

# BEYOND NEUTRALITY

NAVIGATING CHALLENGES AND LEVERAGING OPPORTUNITIES OF STAFF  
UNIONIZATION IN SOCIAL CHANGE NONPROFITS



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## SECTION 1:

# THE RISE OF UNIONIZATION IN SOCIAL CHANGE ORGANIZATIONS

Union organizing campaigns at Starbucks and Amazon have been making headlines, but there is another, less publicized increase in unionization that has broad implications for social change. Employees of social justice nonprofit<sup>1</sup> organizations have been unionizing in record numbers. While very few organizations in this sector were unionized ten years ago, it is now considered commonplace for groups like Planned Parenthood, Working Families Party, and Sunrise to have collective bargaining agreements with their staff.<sup>2</sup>

This crucial development has the potential to reshape the relationship between nonprofit workers, leaders, and organizations in a sector seeking new approaches to equity and justice. It also has the potential to help seed a resurgent and more progressive labor movement in this country—historically a bedrock for social change movements.

This is a moment of opportunity, if organizational leaders can go beyond neutrality and partner with their staff to transform the work environment and fuel mission impact.<sup>3</sup> However, pain points and dissonance have emerged from these efforts, revealing gaps in information, resources, support, and preparation for both employers and unions. This study was designed to: (1) explore the sources of that pain and dissonance; (2) identify bright spots that point to a path forward; and (3) examine what funders and supporters can do to build the kinds of supports the field needs to leverage the opportunities that staff unionization can bring.

## ABOUT THIS PAPER: METHODOLOGY

The four authors of this report – Deborah Axt, Kimberly Freeman Brown, Allison Porter, and Amy Smoucha – do not write from a neutral point of view. This is not an exploration of whether unionization among nonprofit staff is appropriate. We are clear. Respecting the rights of employees to form and join unions is not just appropriate: It is crucial. This point of view grows out of our own experience as union organizers and activists, and as former senior leaders and executive directors who consciously worked to share power with staff. In our

current roles, we coach and consult with nonprofit leaders who are in the process of unionization and collective bargaining. We work exclusively with organizations that are welcoming staff decisions to unionize. Our findings and recommendations are grounded in that experience, and in our shared belief that unions are good for individual workers, for organizations, and for the economy. Unions are, in fact, essential for the full functioning of democracy.

We also commit to naming and contending with the racialized and gendered harm that has too often accompanied these unionization campaigns. Progressive organizations *and* unions are populated with people who are committed in growing numbers to dismantling white supremacy and patriarchy, but who simultaneously exhibit habits and behaviors shaped by those systems. We try to face this hard reality head-on. Our analysis of the dynamics of how race and gender show up during collective bargaining is informed by our work supporting organizations as they strive to become anti-racist, equitable, and inclusive.

To supplement our direct experience, during the fall of 2021 and spring of 2022, we conducted sixty-five interviews with stakeholders: primarily organizational leaders, but also staff, union representatives, and organization development practitioners.<sup>4</sup>

Overall, the data analyzed here comes from our engagement with over one hundred different organizations in one or more phases of unionization.

## **WHAT'S BEHIND THE RISE OF UNION CAMPAIGNS?**

Why are employees turning to unions, and why now? Some speculate that the increase in nonprofit unionization is a coordinated campaign by a declining labor movement in need of wins. Our interviews and experience indicate otherwise: The wave of unionization is being fueled by employees themselves.

Why now? It is no surprise that increased union organizing is happening against the backdrop of the compounding crises of the pandemic, climate change, attacks on democracy, inflation, and racialized violence against Black and other bodies of color. We believe that this context surfaces the following three overarching trends that may help us understand the acceleration of staff unionization in recent years:

- ▶ **The rapid growth of individual organizations and the demands of the work have proliferated, causing strain and overwhelm.**
- ▶ **Compounding crises have led to personal and organizational soul searching.**
- ▶ **Racial equity, inclusion, and justice efforts feel inadequate.**

**TREND: The rapid growth of individual organizations and the demands of the work have proliferated, causing strain and overwhelm.**

The past ten years have seen a huge increase in funding for social change, resulting in the growth of individual organizations and the entire sector. Additionally, the field has experienced increased professionalization, changing expectations of employees, and other organizational challenges associated with growth. This is especially true since 2016. Compounding crises coupled with more resources have contributed to a universal sense of “toomuchness.”

As they scale up, organizations have rapidly elevated staff through hierarchy. They also add layers of middle managers who often feel that they don’t have adequate training or time to supervise and develop staff. Tensions have emerged between those who still view the work as a “calling” that often necessitates “sacrifice,” and those who view increasing scale and resources as something that should enable better salaries and more protection to keep work from intruding on health and other areas of life. Further, human resources capacity within organizations has been underdeveloped. Trained human resources staff, when available, nearly always come from a perspective shaped by for-profit workplaces.

**TREND: Compounding crises have led to personal and organizational soul searching.**

Economic, political, environmental, and social volatility—which has exposed old and new facets of injustice and inequality in deeply personal and sweeping societal ways—has spurred individual and organizational soul searching. Staff are asking questions like: *Am I secure? Am I spending my time in life-giving, over life-limiting, ways? Are my values and those of my workplace aligned in ways that matter most to me? Is my organization living its values? Is my work having an impact on the material conditions that I experience and see around me?*

These searching questions have led many people to re-examine the inherited structures, cultures, power dynamics, and strategies of their employers. Demands have increased for more healthful approaches to work, but also for more power to determine strategies and organizational approaches to transforming society. This critique of leadership, organizational form, and approach has led some to unionize.

**TREND: Racial equity, inclusion, and justice efforts feel inadequate.**

These questions are often most acute around issues of racial equity, inclusion, and justice. Even where the commitment to racial equity and inclusion is openly discussed and understood, staff may feel frustration when concrete practices and results seem elusive. In many workplaces, initiatives put in place following the murder of George Floyd have stalled, stopped, or not produced the intended results. Some organizations moved to rapidly increase the number of BIPOC (Black, Indigenous, and people of color) staff and leaders, without adequately addressing the internal culture and systems that undermine their leadership and success. As “at will” employees – employees without a union – some staff do not feel free to contribute to what can be charged and difficult conversations around race and gender.

We believe that in the face of these trends, nonprofit staff are turning to unions. In times of uncertainty, change, and vulnerability, people look for opportunities for self-determination and agency. The workplace is often ground zero, as the place that we spend the most time and experience power most directly. Some experience the power to create and have impact, while many experience the power that others have over them. Unionization is the clearest path to experiencing real power in that important space. Unions are a vehicle for self-determination to combat uncertainty and vulnerability.

Workers across the economy have grown more pro-union. A 2022 Gallup poll<sup>5</sup> found a record 71% of Americans now approve of labor unions, up seven points since before the pandemic. Signaling a shift in public perception, *Harvard Business Review* and *The Chronicle of Philanthropy* presented the workers' rights perspective in recent articles on union organizing.<sup>6</sup>

In a nation that privileges property rights and individual protections, no other means of mutual aid and collective organization enjoys the legal protections established for unions. Decades of corporate and right-wing attacks were effective in reducing union density. Even so, unions continue to be one of the best, *and indeed only*, ways for workers to secure fair and equitable compensation; protect their health and safety; and influence the decisions that affect their work lives, industries, and society – especially for workers of color.<sup>7</sup>

To achieve social justice in all its forms, we need stronger, healthier organizations that are led and staffed by stronger, healthier people. We hope that our thoughts on the reasons behind the rise of unionization spark conversation within individual organizations and across the social justice ecosystem. Seeking understanding about what is behind the rise of staff unionization will help us leverage its promise to advance our values and win the real and lasting change that we all work so hard to achieve.

**““ Unionization is important and a game changer - it needed to happen, it’s making us better, but the process itself was incredibly destructive.”**

*– ORGANIZATIONAL LEADER*



## SECTION 2:

# OBSERVATIONS

The following three main observations emerged from our interviews and consulting work, further detailed in Section 3 of this report:

- 1** Unionization is a disruption that seeds both positive change and intense challenge for nonprofit leaders and organizations.
- 2** Social justice nonprofit employers have the ideological inclination, but lack the experience, models, training, and support for engaging in unionization and collective bargaining from a pro-union perspective.
- 3** Unionization is both championing and impeding progress on racial justice in social justice organizations.

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### **OBSERVATION ONE: Unionization is a disruption that seeds both positive change and intense challenge for nonprofit leaders and organizations.**

Pro-union leaders often find themselves on the defensive and conflicted when staff forms a union. Many leaders we interviewed believed that their commitment to the staff and the organization's mission translated into trust. This lack of awareness about the impact of positional power was often combined with resistance to the idea of being "the boss." These factors contributed to ostensibly pro-union leaders reacting to staff demands in a way that was often defensive and reactive. Numerous interviewees commented, almost word for word, "they treated me like I was Jeff Bezos."

At the same time, these leaders expressed the potential of unionization to strengthen their organizations in profound ways. Having a union provides a mechanism for employees to raise concerns and ideas that might otherwise go unaddressed or fester in destructive ways. A contract resolves inconsistent practices and ends time-consuming, employee-by-employee negotiations. A contract also provides crucial checks on favoritism, which is often unconsciously racialized and gendered.

Unionization can be especially valuable for organizations scaling. As an organization grows beyond a close circle of trust and develops job specialization, it becomes more difficult to ensure voice and agency for all. Unions are scalable structures designed to do just that. In short, unionization generally surfaces and channels *preexisting* dynamics and provides pathways to address them.

On the other hand, senior organizational leaders almost universally experienced the union campaign as dehumanizing. One executive director commented, “It was as if I didn’t know the names of their children, and they didn’t know the names of mine.” Many leaders shared that the level of hostility expressed by union activists *reduced* trust. Some leaders expressed that adversarial dynamics made them reluctant to experiment with new approaches for fear of being locked in by a contract. And when pressure tactics and expressions of animosity intersected with race, gender, and equity dynamics, the potential for harm increased dramatically.

Some level of disruption and ‘Us vs. Them’ polarization is likely inevitable. Progressive political views of leaders and focus on public interest mission do not fundamentally change the distribution of power within a U.S. workplace. Shifting that balance of power will not happen without discomfort and even conflict. A union's ability to disrupt the workplace is a critical form of leverage that pressures management into rethinking its assumptions. Unions have found that, even in nonprofits, progress at the bargaining table comes from forcefully making their case with a credible threat of disruption, and then reaching an agreement to return to labor peace. While the authors argue that the process can and should be improved, it is important to point out that constructive conflict is not a problem to be solved. Constructive conflict can help management and unions prioritize issues in the context of competing demands.

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**OBSERVATION TWO: Social justice employers have the ideological inclination, but lack the mindset, experience, models, training, and support for engaging in unionization from a pro-union perspective.**

The union recognition and collective bargaining processes are emotionally charged and time consuming, the rules are obscure, and few people are positioned to assist. Leaders, already past capacity, end up with a 20-40% additional tax on their time as they navigate unionization. We found that very few nonprofit leaders had in-depth experience with the labor movement, and almost none had direct experience negotiating a union contract.

The dominance of union-avoidant materials, messages, and tactics is unique to the United States and deeply rooted in this country's history of slavery and settler colonialism. These institutions and structures heavily shaped the prevailing management culture.<sup>8</sup> In

“ The shock wears off, and you try to have a better understanding of where folks are coming from. It’s not just, am I a bad boss? It’s a big thing that you see in nonprofits, it’s ‘Oh my god, am I management? I’m pro-union.’ ”

- ORGANIZATIONAL LEADER

the late 20<sup>th</sup> century, the rise of neoliberalism bolstered individualistic views of work and reinforced hostility towards solidarity and collectivization of power and decision-making. The result is a prevailing mindset and cultural belief: unionization is a sign of management failure rather than a normal and beneficial process that democratizes workplaces.

Even managers leading social change organizations with aspirations to transform capitalism are steeped in cultural narratives that resist workers' collective voice and agency. Managers often find themselves wondering if a union is "right for this organization," or fearing that the union will come between staff and leadership. Elsewhere in the world, unions are a normal and valued part of the social contract, and management culture anticipates unions and presumes that workers will have a democratic role in their industries and workplaces. In many countries, collective bargaining is viewed as an important democratic process, akin to having elections as a way of selecting government officials.

Because of these deeply enculturated attitudes toward unions and workers in the U.S., and a lack of familiarity with labor history, many leaders unintentionally undermine their credibility when responding to unionization. For example, asking for an NLRB (National Labor Relations Board) election before granting recognition is an anti-union strategy commonly used by for-profit employers. Nearly every leader interviewed who had taken this position was surprised that it was received as a move to resist unionization. Avoiding these missteps is not simple. Google searches return a plethora of resources on union avoidance and virtually nothing to help *pro-union* leadership navigate unionization and collective bargaining. There are far too few pro-union, skilled, and culturally competent attorneys and consultants available to meet rising demand for expert guidance.

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## **OBSERVATION THREE: Unionization is both championing and impeding progress on racial justice in social justice organizations.**

Staff unions are forming amidst heightened awareness of the need for increased racial equity and racial justice in progressive organizations. And yet, the experience of many BIPOC leaders in these organizations presents a difficult and complex reality that has implications for the progressive sector and the future of the labor movement.<sup>9</sup>

**“ You are asking me to pay for the sins of white men leaders before I ever got a shot. Now I have a chance... Particularly talking to other leaders of color, we are like, omg can we talk about this?”**

- ORGANIZATIONAL LEADER

Unionization in the nonprofit sector accelerated at the same moment that BIPOC leaders were finally assuming leadership within many organizations, and the testimony from these leaders raises serious concerns. Behavioral scientists have long recognized that BIPOC leaders and especially leaders who differ

from the white male norm in multiple ways (e.g., race, gender, ethnicity, sexuality, and other identities) face competing and almost impossible expectations to win the respect of stakeholders who impact their success. When *also* confronted with a staff union drive, they often experienced harmful skepticism from funders and from their own board of directors about their competence at managing staff.

At the same time, one of the most commonly articulated reasons that nonprofit staff choose to unionize is to pursue racial and gender justice, equity, and inclusion. Indicating this is more than just rhetoric, staff are putting forward contract provisions that advance equity across many topics, from salary structures, to hiring practices, to policies relating to promotions and disproportionately higher attrition rates among staff of color. Some in management object to being put in the position of “negotiating” on equity, as if they are against it and the staff is for it.

Organizations with pre-existing committees to address racial equity often put that work on hold, due to confusion about what topics are working conditions that must form part of collective bargaining, and what can be decided through the existing committee process. We have found that lack of clarity about how the committee’s work would be impacted by unionization often delayed the work of equity and racial justice in the organization.

Unconscious bias also showed up in damaging ways at the bargaining table and in communications with staff and union representatives. BIPOC leaders reported that when they pushed back against union proposals, staff accused them of not being committed to racial justice, but instead “obedient” or “servile” to a white-dominant norm.

Many interviewees reported experiences with white union members and white union staff “lecturing” BIPOC leaders about racial justice demands, apparently unconscious of the impact of their comments.

Union demands for immediate structural changes like organizational flattening or seats on governing bodies further tightened the painful knot of positional power and identity-based unconscious bias for many BIPOC leaders. Just as they finally stepped into top jobs, staff demanded structural shifts that they experienced as challenging their expertise and resisting their vision, strategic direction, or different approaches. At the very least, we found that many unions are making demands for organizational transformation at moments of vulnerability for leadership without adequately acknowledging the race and gender dynamics at play. BIPOC leaders often inherit the reins of institutions at times of crisis; they then receive less credit when things are working well and harsher accountability when things are not.<sup>10</sup>

“ [The unionization process] has slowed down some of the internal work we knew we needed to do around racial justice. How do we heal the problem of trust?”

- ORGANIZATIONAL LEADER

BIPOC leaders we spoke to were also much more likely than their white counterparts to have been approached by staff, particularly staff of color, who did not support the union effort. When those staff expressed concern that their colleagues were using the union as a vehicle to attack the BIPOC leadership, this further heightened the leadership's distrust of the union and exacerbated tensions.

**“ ... when it doesn't go well, people are getting really ground up on both sides...”**

*- ORGANIZATIONAL LEADER*

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These three central observations represent our analysis of behaviors and dynamics that we heard or observed repeatedly. In the following section, we will review the flow of the unionization and collective bargaining process to help demonstrate some places where the process has taken problematic turns, and some of the bright spots that indicate promising pathways forward.

## SECTION 3:

# THE PHASES OF UNIONIZATION: FINDINGS AND BRIGHT SPOTS

## PHASE ONE: NAVIGATING UNION RECOGNITION

### What to Expect

*Employees interested in forming a union sign a petition stating their support. By law, the union must demonstrate the support of 50% plus one of the group of employees it seeks to represent. This is because workers are choosing to have the union serve as their “sole and exclusive bargaining agent,” instead of negotiating one-by-one with the employer. If the employer is willing to consider voluntary recognition, the parties agree on which employees are in “the unit” to be represented, and then have a neutral third party verify the majority. If they can’t agree, the National Labor Relations Board (NLRB) holds a hearing and decides what the unit will be and then facilitates a secret ballot election, where the union needs to win a majority of the votes cast. Once the union proves its majority support through a signature check or election, it is certified by the NLRB, and the employer must negotiate all terms and conditions of employment with the union.*

### The Findings

- ▶ **On the defense.** Many executive leaders, taken by surprise, overwhelmed by existing workload, unaware of the history of union busting in the United States, and lacking trustworthy pro-union guidance, behaved in a way that their staff unions interpreted as union-avoidant or openly anti-union.
- ▶ **Taken by surprise.** In most organizations, the union sent a formal email or letter, demanding recognition and giving a deadline to respond; 48 hours was typical. Unions are accustomed to gathering signatures quietly to avoid triggering an anti-union response. Leaders reported to us that they felt “panic,” “shock,” and “confusion,” when they received the recognition demand. One leader received notice as they were preparing to testify before Congress, one during a family health emergency, and many during their first weeks on the job. Most leaders felt unprepared, unsure of their obligations, and in the dark as to how to proceed.

► **An industry set up to fight.** Leaders had difficulty finding the right lawyers and consultants to guide and educate them. A Google search generates extensive links to union-avoidant advice and advisors. There exists a profitable field of consultants and attorneys in the business of destroying unions. Several executive directors we

interviewed hired attorneys who looked “neutral” at first glance, but who had a reputation among unions for union busting. These leaders faced wrath from their staff when the law firm became known. Every other early move is impacted by the choice of advisor.

► **Nowhere to turn.** Compounding the risk of hiring a union-busting attorney out of ignorance is the

painful shortage of labor-friendly firms who will represent management. Some firms refuse to represent management for fear of alienating their union clients, or a commitment to spend their resources pushing for pro-worker interpretation of labor law. Some pro-union attorneys willing to represent management are a bad fit for the culture and ideology of social justice organizations and set the wrong tone with staff. Over time, leaders have passed around phone numbers for the small number of pro-union attorneys who effectively provide the legal guidance they need; we know of seven. There are hundreds of groups currently seeking advice, and thousands more who may yet need it.

► **Voluntary recognition.** In the cases we studied, management overwhelmingly agreed to voluntary recognition, even if delayed at first. In the handful of cases where this wasn't the case, the union won the election handily. Though voluntary recognition was the norm, disagreements were common on related issues such as whether supervisors or employees with access to confidential information (such as human resources or financial management staff) should be part of the bargaining unit. It sometimes took many months to reach an agreement on the terms of the voluntary recognition. Any animosity and distrust that surfaced or increased during these discussions set the stage for the eventual negotiations.

“**Being a better employer does not mean workers won't have many legitimate issues that could lead to unionization.**”

- UNION REPRESENTATIVE

## Bright Spots

► **Peer support.** One bright spot in this early phase was the increasing connections between executives going through a similar experience. There are currently several groups bringing together pro-union leaders in the nonprofit sector, including groupings of CEOs, BIPOC CEOs, HR Directors, COOs, and General Counsels.

“**When the union asked for recognition ... how to prepare - do we engage? Do we not? Preparing for the potential for public shaming despite being union welcoming and positive. There was a lot of anxiety around that.**”

- ORGANIZATIONAL LEADER

- ▶ **A growing awareness.** Another *bright spot* is the increasing awareness that unionization is happening across the sector, which is beginning to help funders and board members avoid “blaming” executive leaders, helping leaders not to over-personalize unionization as something happening “to them,” and enabling leaders to find models for how to maintain a pro-union stance.

## PHASE TWO: BARGAINING THE FIRST CONTRACT

### What to Expect

*Once recognition is official, both sides prepare for negotiations. The date of formal voluntary recognition or NLRB certification begins the “status quo” period, where terms and conditions of employment must remain unchanged unless management notifies the union and gives them the opportunity to negotiate. Management and the union designate representatives to their bargaining teams. They negotiate a set of ground rules and then schedule and conduct negotiations. Proposals get narrowed down until only one or two issues remain. If the bargaining teams cannot reach agreement, they can choose to bring in a mediator to help facilitate discussions and push each party towards agreement; or an arbitrator to determine the “right” final compromise. Once the bargaining committees agree to it, the final contract goes to union members for a majority ratification vote. Once ratified, it is signed by both groups and goes into effect.*

### The Findings

- ▶ **Delay, delay.** Considerable time passed in most organizations before negotiations actually began, and again before a contract was reached. It frequently took more than six months after signing a voluntary recognition agreement to start negotiations, and upwards of eighteen months before contract settlement. There is legitimate work that needs to occur before bargaining can begin, but the perception of virtually everyone interviewed was that undesirable and sometimes really damaging delays were commonplace. The responsibility for delays rests with both parties.
- ▶ **Significant learning curve.** In most organizations, neither management nor union staff have experience with collective bargaining, and all are engaged in complex and time-consuming learning. In addition, both management and union staff inevitably make mistakes as everyone learns about collective bargaining, the role of the union in representing staff, and what issues may be addressed in union contracts.

“It’s very uneasy for me to be the boss, and have it personalized... But it isn’t really about ME - I’m representing the mission of the organization and that’s my role.”

- ORGANIZATIONAL LEADER



► **Maximum demands and minimal information.** Unions' economic demands often amounted to a 20-30% increase in salaries, paired with proposals for 20-25% decrease in time worked. Management often interpreted unions' demands as so unrealistic as to indicate a real lack of understanding of funding realities in the field. The field as a whole lacks tools to cost contract proposals. Bargaining sometimes stalled for months without either side moving on their positions.

“Some organize around pay and hours. For some ... it's having more say in the strategic direction, which is it's own challenge because collective bargaining is not necessarily set up for that.”

- UNION REPRESENTATIVE

► **Pressure-cooker bargaining.** As the parties got closer to a final agreement, tensions often increased. Many leaders were deeply affected by the level of animosity surrounding the conflict, leading them to say that they would decline or leave a similar leadership role in the future, rather than live through the process again. They had a hard time seeing the tension of bargaining as generative.

► **Strikes and work stoppages were rare.** Almost all the contracts we followed were settled without a strike.

## Bright Spots

► **Peer support.** Leaders found community in peer support and learning networks with values-aligned (pro-union) leaders of other organizations, and they reported such communities to be the single most valuable element in helping them maintain both a pro-union stance and their own emotional wellbeing throughout the process.

► **Support for bargaining.** Flexibility on both sides to support the collective bargaining process sometimes helped establish good will and enabled forward motion. For example, unions often asked for paid time for bargaining team members to fulfill their roles and all staff to observe bargaining. A practice emerged in many organizations where management provided a pool of paid hours for bargaining team members to access for union and negotiation time, with parameters governing use to minimize disruption of important program work.



“We came out the other side mostly better. Our practices around management, rigor in policy, clarity about expectations . . . we are better for that. And now we have a structure [the labor-management committee] for pro-actively talking about things.”

- ORGANIZATIONAL LEADER

- ▶ **Early labor-management committees.** A promising practice that has emerged is to create a labor-management committee early in the process – even before ratification of the contract, which is the traditional moment to establish that committee. This group meets separately from the bargaining teams, and allows organizations to advance internal initiatives, such as diversity, equity, and inclusion (DEI) work, and to address items of mutual interest while the longer-term negotiations process continues.
- ▶ **Shared victory.** After months where it seemed that the distance between the parties was insurmountable, the moment of settlement would often come quickly. In contrast to how contentious the bargaining could become, the final settlement was often seen as a victory for both sides.

## PHASE THREE: IMPLEMENTING THE FIRST CONTRACT

### What to Expect

*Once the contract is ratified, both the employer and the union must legally follow its agreements. The employer promptly pays any salary increases, for example, and starts deducting dues from union members' paychecks and forwarding them to the union to sustain their operations. Some contract provisions require further discussion, such as the details of how employees who believe contract violations have occurred can file grievances. If agreed to in the contract, a labor-management committee is formed and becomes the forum for ongoing conversations involving union staff and management. Communication and collaboration during this implementation phase sets the tone for the relationship going forward.*

### The Findings

- ▶ **Ambiguity.** This period was not generally contentious, but it could be confusing, testing how contract provisions – and having a union – would actually work. For example, one contract had a provision that if a person's workload increased by more than 10%, they would get an adjustment in pay. But the contract did not include language on how to measure workload or trigger the pay adjustment.
- ▶ **New roles, new relationships.** Staff and managers often did not fully understand the implications of having an exclusive bargaining agent rather than negotiating one-on-one. New human resources staff and union shop stewards generally needed a lot of role clarification and training. One contract included a new salary

“ We're at a moment that we actually need to change the way our organizations are structured. If you don't believe that, it's kind of like not believing in climate change. It's like you didn't see that big piece of ice go floating by.”

- ORGANIZATIONAL LEADER

schedule; some staff approached their managers to complain. The managers weren't sure how to respond or who was responsible for providing answers. At another organization, two months passed, and the union had not named representatives to the labor-management committee. The employer acted independently on a policy question, and the union protested their "bad faith."

- ▶ **Learning the contract.** Many staff weren't sure what constituted a violation of the contract. In some cases, staff wanted to file a grievance after management made a controversial decision, regardless of whether it really was a contract violation. Similarly, managers are often unclear about what constitutes a contract violation, and they often overreact when a grievance is filed, instead of treating the process as a way to learn and resolve challenges together. Just when all parties felt exhausted and relieved by the conclusion of bargaining, it became necessary to invest more time to train all staff regarding the new contract.
- ▶ **Middle managers in the hot seat.** Another ongoing issue was the pressure on middle managers who, for the most part, were not directly involved in negotiations. Such managers often have concerns about how the contract impacts their ability to supervise, including determining responsibilities and workload, and providing feedback to employees. To avoid getting it wrong, they often avoid difficult conversations or take on additional work rather than delegating to staff, with long term consequences.

## Bright Spots

More organizations are making it through to first contracts with their spirits and optimism intact. Here are some of the bright spots we heard that signal a path forward.

- ▶ **A shared victory.** At the first all staff meeting following ratification of the first contract, Co-Directors at one organization arranged with union leaders to host a celebration of the contract. They spoke about how happy they were to have reached this milestone and recognized the contribution of the bargaining committee members.
- ▶ **Labor-management committees.** Another organization began the process of setting up the labor-management committee as soon as the ratification ended, and began meeting regularly so that all policies and procedures could be jointly created.
- ▶ **Reorganization of HR.** Several organizations took the opportunity of the contract to reorganize their Human Resources department, including bringing on additional capacity.
- ▶ **Management development.** Training of managers to implement the contract is a common practice, but one organization we worked with went a step further and partnered with the union to train management and union members together. This required them to be on the same page prior to the presentation.

- ▶ **Addressing culture change, together.** Leaders, middle managers, and staff acknowledge more openness in talking about manifestations of intersecting forms of oppression in the organization and opportunities to collectively address them.

## PHASE FOUR: BEING UNION

### What to Expect

*Collective bargaining agreements in the nonprofit sector are generally negotiated to remain in effect for three years, though the duration may range from two to five years. During this time, members of the bargaining unit will elect union members to serve as shop stewards who represent coworkers in grievance procedures. An ongoing labor-management committee creates communications channels and feedback loops about a variety of topics. A contract renewal is usually negotiated by the time the current contract expires, although some are extended by mutual agreement. Subsequent contract negotiations cover only those sections of the contract that one side or the other wants to change.*

### The Findings

- ▶ **Tensions are up.** Even organizations who had been through two or more cycles of bargaining did not escape the tumult and tension of the past few years. Contract renewal negotiations were flash points for tension around issues like remote work policies, leave time, salary adjustments, and hiring.
- ▶ **Non-traditional demands and proposals.** Like those organizing for the first time, staff in longstanding unions began to use negotiations as a platform to make a larger critique of the organization. They raised concerns about funding, governance, hierarchy, decision-making, and strategy, and their impact on racial justice and workplace democracy. Management experienced the staff union holding to a broad set of expensive proposals and refusing to set priorities.



**I love being able to tell people, go look at the contract. I think the fear of inadvertently having unequal treatment and getting called out by the union is a good discipline for us as management.”**

- ORGANIZATIONAL LEADER

- ▶ **Turnover in HR.** We observed high turnover among Human Resources Directors. For those organizations large enough to have a dedicated HR manager, they were often a person of color, and they rarely had union experience in their backgrounds. The tension with the staff union would often result in pressure or blame being placed on the HR Director.

## Bright Spots

- ▶ **Partnership for racial justice.** There are a few organizations who are paving the way to establish labor-management partnership around racial justice and gender justice in the workplace, most notably labor-management collaboration through the DEI committee and hiring committees.
- ▶ **Consultation as a practice.** Many organizational leaders reported that they have become much more comfortable with and committed to a practice of consulting the union, even on non-bargainable issues, and of the union selecting staff representatives for internal workgroups. They partner with the union on new hire orientation, for example.
- ▶ **Interest-based bargaining and restorative justice.** Some organizations have experimented with alternative dispute resolution, restorative justice, and interest-based problem solving to supplement the use of traditional grievance procedures.
- ▶ **Shared resources.** Peer learning and support networks, as well as Cornell University's School of Industrial and Labor Relations, have begun compiling and sharing contracts to serve as a resource for unions and management researching what might be possible in their negotiations.
- ▶ **Joint union and management trainings.** These occur in some organizations – for managers on how to supervise in a union environment, for supervisors and supervisees together to learn about their contract, and for all staff on how to address racialized and gendered challenges faced by BIPOC leaders and staff and how to support them.



I've had management go to the steward after a grievance was filed and say 'I had my feelings hurt by the way this grievance was filed'. ...it comes down to acknowledging their power, even when the person feels like they have no power."

- UNION REPRESENTATIVE

## Conclusion

Our assessment of staff unionization and collective bargaining in the nonprofit sector yielded significant learning about trends, challenges, and bright spots. This is a time of profound learning and transformation within the sector. At stake is the health of social justice organizations across the movement, the people who animate and shape them, a generation of new leaders, especially leaders of color, and perhaps the labor movement itself.

The good news is that nonprofit leaders and staff members *are* learning and rising to the opportunities inherent in the unionization and collective bargaining processes. As staff members of nonprofits take risks and organize, nonprofit leaders are taking risks to live from their values, create pro-union management approaches, and go *beyond neutrality*. By resourcing this work we can design and model a novel, pro-union management culture, mitigate some of the painful and harmful stages of the process, and catalyze more innovation and collaboration. We also harbor hope that such innovations among nonprofits can demonstrate a viable path to pro-union management beyond the social justice nonprofit sector.

The time is ripe to generate the support needed for leaders who are doing what is within their power to get this right.

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## SECTION 4:

# RECOMMENDATIONS

*Because the needs of social change nonprofits are compelling and dynamic, and so much is at stake, we recommend investment in a 4-prong strategy that weaves together short-term support, innovation of new approaches, and long-term capacity building – all with an expressly pro-union and anti-racist lens.*

- 1 Center racial justice and racial equity throughout the unionization process.** The experience and insights of BIPOC leaders and staff who have been through unionization, as well as DEI professionals who have supported racial equity initiatives in unionized settings, should inform the development of broadly held and deeply accountable principles, practices, and tools. We recommend investment in a committed brain trust of leaders with deep experience in unionization and DEI approaches who will be convening and contributing to this project over a two-year period.
- 2 Create a centralized point of access for learning, advice, and referrals.** Leaders and consultants are eager to access pro-union resources, find peer learning communities, download templates, and stay abreast of developments. This hub would be a source of up-to-date learning and information, and a place to connect with consultants, coaches and attorneys who are aligned with pro-union and anti-racist values. Pro-union resources already in use in the field in some format require refining, testing and publication during an initial phase, and many materials must be created.
- 3 Increase the capacity of organizations to respond to unionization.** Support for leaders and managers is in short supply, and existing pro-union providers are stretched thin. We therefore must recruit, train and develop pro-union coaches, consultants, and lawyers. We propose a training model that includes peer learning spaces, consultants and attorneys shadowing each other, and a cohort of organizations that receive subsidized support in order to participate fully in learning that will benefit the entire field. The best training happens in the real world laboratory of the unionization and collective bargaining process.
- 4 Cultivate cross-organizational opportunities to bring labor and management together.** As a growing number of organizations and unions reach agreements and build partnerships, we recommend that they come together to identify and share field-based models, tools, and approaches to unionization. The model of a labor-management network would allow organizations and their union partners to anchor and build an approach that is grounded in their needs. Cornell's School of Industrial Labor Relations is positioned to help facilitate the launch phases of this crucial forum.

*This integrated approach will ensure that leaders in the midst of unionization will benefit from pro-union models and supports embedded with a racial justice lens, and that their insights and experience will in turn seed the development of additional innovation and resources.*

# ENDNOTES

1. For this report, we studied predominantly progressive organizations from subsets of the nonprofit sector, including community and worker organizing groups, litigation and legal services organizations, and organizations that draft and advocate for progressive policy change, and a few organizations from the museum, arts, and music field. We are describing a sub-sector of progressive social change organizations, and sometimes describe them as “nonprofits” for ease.
2. See Appendix B for a partial list of organizations in the social justice sector who have unionized.
3. The authors have deep histories working within the labor movement and strive to appreciate the union and staff perspective of dynamics explored here. However, by design, the vast majority of our interviewees were management. This study is intended to identify what management needs to fully commit to a union-welcoming approach. We hope future studies will deepen our understanding of non-management viewpoints.
4. We believe that the lessons of this report, and approaches to welcoming unionization that are grounded in those lessons, are applicable far beyond the sector of progressive social change nonprofits and should apply in for-profit settings as well. In fact, a [Harvard Business Review article published in January 2023](#) shows that similar thinking is beginning to emerge outside of the nonprofit sphere.
5. See [this August 30, 2022 Gallup Poll](#)
6. See [Harvard Business Review, January 2023](#) and [The Chronicle of Philanthropy January 2023](#).
7. Black workers have the highest rate of unionization of any racial group. See, e.g., [this 2022 fact sheet from the Bureau of Labor Statistics](#).
8. For a thorough exploration of how labor and management culture have taken shape in the United States, as a direct result of the history of slavery and indentured servitude, see Christopher, Tomlins (2006), *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865*.
9. The dynamics of this moment unfold against the historical backdrop of an often troubled relationship between unions and Black and Brown social justice leaders. See, e.g., [this 2019 piece in the New Labor Forum](#).
10. See Robert W. Livingston and Ashleigh Shelby Rosette, “Failure is Not an Option for Black Women: Effects of Organizational Performance on Leaders with Single Versus Dual-Subordinate Identities,” *Journal of Experimental Social Psychology*, September 2012.



## APPENDIX A:

# ORGANIZATIONS AND THEIR UNIONS

No single union dominates this sector, although the following unions have multiple campaigns and contracts:

- The Nonprofit Professional Employees Union (NPEU); an IFPTE affiliate
- The National Organization of Legal Services Workers (NOLSW), a UAW affiliate
- CWA affiliates, including the Washington Baltimore News Guild
- SEIU affiliates, including 1199NY, Local 500 and Workers United
- OPEIU affiliates, including Local 2
- PWU, The Progressive Workers Union

**Social justice nonprofit organizations currently unionizing or already unionized, listed by the union representing them:**

### **NPEU**

- American Civil Liberties Union (ACLU National)
- Action Network
- Brookings Institution
- Center for Budget and Policy Priorities
- Community Change
- Congressional Progressive Caucus
- Democracy Collaborative
- Economic Policy Institute
- Every Texan
- Feminist Majority
- Food and Water Watch
- Friends of the Earth
- Healthcare Anchor Network
- Jews United for Justice
- Join for Justice
- Jobs to Move America
- Lawyers Committee for Civil Rights Under Law
- Mothers Out Front
- National Center for Transgender Equality
- National Women’s Law Center
- National Partnership for Women and Families
- New America
- Pittsburgh United
- Sum of Us
- USAS
- URGE-Unite for Reproductive and Gender Equity
- Urban Institute
- Voces
- Washington Center for Equitable Growth

### **Washington-Baltimore News Guild**

- Advancement Project
- CASA de Maryland
- Center for Popular Democracy
- Center for Public Integrity
- Coalition of Kaiser Permanente Unions
- Democratic Socialists of America
- Health Professionals and Allied Employees (HPAE)
- Indivisible
- Institute for Policy Studies
- Jobs with Justice
- Lambda Unites

## APPENDIX A:

# ORGANIZATIONS AND THEIR UNIONS

### **Washington-Baltimore News Guild (cont'd)**

- League of Conservation Voters
- National Abortion Federation
- Political Research Associates
- RAICES
- Rape, Abuse & Incest National Network
- Solidarity Center
- Southern Poverty Law Center
- Strategic Organizing Center
- Student Action with Farmworkers
- Working America

### **OPEIU**

- Institute for Local Self Reliance
- Low Income Housing Institute
- Land Stewardship Project
- MADRE
- Northwest Justice Project
- United for a New Economy

### **Progressive Workers Union**

- Appalachian Voices
- Sierra Club
- Greenpeace
- [350.org](https://www.350.org/)

### **CWA Locals**

- ACLU of Kansas
- ACLU of Missouri
- ACLU of North Carolina
- EBASE
- Groundswell Fund
- Minnesota Council of Nonprofits
- National Domestic Workers Alliance
- Neighborhood Funders Group
- Sunrise Movement
- Take Action Minnesota
- United for A New Economy

### **UAW/NOLSW**

- ACLU Southern California
- ACLU of Massachusetts
- Disability Rights Oregon
- Make the Road New Jersey
- Make the Road New York
- National Employment Law Project

### **SEIU Affiliates**

- Community Catalyst
- Highlander Center
- Planned Parenthood
- Working Families Party

## APPENDIX B:

# ABOUT THE AUTHORS



### DEBORAH AXT

While working as a construction union organizer in the 1990s, **Deborah Axt** (she/her/ella) participated in a staff union organizing drive. In 2001 she graduated Georgetown law school *magna cum laude* and joined Make the Road New York, where she worked for twenty years as a workplace justice attorney, then Legal Director, and finally Co-Executive Director. She led engagement with the organization's democratically-elected personnel committee, innovating ways for staff and members (who elected the Board of Directors) to share power. She also co-led Make the Road Action and Make the Road States, established to house second generation Make the Road projects across the country. Meanwhile she co-led some of the country's most ambitious low wage worker organizing and policy campaigns in partnership with unions and other community organizations. Since 2021, Deborah has worked as a coach and consultant supporting resilient power building institutions. She has served on the Boards of several organizations navigating staff union drives, has deep relationships with staff and leadership in many unions, and considers her life's work to be building multi-racial, democratic people's organizations.

### KIMBERLY FREEMAN BROWN

For over a decade, Kimberly Freeman Brown has served as an organizational development consultant to nonprofits who serve the public good. Unions, grassroots power building groups, local government, and advocacy organizations nationally and globally have utilized her expertise on racial and gender equity and inclusion initiatives; communications strategy; leadership development programs; crisis management and conflict resolution; and as an advisor, executive coach and facilitator. In 2021, Kimberly and five other consultants founded [Imagine Us](#), a multiracial, multigenerational organizational development consultant community that centers racial equity and justice. Prior to consulting she served as executive director of a national labor policy organization, American Rights at Work. She is the co-author of 5 major reports on women of color, work and leadership, including [And Still I Rise: Black Women Labor Leaders' Voices, Power and Promise](#) (2015). Brown has had her work featured in news outlets including *The New York Times*, *USA Today*, *Politico* and *The Hill*, and on the websites of *Ebony*, *Teen Vogue*, *Harper's Bazaar*, NBC News, BuzzFeed and The Huffington Post. She has also appeared on TV One's NewsOne, Fox Business, and CNBC.



## APPENDIX B:

# ABOUT THE AUTHORS



### ALLISON PORTER

Allison Porter (she/her), also a partner in [Imagine Us](#), got her start in this work as a community organizer and later a union organizer in North Carolina in the 1980s. She was mentored by Ann Atwater and C.P. Ellis, whose story was told in [Best of Enemies](#). In 1990, she co-founded the AFL-CIO Organizing Institute, which recruits and trains people to be union organizers. Since 2000, she has been consulting with social justice groups to transform their organizations and develop leaders. She has a Master's in Organization Development from AU/NTL. Allison co-wrote a chapter in the book ["Purple Power: the history and global impact of SEIU"](#). In 2020, she partnered with five other consultants to form Imagine Us, which centers racial justice in its work with organizations dedicated to the common good. Her passion is to support emerging leaders and change agents to find joy, connection, and impact. Toward that end, she recently helped launch [Ignite the South](#).

### AMY SMOUCHA

Amy Smoucha (she/her/they) has spent 30 years in nonprofit organizations, beginning as a community organizer in Missouri. Most recently, she served as managing director of the national office of Jobs With Justice. As a staff member of Missouri Jobs With Justice, Smoucha was on the staff team that negotiated their first collective bargaining agreement. At the national office, Amy led and managed labor management relations and contract negotiations, and supported colleagues and affiliates whose staff were unionizing. Smoucha currently has a consulting and coaching practice focused on nonprofit social justice leaders and managers seeking to live out their organizational values through the workplaces they create. Smoucha is building out a body of work and resources to support leaders in applying [values-based approaches](#) to staff unionization and collective bargaining.

