on this bill. Even if this bill were passed, however, it would just begin to address the needs of American workers struggling to recover from the economic impacts of the COVID-19 pandemic.

From its framing and creation in the 1930s, the US federal social safety net was never intended to cover all workers. It had, as one NAACP official noted with bitter irony, holes just big enough for most Black Americans to fall through. Also, as many historians of the welfare state have noted, it exempted particular jobs—domestic and agricultural work—that employed the largest numbers of women of color. If COVID-19 results in a twenty-first century New Deal—in the wake of the fiercest racial justice protests in half a century, at a time when fully half of US colleges and universities are hovering on the brink of collapse, and in a moment when the US immigration and asylum systems are little more than organized systems of cruelty and detention—it will have to be a more inclusive and just system. Nothing can bring back the hundreds of thousands who have died from COVID-19. But in their names, we can and must go forward into a fairer future.

#### NOTE

1. Thanks to Jake McGuire for research assistance.

**Overview:**

Josh Eidelson, “How the American Worker Got Fleeced,” July 2, 2020  
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Celine McNicholas and Margaret Poydock, “Who are Essential Workers? A Comprehensive Look At Their Wages, Demographics and Unionization Rates” May 19, 2020, Economic Policy Institute, Washington, D.C.

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*Abha Bhattarai*, “It feels like a war zone: As more of them die, grocery workers increasingly fear showing up at work,” *The Washington Post*, April 12, 2020

*Dalvin Brown*, “Covid-19 Claims Lives of 30 Grocery Store Workers, Thousands More May Have It, Union Says.” USA TODAY, April 14, 2020

*Michael Browne*, “UFCW, Democratic Senators Call on Retailers to Reinstate Hazard Pay For Grocery Workers,” SN: Supermarket News, July 17, 2020

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*Stephen Singer*, “Supermarket Workers, Frightened by Vulnerability to Coronavirus, Ask Shoppers to Stand Back, Wear Masks,” Hartford Courant, April 18, 2020

### **Websites for Dairy, Restaurant, Warehouse, Fast Food, Farm and Academic Workers**

Migrant Justice/Justicia Migrante

<http://www.migrantjustice.net>

Restaurant Opportunities Centers United

<https://rocunited.org>

Mixteco Indigena Community Organizing Project

<https://mixteco.org/>

Laundry Workers Center – NY/NJ Grassroots Worker

<https://laundryworkerscenter.org/>

Food Chain Workers Alliance

<http://foodchainworkers.org/>

United Food and Commercial Workers

<http://www.ufcw.org/>

United Farm Workers

<https://ufw.org/>

New Faculty Majority

<http://www.newfacultymajority.info/>

Fight for \$15

<https://fightfor15.org/>

### **Author Interviews**

Conversations with Arcenio Lopez, June 2020;

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