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Data show major strike activity increased in 2021 but remains below pre-pandemic levels

Many worker actions were not captured in the data

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SECTIONS

1. Introduction • 1
2. The right to strike • 2
3. Examples of major work stoppages in 2021 • 4
4. Smaller—but still significant—work stoppages not captured in the BLS data • 8
5. Workforce trends in 2021 • 10
6. Conclusion • 11

Acknowledgments • 11
Notes • 11
References • 12

Summary

This report finds that, in conjunction with an increased momentum around unions and union activity, the official federal count of workers involved in major work stoppages increased in 2021. Key findings include:

- **The number of people involved in major work stoppages in 2021, according to BLS data, was 80,700**, an increase from 27,000 in 2020.
- **But the BLS data do not capture all strike activity.** BLS data on major work stoppages include only those strikes (and the rare employer lockout) that involve 1,000 or more workers and last at least one full shift. These size and duration limits mean that the BLS data did not capture actions taken by many workers who walked off the job to demand fair pay and safe working conditions during the pandemic.
- **Crucial reforms in the Protecting the Right to Organize (PRO) Act would strengthen the right to strike** and would help ensure that workers have the leverage they need to secure their share of economic growth during the recovery from the coronavirus pandemic.

Introduction

As the U.S. began to recover from the coronavirus pandemic in 2021, there was a well-documented shift of worker power in the labor market. This shift in power was primarily fueled by a substantial macroeconomic policy response—particularly the American Rescue Plan Act—that led to a rapidly growing economy and very strong demand for workers.

One of the most prominent forms of worker power last year was the use of strikes. When thousands of workers across the nation went on strike for fair pay and better working conditions in fall 2021, the media dubbed the month of October "Striketober" (Sy, Norris, and Mufson 2021). Throughout 2021, strikes provided workers critical leverage to bargain over fair pay, safe working conditions, and a share of the pandemic recovery.

Data from the Bureau of Labor Statistics (BLS) show the number of workers involved in major work stoppages (strikes and similar activities) was about three times as high in 2021 as in 2020. In 2021, as the COVID-19 pandemic continued to disrupt the U.S. economy and labor market, 80,700 workers were involved in major work stoppages. However, this 2021 figure does not count the numerous examples of workers demanding fair pay and safe working conditions and engaging in work stoppages involving fewer than 1,000 workers.

In this report we cover the basics of strikes, highlight important work stoppages that occurred in 2021, and discuss what policies are needed to strengthen the right to strike.

The right to strike

A strike is when workers withhold their labor from their employer for a period of time during a labor dispute. By withholding their labor—labor that employers depend on to produce goods and provide services—workers can counteract the inherent power imbalance between themselves and their employer. Strikes provide critical leverage to workers when bargaining with their employer over fair pay and working conditions or when their employer violates labor law.

In some cases, even the threat to strike—most notably in the past year by the members International Alliance of Theatrical Stage Employees (IATSE) union and by health care workers at Kaiser Permanente—has demonstrated the critical leverage that collective action provides to workers when negotiating better pay and working conditions (Maddaus 2021; Dean 2021).

Most private-sector workers in the United States are guaranteed the right to strike under Section 7 of the National Labor Relations Act (NLRA). Section 7 of the Act grants workers the right "to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." This allows private-sector workers to engage in "concerted activities" such as strikes regardless of whether the worker is in a union or covered by a collective bargaining contract. There is no federal law that gives public-sector workers the right to strike, but a dozen states grant public-sector workers the right to strike (Bass 2014).

While Section 7 of the NLRA provides workers the right to strike, not all strikes are lawful. Under the NLRA, it is currently unlawful for workers to be involved in "secondary" strikes, which are strikes aimed at an employer other than the primary employer (for example, when workers from one company strike in solidarity with another company's workers).

In addition, if a strike is deemed an "intermittent strike"—when workers strike on-and-off over a period of time—it is not protected as a lawful strike by the NLRA. In general, a strike is also unlawful if the collective bargaining agreement between a union and the employer is in effect and has a "no-strike, no-lockout" clause.

Types of strikes

In general, there are two types of strikes: economic strikes and unfair labor practice strikes. In an economic strike, workers withhold their labor as leverage when bargaining for better pay and working conditions.

While workers in economic strikes retain their status as employees and cannot be discharged, their employer has the right to permanently replace them.[1] At the conclusion of an economic strike, replaced workers are not automatically reinstated in their old jobs, but they have priority to apply for any future job openings. In other words, while workers have the legal right to participate in an economic strike—and remain employees while on strike—current law makes participation risky because workers might be out of a job when the strike concludes.

In an unfair labor practice strike, workers withhold their labor to protest their employer engaging in activities that they regard as a violation of labor law. Workers in an unfair labor practice strike cannot legally be discharged or permanently replaced. When an unfair labor practice strike concludes, workers who were on strike are entitled to be reinstated even if it means replacement workers have to be discharged.

Workers in both economic and unfair labor practice strikes are entitled to back pay if the National Labor Relations Board (NLRB) finds that the employer unlawfully denied the workers' request for reinstatement.

Another lesser-known type of strike is the recognition strike. As the name implies, recognition strikes are when workers withhold their labor in an effort to compel an employer to recognize and bargain with their union.

While recognition strikes were more widely employed in the early to mid-20th century, they can still be used as a powerful tool to form a union. For example, in 2021 when a new owner took over a formerly unionized auto parts plant in Marysville, Michigan, a majority of workers signed union cards and approached management to begin negotiating a contract, but the new owner refused to recognize their union. Workers then went on strike, and within one week secured an agreement with management to recognize and bargain with them (Barghouthi 2021).

Even the threat to engage in a recognition strike can prove effective, as demonstrated by Student Researchers United in fall 2021 (see below).

Student Researchers United recognition strike

Members of Student Researchers United, which represents graduate student researchers and student teachers across the University of California system, elected to form a union with the United Auto Workers in 2021 and had their union certified by the state labor board. When the University of California then used legal tactics to delay recognition of their union (by disputing which members would be included in the new bargaining unit), members voted overwhelmingly in favor of authorizing a recognition strike.

Two weeks after the strike authorization vote, amid a broad show of support including from state lawmakers and 30 members of Congress, the University of California agreed to recognize all 17,000 members of Student Researchers United. The Student Researchers United is the largest new union organized in 2021 and is the largest unit of student employees organized at once in U.S. history (Howard 2021).

Work stoppage data

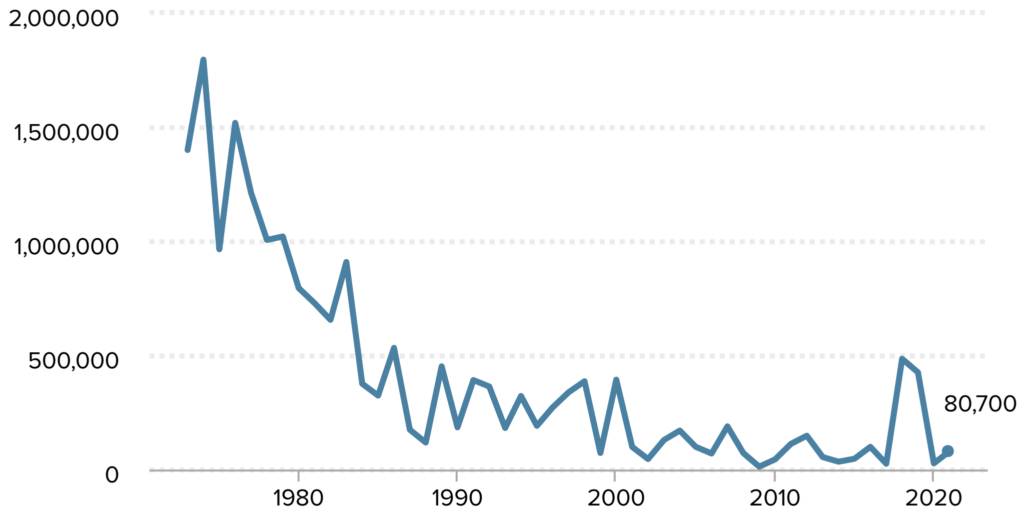
The Bureau of Labor Statistics (BLS) data on work stoppages involving 1,000 or more workers lasting one shift or longer show that 80,700 workers were involved in major work stoppages during 2021 (BLS 2022a). This is an increase from the number of workers involved in major worker stoppages in 2020, which was 27,000—however it is still a significant decline from pre-pandemic levels, as seen in **Figure A**.[2] All but one major work stoppage in 2021 took place in the private sector, with the service-providing industries, such as education and health services, accounting for more than three-quarters of work stoppages occurring in 2021. Goods-producing industries, such as manufacturing, accounted for almost a quarter of work stoppages in 2021.

Examples of major work stoppages in 2021

The work stoppage data from BLS include a breakdown of the organizations at which major work stoppages occurred. The data, combined with an EPI review of publicly available sources, suggest a range of strike activity in 2021. Recurring themes of major stoppages occurring in 2021 include workers citing growing employer profits, long work hours, and dangerous or stressful pandemic working conditions as motivations for seeking significant improvements to wages and benefits, including efforts to eliminate "two-tier" systems of lower pay or benefits for newer workers. The following are examples of major work stoppages covered by the BLS data.

Figure A

Number of workers involved in major work stoppages, 1973–2021



Notes: The Bureau of Labor Statistics does not distinguish between strikes and lockouts in its work stoppage data. However, lockouts (which are initiated by management) are rare relative to strikes, so it is reasonable to think of the major work stoppage data as a proxy for data on major strikes. Data are for work stoppages that began and ended in the data year. Data are for public- and private-sector workers.

Source: Bureau of Labor Statistics, "Major Work Stoppages in 2021" (news release), February 23, 2022, and related table, "Annual Work Stoppages Involving 1,000 or More Workers, 1947–Present."

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Hunts Point Produce Market strike

The first recorded major work stoppage for 2021 was the strike of 1,400 workers at the Hunts Point Produce Market, one of the largest produce distributors in New York City, starting on January 17. The workers, represented by Teamsters Local 202, authorized the strike after a breakdown in contract negotiations to address fair pay and health care benefits. During the negotiations, the workers called for a $1 per hour wage increase and better health care benefits. The employer countered with a $0.32 per hour wage increase. However, the workers—who had worked throughout the coronavirus pandemic and lost six of their colleagues to the virus—found the offer insufficient and proceeded to go on strike to achieve their demands (Gelardi 2021).

The four-day strike concluded with Teamsters Local 202 and the Hunts Point Produce Market agreeing to raises of $1.85 per hour over three years, with a $0.70 raise during the first year and an additional contribution of $0.40 per hour to employee health care (Sisak 2021). This was the largest pay increase the workers had received in over 30 years (de Freytas-Tamura 2021).

Cook County strike

On June 25, 2021, approximately 2,000 public-sector workers for Cook County, Illinois, went on strike. The workers, represented by the Service Employees International Union (SEIU) Local 73, authorized the strike after nine months of contract negotiations failed to address inadequate pay and increases to health care premiums. The striking workers called for more opportunities for advancement and pay increases that would not be negated by increases in health care premiums (Shaw 2021).

The strike concluded after SEIU Local 73 and Cook County reached a tentative agreement that provided across-the-board raises for all workers, hazard pay for work during the pandemic, better health care benefits, and policies that prioritized seniority in hiring and promotions (SEIU Local 73 2021). The strike was the longest in SEIU Local 73's history (ABC 7 Chicago 2021).

Mercy Hospital strike

On October 1, 2021, approximately 2,000 nurses and staff at Mercy Hospital in Buffalo went on strike, citing staffing levels and working conditions as their primary concerns. Represented by the Communications Workers of America (CWA) Local 1133, the workers launched the strike after having made repeated pleas for management to address unsanitary conditions in the hospital and mistreatment of staff (Proia 2021; Desmond 2021).

The strike occurred just months after the New York State governor signed a bill that would require general hospitals to include input from nurses on staffing plans (AP 2021). Negotiations for a new contract had begun in February 2021, but had repeatedly failed as the hospital refused to commit to minimum staffing requirements (Harris 2021). Thirty-one days into the strike, the hospital pulled the health care benefits of striking workers (Ryan 2021).

The five-week strike concluded with an agreement to establish concrete staffing ratios for nurses and increase the minimum wage floor to $15 per hour for the lowest-paid occupations in the hospital. CWA and the hospital also agreed to work together to hire more nurses and additional staff (Minkewicz 2021).

John Deere strike

On October 14, 2021, approximately 10,000 workers for John Deere went on strike at 14 different locations across the United States. The workers, represented by the United Auto Workers union, voted 99% in favor of strike authorization after John Deere presented them with an offer that failed to address the union's demands for fair pay and better benefits. After a year of record profits for the company, John Deere workers were seeking adequate wage increases and rejecting company threats to cut benefits, such as ending the traditional pension plan for new hires. The workers rejected two offers from John Deere after the company failed to address the union's demands to eliminate a two-tier compensation system that was established during contract negotiations in 1997 (Sainato 2021a).

The five-week strike concluded when United Auto Workers and John Deere agreed to a six-year contract that included a 10% pay increase during the first year, 5% increases the third and fifth years, restoration of cost-of-living adjustments, and additional lump sum payments equal to 3% of pay for the second, fourth, and sixth years. The deal also included an $8,500 signing bonus, inclusion of new hires in the traditional pension plan, and no changes to health care benefits (Scheiber 2021). Ahead of what became the final contract vote, Deere threatened to begin using replacement workers in an effort to influence more workers to vote yes to accept the terms offered (Isidore 2021). The strike was the first John Deere strike in over three decades.

Kellogg’s strike

One of the most notable major work stoppages in 2021 was the Kellogg’s strike. Approximately 1,400 workers represented by the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM) went on strike after Kellogg’s failed to meet the union’s demands for a fair compensation system, quality health care benefits, and reasonable work hours.

At the center of the strike was BCTGM’s call for eliminating a two-tier compensation system, which would have been expanded under Kellogg’s initial offer. The workers feared the expansion of a two-tier system would drive down wages and benefits for all workers. Further, the workers felt Kellogg’s offer—which also included cuts to health care benefits, vacation and holiday pay, and retirement benefits—was deeply inadequate, and that the forced overtime—12-hour shifts, seven days a week—they had been subjected to during the pandemic was “unsustainable” (Funk 2021).

During the strike, Kellogg’s invoked several legal tactics to disrupt the strike, including hiring replacement workers to continue production and threatening to permanently replace striking workers, the latter of which drew criticism from the public and from President Biden (White House 2021).

The 11-week strike ended with BCTGM and Kellogg’s agreeing to a five-year contract that included a transition away from the two-tier compensation system, a moratorium on plant closures until 2026, no reduction of health care benefits, increased retirement contributions, and cost-of-living increases (BCTGM 2021).

The Kellogg’s strike was one of two major work stoppages in which BCTGM was involved in 2021, the second being 1,000 workers for Nabisco. A third BCTGM strike of 850 Frito-Lay workers in 2021 fell just shy of the 1,000-person threshold for strikes captured in BLS data (Gregg 2021). In all three of these examples, workers’ primary demands included elimination of two-tier wage and benefit systems and more control over work schedules characterized by extremely long hours and little time off.

Smaller—but still significant—work stoppages not captured in the BLS data

The BLS data on work stoppages, while useful, have a major limitation—the data include only information on work stoppages involving 1,000 or more workers that last at least one full shift. There is an enormous amount of information that is missed by restricting the data to work stoppages involving at least 1,000 workers, as evident in BLS data on firm size. According to BLS, nearly three-fifths (59%) of private-sector workers are employed by firms with fewer than 1,000 employees (BLS 2022b). Restricting the tracking to actions that last at least one full shift also misses important work stoppages.

Unfortunately, these size and duration limits mean that the BLS data are not capturing the actions taken by many workers who walked off the job to demand fair pay and safe working conditions during the second year of the pandemic. These limits make it difficult to determine and understand the extent to which workers are using their fundamental right to strike. For example, while the BLS data show 16 work stoppages in 2021, Cornell's ILR Labor Action Tracker shows over 265 work stoppages occurring in 2021 (Kallas, Grageda, and Friedman 2022). Even this much higher number is likely an undercount of strike activity; for example, in California alone, fast-food workers engaged in repeated brief strikes in multiple cities, including over 300 locations since the start of the pandemic (Smith 2021). Small groups of workers in front-line occupations have engaged in work stoppages throughout the pandemic to demand better conditions, safety protections, and wage increases, though many of these actions have not been well documented.

Resources should be directed to BLS to allow more comprehensive tracking of work stoppages. Without comprehensive data on work stoppages, policymakers lack the information necessary to adequately address the needs of workers in the United States. However, news coverage and resources such as the ILR Labor Action Tracker provide some information on work stoppages. Here, we include examples of work stoppages not covered in the BLS data.

Saint Vincent Hospital strike

On March 8, 2021, nurses at Saint Vincent Hospital in Worcester, Massachusetts, launched an open-ended strike action against the hospital. Represented by the Massachusetts Nurses Association, 89% of the nurses voted in support of the strike, and more than 800 joined the strike. The striking workers called for better staffing levels, noting that nurses routinely had to attend to five patients at a time (Freyer, Ellement, and Andersen 2021).

The nurses' historic strike—the longest nursing strike in Massachusetts history—lasted nearly 10 months (WCVB-TV 2022). Amid the strike, the hospital hired 100 permanent replacement nurses (Kail 2021). The strike ended after an agreement was reached that would improve staff-to-patient ratios, strengthen workplace safety provisions, boost benefits, and allow the striking nurses to return to their old jobs (WCVB-TV 2022).

The Rawlin recognition strike

In February 2021, workers at The Rawlin, an assisted living and memory facility in Springfield, Oregon, went on strike asking for recognition of their union after 85% of workers signed union cards (Perse 2021). The workers, represented by SEIU Local 503, formed a union to address unsafe working conditions, insufficient staffing levels, and inadequate wages.

The impetus for the strike was the death of over 20 residents at The Rawlin within an eight-week period, which workers argued could have been prevented if management had addressed their concerns about understaffing, insufficient staff training, and high staff turnover resulting from low wages (SEIU Local 503 2022). The workers chose to engage in a recognition strike because they felt working conditions were too unsafe for them and for The Rawlin residents to wait for an official NLRB election to prove that a majority of workers favored joining a union (McIntosh 2021).

The workers ended the strike after two weeks with the union not receiving recognition from management. At the end of those two weeks, a majority of the workers who had participated in the strike resigned from The Rawlin as a group, stating that they could no longer continue to work at the facility without fundamental changes (Bull 2021).

While the workers' campaign to have their union recognized failed, the media attention brought on by the strike resulted in The Rawlin having to address queries about neglect and inadequate staffing levels submitted to the Oregon Department of Human Services and Adult Protective Services. More than a dozen allegations of neglect were substantiated (Veselka 2022).

School bus driver strikes

A noticeable trend of strikes among school bus drivers in 2021 reflected growing demands from public school staff to address low pay and safety concerns, which have led to acute staffing shortages (Cooper and Hickey 2022). Bus driver strikes in 2021 took place among both unionized and nonunion bus drivers and among those employed directly by school districts and those employed by private employers who contract with schools to provide bus service (Sainato 2021b). For example, bus drivers in Wake County, North Carolina, engaged in a multiday work stoppage, calling on the state and school board to increase their pay, resulting in districtwide $1,250 staff bonuses and an increase in minimum starting pay (Owens and Arthur 2021).

Unionized bus drivers in Las Cruces, New Mexico, engaged in a one-day strike to compel the private company they work for to negotiate over safety language, sick days, increased wages and benefits, and adding more staff (D'Ammassa 2021). School bus drivers in Anne Arundel County, Maryland, engaged in a two-day strike, prompting the employer to offer $5,000 bonuses; drivers then voted to form a union, viewing collective bargaining as a means to improve wages and conditions over the long term amid an ongoing staffing shortage (Ramos 2021).

Workforce trends in 2021

The work stoppages identified by BLS—as well as the many cases of concerted worker activities that did not reach the BLS threshold—took place against the backdrop of a 2021 labor market still dominated by the COVID-19 pandemic. The pandemic has had complicated and contradictory effects on the ability of workers to exercise their power in the labor market.

On the demand side of the economy, the large and rapid federal fiscal response helped to sustain spending at levels far higher than they would have been given the initial blow to the economy.[3] The Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan Act (ARPA) spurred high rates of growth in 2021,[4] boosting demand for workers and driving an increase in total employment of 6.7 million jobs in 2021 (BLS 2022c).

But even those remarkable increases in employment fell short of employers' desired staffing levels. By the end of 2021, BLS data on job opening rates were running at historic highs, suggesting a large gap remained between employers' expressed demand for workers and the number in the workforce.[5] This surge in employer demand for workers pushed the national unemployment rate down from 6.7% in December 2020 to 3.9% in December 2021—a rate not too far off where it had been in February 2020 (3.5%), the month before pandemic lockdowns first disrupted the national labor market (BLS 2022c).

On the supply side, a combination of enhanced unemployment insurance benefits, Economic Impact Payment stimulus checks, a $300 monthly child tax credit, a federal eviction moratorium, and a suspension of student loan repayments greatly eased the immediate financial burdens on workers. These financial supports crucially helped sustain consumer demand in the economy, but they also reduced some workers' immediate dependence on employers to make ends meet. As the economy recovered, these workers were able to take more time to find new jobs, holding out for jobs that offered better wages and working conditions.

Pandemic-related health issues also contributed directly to reducing the labor supply. Serious concerns about health and safety on the job led many workers, particularly older workers, to leave their jobs (Nie and Yang 2021; Davis 2021). Care responsibilities—which were made more difficult by the switch to remote schooling and the reduced availability of market-provided care services—pushed other workers to reduce hours or leave paid work altogether (Montes, Smith, and Leigh 2021).[6] And, of course, COVID-19 forced millions of workers to miss work because they were sick themselves or because they were caring for others who had fallen sick.[7]

This combination of high demand for, and reduced supply of, workers created what many employers and the media referred to as a "labor shortage," substantially raising the bargaining power of workers relative to their employers. Recent developments, however, suggest that—absent structural changes in the economy and in labor law—this upswell in worker power is likely to be temporary.

On the demand side, the prospect for continued fiscal support at the level of the CARES Act and ARPA appears slim, and the Federal Reserve Board looks poised to reverse the accommodative stance of monetary policy.

On the supply side, to the extent that the pandemic subsides or ends altogether, many workers sidelined for health or care-related reasons will return to the labor market, easing the "labor shortage" facing employers and reducing the portion of worker power that stems from their relative scarcity. Those workers who do choose to remain on the sidelines, meanwhile, will have to do so in a much less supportive policy environment. Most of the recent federal policy initiatives that helped sustain workers during the pandemic were wound down or eliminated altogether in 2021, including stimulus checks, enhanced unemployment insurance payments, the monthly child tax credit, and the federal eviction moratorium.

In short, as the support to the economy provided by fiscal and monetary policy declines, employer demand for workers will likely wane. As the pandemic and pandemic-related supports for workers recede, workers idled by the virus will return in increasing numbers to the labor market. The net result will almost certainly be the erosion of the labor market tightness that played a crucial role in boosting workers' bargaining power in 2021.

Conclusion

The 2021 BLS data on major work stoppages show that, even during a global pandemic, strike activity is occurring *despite* the obstacles current labor law poses to workers to effectively engage in their fundamental right to strike.

The Protecting the Right to Organize (PRO) Act includes critical reforms that would strengthen workers' right to strike. The PRO Act would expand the scope for strikes by eliminating the prohibition on secondary strikes and by allowing the use of intermittent strikes. It would also strengthen workers' ability to strike by prohibiting employers from permanently replacing striking workers.

Other reforms include the Striking Workers Healthcare Protection Act, which would require employers to continue providing health insurance to workers on strike. As we emerge from the coronavirus pandemic, the need for labor law reform, including strengthening the right to strike, is critical for an equitable recovery.

Acknowledgments

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Notes

1. In *NLRB v. Mackay Radio & Telegraph Co.*, the U.S. Supreme Court stated that employers were not

violating the law by hiring people to take the places of striking workers and keeping those workers on after the strike is over. While this statement was incidental to the issue at hand in Mackay, and had no impact on the ruling in that case, it has been used to justify the permanent replacement of strikers ever since

2. The number of workers involved in major work stoppages reported by the Bureau of Labor Statistics for 2020 was originally 24,000. In March 2021, the Bureau of Labor Statistics amended the number to 27,000 workers.

3. The most important legislation includes the Coronavirus Aid, Relief, and Economic Security (CARES) Act (March 2020), the Consolidated Appropriations Act (December 2021), and the American Rescue Plan Act (March 2021). For a summary of these fiscal measures, see PGPF 2021.

4. Advance estimates from the Bureau of Economic Analysis put annual growth at 6.9% (BEA 2022).

5. While many have used the term "Great Resignation" to refer to the 2021 labor market, others have argued that "Great Reshuffle" would be more accurate. Job quits have been high, but hiring has been higher. On net, workers who quit their jobs in 2021 left them to start new jobs elsewhere. For a discussion, see Gould 2022.

6. Montes, Smith, and Leigh (2021), for example, conclude that "caregiving burdens appear to have weighed substantially on labor force participation rate during the pandemic."

7. Data from the Census Household Pulse Survey covering December 29, 2021, through January 10, 2022, for example, found that 8.8 million people were not working at some point during that period because they were "caring for someone or sick myself with coronavirus symptoms" (Census Bureau 2022, Table 3). Ben Casselman (2022) presents a chart summarizing the related data from the Census Household Pulse surveys covering 2020 and 2021.

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