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Policy Memo

Under the framework established by the National Labor Relations Act of 1935, workers in the United States do not have the right to engage in so-called “sympathy strikes” or “secondary boycotts” in support of workers with different employers. This policy negatively impacts the ability of workers to secure their rights and biases the playing field in favor of employers. While employers often have access to operating reserves, financing, and the ability to hire temporary workers (commonly referred to as “scabs”), employees rarely have the savings to maintain an extended strike. Further, if workers for one employer go on strike, shareholders may continue to profit through other enterprises they own stock of which temporarily fill the gap in the supply chain. The lower level of economic resilience on the part of wage workers coupled with the flexibility of investment capital effectively rigs conflict between employers and employees. Secondary boycotts allow workers to put additional pressure on their employers to bargain in good faith by impacting their business partners or competitors. The uneven playing field has contributed to the gradual decline in labor union membership, and the stagnation of real wages despite large increases in worker productivity. Unions have also played a key role in the fight for racial justice as exemplified by the work of CIO unions under Walter Reuther, Harry Bridges and A Phillip Randolph to fight white supremacy and apartheid. Because the overwhelming majority of citizens and legal residents of the United States are engaged in non-exempt wage labor, creating more favorable conditions for labor organizing would facilitate a reduction in income inequality, and create more equitable workplaces. Lawmakers should review the ban on secondary boycotts and consider reforms of the NLRA to ameliorate this failed policy.