

Major strike activity increased nearly 50% in 2022

Upcoming Supreme Court case threatens
workers' ability to strike

Report • By Margaret Poydock, Jennifer Sherer, and Celine McNicholas • February 22, 2023

What this report finds: Recent data from the Bureau of Labor Statistics show the number of workers involved in a major strike activity in the United States was 120,600 in 2022, an increase from 80,700 in 2021. However, this is not a complete picture of strike activity in 2022. In fact, many prominent strikes that occurred in 2022 did not qualify as “major strike activity” (defined as involving 1,000 or more workers and lasting at least one full shift) and therefore were not counted in the BLS data. In addition to looking at the BLS numbers, we offer qualitative analysis of several key strikes occurring in 2022.

Why it matters: Strikes provide critical leverage to workers seeking to improve pay and working conditions or when their employer violates labor law or refuses to recognize their union. However, workers in the United States have limited rights to strike compared with workers in other industrial nations. The right to strike may be further weakened in the upcoming Supreme Court case *Glacier Northwest, Inc. v. International Brotherhood of Teamsters*.

What we can do about it: Pass the Protecting the Right to Organize (PRO) Act. Crucial reforms found in the 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.

The U.S. labor movement saw a resurgence in 2022, with high-profile organizing campaigns at companies including Starbucks, Amazon, and Trader Joe’s. Further, more than 16 million workers were represented by a union in 2022—an increase of 200,000 from 2021 (Shierholz, Poydock, and McNicholas 2023). Unions also saw their highest approval rating in more than 50 years (McCarthy 2022).

One of the most prominent forms of collective action last year was the use of strikes. Throughout 2022, strikes provided workers critical leverage to bargain over fair pay, safe working conditions, and a fair share of the economy.

Data from the Bureau of Labor Statistics (BLS) show the number of workers involved in major work stoppages (strikes and similar activities) increased by nearly 50% compared with 2021. As the U.S. saw a reenergized labor movement and a hot labor market, 120,600 workers were involved in major work stoppages in 2022.

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It is important to note that this number does not provide a complete picture of work stoppages in 2022. There are numerous examples of work stoppages involving fewer than 1,000 workers—which are not included in the BLS count. Many of these featured prominently in the news this past year.

In this report we cover the basics of strikes and highlight important work stoppages that occurred in 2022 (some of which are included in the BLS data and some of which are not). Finally, we discuss what policies are needed to strengthen the right to strike in the U.S.

Why workers 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 existing power imbalances between themselves and their employer. Strikes provide critical leverage to workers when bargaining with their employer over fair pay and working conditions, when their employer violates labor law, or when their employer refuses to voluntarily recognize their union.

Workers go on strike for a variety of reasons specific to their workplaces and occupations, and many of these reasons go beyond the need for higher pay. For example, many health care workers have gone on strike to address the need for better staff-to-patient ratios to improve patient care. This ongoing issue became even more pressing during the coronavirus pandemic. Other workers have gone on strike to improve work schedules, gain paid time off, or maintain health care and retirement benefits (Poydock et al. 2022). Large strikes of public educators in recent years have often focused on issues such as the need for smaller class sizes and investments in services and facilities serving students and families (Henry and Behrens 2022).

The right to strike

The right to strike is an internationally recognized fundamental human right, yet in many countries, including the United States, the right to strike has never been legally protected for all workers, is constrained or restricted under current labor laws, and remains under threat (ILO 2001; ITUC 2022). Historically and today, workers have often had to strike just to gain or defend legal protections to strike. Nearly half a million workers in the United Kingdom are currently engaged in mass strikes to protest proposed national legislation that would severely restrict the right to strike for education, health care, and transit workers (Melahn 2023).

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 [including the right to strike] for the purpose of collective bargaining or other mutual aid or protection.” The right to strike applies regardless of whether workers are in a union or covered by a collective bargaining

contract.

Limits on the right to strike

Railway and airline workers are not covered under NLRA and instead have a far more limited right to strike under the Railway Labor Act (RLA).¹ The RLA requires workers to go through lengthy and complex steps in the bargaining process before they may legally pursue a strike. It also allows Congress to intervene in rail or airline labor disputes. Last year, rail workers threatening to strike in order to gain paid sick leave put a national spotlight on how the RLA restricts their right to strike. In December 2022, Congress passed legislation imposing an agreement between freight rail companies and 12 unions and making it illegal for the rail workers to strike (Kinery 2022).

Many U.S. workers have no legally protected right to strike because they are excluded from NLRA coverage due to long-standing racist occupational carve-outs (Perea 2011). Public-sector, agricultural, and domestic workers (including in-home health and child care workers) are not protected by the NLRA, leaving states to set policy on union and collective bargaining rights for these occupations. Only 14 states have collective bargaining laws in place for farmworkers, which in most cases include a limited right to strike (NALC 2022). Many more states have enacted collective bargaining frameworks for public-sector workers, but only a dozen states grant public-sector workers a right to strike, and often only under limited circumstances (Bass 2014).

Even for private-sector workers who are covered under the NLRA, legal protections have been eroded over decades by amendments and court rulings that have weakened the right to strike. For example, it is currently unlawful under the NLRA 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 intentionally 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 during the period of time a collective bargaining agreement between a union and the employer is in effect if it contains a “no-strike, no-lockout” clause. (Once such an agreement has expired without agreement to a new contract, workers can legally strike.)

Moreover, court rulings allowing employers to “permanently replace” workers who are on strike for economic reasons have diminished the NLRA’s original protection of the right to strike. It is also fully legal for employers to cut off health insurance and other benefits of workers (and their dependents) during a strike, and in all but two states (New York and New Jersey), striking workers are not eligible to apply for unemployment benefits.²

Supreme Court case *Glacier* could further erode the right to strike

The already precarious right to strike is under further attack in a case pending before the U.S. Supreme Court, *Glacier Northwest v. International Brotherhood of Teamsters*. The case centers on the question of whether an employer's suit for damages related to a strike is preempted by the NLRA, which governs the right to strike.

Generally, the NLRA preempts state tort claims like the one filed by Glacier. However, there are some cases where workers engage in activity that falls outside of the NLRA's protections. The law requires striking workers to take "reasonable precautions" to make sure that their employer's property is not damaged in a work stoppage. In the *Glacier* case, the employer is arguing that, in spite of workers' attempts to protect the employer's property, the union is liable for damages related to the strike. If the Supreme Court is persuaded by this argument, it will upend decades of precedent surrounding the right to strike and leave workers with a significantly diminished ability to strike. Workers will face potential liability for any damages the employer deems to be related to the work stoppage. This would greatly limit workers ability to strike and would be a gross misinterpretation of the NLRA.

Types of strikes

As discussed above, in a strike, workers withhold their labor as a form of leverage. In general, there are three main types of strikes: economic strikes, unfair labor practice strikes, and recognition strikes.

In an economic strike, workers withhold their labor as leverage when bargaining for better pay and working conditions. While NLRA-covered workers in economic strikes retain their status as employees and cannot be discharged, their employer has the right to permanently replace them.³ 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 believe to be 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.

Other lesser known, but still effective, forms of strikes include recognition strikes and striking for a first contract.

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 newly formed union. While recognition strikes were more widely employed in the early- to mid-20th century, they are a potentially powerful organizing tactic that several large groups of workers have employed in recent years (Labor Notes 2019; Poydock et al. 2022).

For example, thousands of graduate students at Indiana University at Bloomington went on strike in April 2022 after the university’s administration refused to recognize their union. In addition to recognition, the Indiana Graduate Workers Coalition (IGWC)—represented by the United Electrical Workers—sought higher wages, improvement of benefits, and the end of mandatory fees (IGWC-UE 2023).

After four weeks, IGWC members suspended the strike when Indiana University agreed to increase the minimum stipend for graduate workers, have the university cover mandatory fees, and expand graduate workers’ health benefits, among other items. With recognition still not achieved, IGWC members voted in favor of authorizing another strike if future negotiations with the university’s administration fail (R. Smith 2022).

In early February 2023, workers at an REI near Cleveland went on strike to end management’s attempts to delay the scheduled date for their union election (Corbett 2023).

Workers also use strikes as a tool to reach a first contract with employers who fail to bargain in good faith or who delay the bargaining process. After two years of negotiations, workers at the Philadelphia Museum of Art went on strike in the fall of 2022 to reach a first contract. After 19 days on strike, the workers, who are represented by AFSCME Local 397, reached a tentative agreement with the museum that included establishing a minimum salary of \$42,000, increasing wages by 14% over the length of the contract, adding four weeks of parental leave, and reducing the cost of health care most employees are enrolled in (Stevens 2022; Irish 2022).

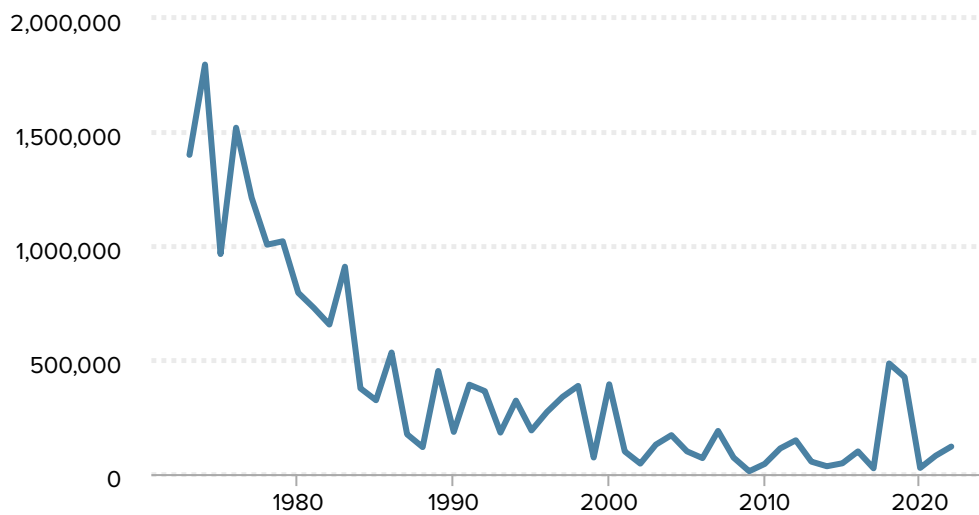
Major work stoppages data

The Bureau of Labor Statistics defines “major work stoppages” as those involving 1,000 or more workers and lasting one shift or longer. BLS data show that 120,600 workers were involved in 23 major work stoppages that began in 2022 (BLS 2023a). This is a nearly 50% increase from the number of workers involved in major worker stoppages in 2021, which was 80,700. However, it is still significantly lower than pre-pandemic levels in 2018 and 2019, as seen in **Figure A**.

Roughly two-thirds of major work stoppages in 2022 (15 of them) took place in the private sector, with about half of those (eight) occurring in the health care industry. Nearly a third of work stoppages (seven) occurred in local government, with strikes in public education

Figure A

Number of workers involved in major work stoppages, 1973–2022



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 public- and private-sector workers.

Source: Bureau of Labor Statistics, “Major Work Stoppages in 2022” (news release), February 22, 2023, and [related table](#), “Annual Work Stoppages Involving 1,000 or More Workers, 1947–Present.”

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accounting for six of these. State government accounted for two major work stoppages, both of which involved higher education.

A hot labor market was a key contributor to the increase in major work stoppages in 2022. In 2022, record-high job openings and a low unemployment rate gave workers critical leverage as employers sought to retain employees (Shierholz, Poydock, and McNicholas 2023; EPI 2023). However, this leverage may diminish if the hot labor market cools down.

Looking ahead in 2023, many major labor contracts are expiring, which could lead to strikes and threats of strikes. At least 150 large labor contracts—including with UPS, SAG-AFTRA, Ford, and General Motors—are set to expire this year (Kullgren and Rainey 2022).

Examples of major work stoppages in 2022

The work stoppages 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 2022. Recurring themes of major stoppages occurring in 2022 include workers citing rising costs from inflation, long work hours, and dangerous or stressful working conditions as motivations for seeking significant

improvements to wages, benefits, and working conditions. The following are examples of major work stoppages covered by the BLS data.

Health care strikes

Just over a third of work stoppages in 2022 occurred in the hospital subsector. Among the reasons for going on strike, many workers cited inadequate staffing, hazardous working conditions that put patient and worker safety at risk, and low pay not keeping pace with inflation (Kaori Gurley 2023).

Cedars-Sinai Medical Center, Los Angeles

In May 2022, more than 2,000 workers at Cedars-Sinai Medical Center in Los Angeles, California, went on strike. Represented by the Service Employees International Union, United Health Care Workers West (SEIU-UHW), the workers went on strike after Cedars-Sinai refused to bargain in good faith with the union on issues related to inadequate staffing levels, low pay, and unsafe working conditions. The five-day strike concluded when SEIU-UHW and Cedars-Sinai agreed to a contract that included improved safety measures for workers and patients, average raises of 17.46% over the term of the three-year contract, increased minimum pay, and protection of health care benefits. The strike was historic, as it was the first strike to occur at the hospital in over 40 years (SEIU-UHW 2022).

Twin Cities Hospitals Group, Minnesota

In September 2022, more than 15,000 nurses employed by the Twin Cities Hospitals Group in Minnesota went on strike. The nurses, represented by the Minnesota Nurses Association, authorized a three-day strike after five months of stalled contract negotiations with their employer. The nurses were seeking to address issues of pay, staffing levels, retention of workers, and quality of patient care (Wiley 2022). After the September strike failed to encourage the Twin Cities Hospitals Group to bargain in good faith, the nurses authorized a three-week strike in December. Days before the December strike was set to take place, the strike was averted after the nurses and the Twin Cities Hospitals Group reached an agreement that gave nurses a say in staffing levels and increased pay (Brusie 2022). The September 2022 strike is said to be the largest private-sector nurses strike in U.S. history (WCCO 2022).

Public education strikes

Roughly a quarter of major work stoppages occurred in public education. In 2022, public educators went on strike demanding salary increases, the ability to control the climate of their classrooms, and lower student-to-teacher ratios (Will 2022).

Brookline Public Schools, Massachusetts

In May 2022, over 1,000 teachers at Brookline Public Schools in Massachusetts went on strike. The strike began after the teachers, represented by the Brookline Educators Union, failed to reach an agreement with the school district over pay, classroom prep time, and retention of teachers of color. The one-day strike concluded after the union and the school district reached an agreement that included increases in salaries and stipends, additional classroom prep time, and the creation of a working group on workforce diversity and underrepresented staff (WCVB 2022). The strike is notable as teachers do not have the legal right to strike in Massachusetts, though many are actively campaigning to gain this legal protection via state legislation (Canniff 2022).

Columbus City Schools, Ohio

In August 2022, approximately 4,500 teachers and education professionals at Columbus City Schools in Ohio went on strike after negotiations stalled with the school district. Represented by the Columbus Education Association, the teachers were seeking to address the issues of overcrowded classrooms, lack of heating and cooling in classrooms, and the need for full-time art and music teachers (Flannery 2022). The five-day strike concluded after the union and the school district reached an agreement that included a 4% raise each year for three years, reduction of class size by two students in each classroom, and commitment that classrooms would be climate-controlled by 2025 (Henry and Behrens 2022). The strike was the first time in nearly 50 years that teachers had gone on strike in the district (Diaz 2022).

University of California strike

The largest major work stoppage in 2022 involved approximately 48,000 workers at the University of California's 10-campus system. The workers, represented by the United Auto Workers, included teaching assistants, researchers, tutors, and other graduate student instructors (Gecker and Weber 2022). The workers voted to go on strike seeking to improve their pay and benefits; they cited as a concern the high cost of living in the cities where the university's campuses are located.

The six-week strike concluded when the United Auto Workers and the University of California agreed to contracts providing major wage increases, benefits to help workers cover child care and health care costs, and enhanced transportation stipends (Hubler 2022). The strike has been described as the largest higher education strike in U.S. history (*Guardian* 2022).

The University of California strike is one of the several major work stoppages involving graduate student workers in 2022. For example, graduate student workers at Columbia University (Wong 2022) and University of Illinois at Chicago (Grimm 2022) also engaged in successful strikes that improved their pay and working conditions.

Case New Holland Industrial strike

In May 2022, approximately 1,000 workers at Case New Holland (CNH) Industrial, a company producing agriculture and construction equipment, went on strike at two factories, one in Wisconsin and one in Iowa. The workers, who are represented by United Auto Workers, went on strike after CNH failed to present an agreement that addressed the workers' demands for better working conditions and increased wages to keep pace with inflation. The workers' call for increased pay came after CNH reported nearly \$2 billion in profits and paid \$188 million in dividends to shareholders in 2021 (Jett 2023).

The CNH Industrial strike lasted eight months and was Iowa's longest-running strike in over a decade (Jett 2023). Since the beginning of the strike, CNH Industrial brought on temporary replacements to keep the company running and even threatened to bring on permanent replacements as a tactic to get the workers to agree to a new contract that did not meet their demands. Eventually, the strike ended in January 2023 after an agreement was reached that included pay raises of up to 38% over the three-year contract, additional vacation time, increased flexibility for using vacation time, and a ratification bonus (Riviello 2023).

Frontier Communications strike

In August 2022, approximately 2,000 workers at Frontier Communications in California went on strike. Prior to the strike, the workers and their union, the Communication Workers of America (CWA), spent more than a year negotiating a successor contract with Frontier Communications. They also filed several unfair labor practice charges against the company (K. Smith 2022). The workers authorized the strike in protest of the company's continued use of subcontracting workers, which the workers claimed was a violation of the collective bargaining agreement between Frontier Communications and CWA (CWA 2022a).

The strike concluded after CWA and Frontier Communications reached a tentative agreement that the company would adhere to limitations on subcontract work as outlined by the agreement, in addition to several other items concerning hiring and offering of union jobs (CWA 2022b).

San Francisco Airport strike

On September 26, 2022, approximately 1,000 restaurant workers at the San Francisco Airport went on strike for better pay. Many of the workers, who are represented by Unite Here Local 2, had not received a raise in more than three years and were making less than the required minimum wage for jobs on city-owned properties, which included the airport (Isidore 2022). The strike, which lasted three days, impacted 65% of the eating establishments at the airport (de Guzman 2022).

The strike concluded with an agreement that included a \$5-per-hour raise, free family

health care, increased retirement benefits, a retention policy to protect workers' jobs when outlets change operators, and a \$1,500 one-time bonus (Hendricks 2022).

Work stoppages that do not appear 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. An enormous amount of information is missed by restricting the data in this way. According to BLS data on firm size, nearly three-fifths (58%) of private-sector workers are employed by firms with fewer than 1,000 employees (BLS 2023b). Any strike activity by these workers would not be captured in the BLS work stoppages data.

Restricting the tracking to actions that last at least one full shift also misses important work stoppages. For example, the Google walkouts of 2018 were not captured in the major work stoppages data, likely due to it not meeting the full-shift requirement (Wakabayashi et al. 2018).

Specifically, these size and duration limits mean that the BLS data are not capturing many workers who walked off the job in 2022 to demand fair pay and safe working conditions. 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 23 (major) work stoppages began in 2022, Cornell's ILR Labor Action Tracker shows 424 work stoppages—417 strikes and seven lockouts—occurring in 2022 (Kallas, Ritchie, and Friedman 2023).

Resources should be directed to BLS to allow more comprehensive tracking of work stoppages. Without comprehensive data on work stoppages, policymakers lack the information they need 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.

Starbucks strikes

One of the most-watched organizing drives in 2022 was that of Starbucks workers nationwide. Workers at Starbucks—represented by Starbucks Workers United—decided to organize to address low pay, long hours, and the need for better benefits. As of February 12, 2023, workers in 37 states, at 285 of Starbucks's 9,000 U.S.-based company-owned stores, have voted to unionize (More Perfect Union 2023).

In the fall of 2022, Starbucks workers organized two large-scale strikes. The first strike occurred on November 17, timed to coincide with Starbucks Red Cup Day. Workers at more than 110 Starbucks stores staged a one-day walkout (Grothaus 2022).

In December 2022, Starbucks workers engaged in a three-day strike with more than 100 stores in 25 states participating in the action. Workers declared the December strike in response to Starbucks's refusal to bargain and its recent closing of unionized stores (Scheiber 2022). As of December 2022, Starbucks has refused to bargain in good faith with any of its unionized stores. The National Labor Relations Board has filed several charges against the company for violating federal labor laws (Sarkar 2022).

NYC Uber drivers strike

In November 2022, the New York City Taxi and Limousine Commission (TLC), which regulates the vehicle-for-hire industry in the city, voted to increase the pay of ride-hail drivers by about 7% more per minute and 24% per mile by the end of 2022 (Bellan 2022). Recent research shows that gig workers, including Uber drivers, are paid low wages and face economic insecurity at high rates (Zipperer et al. 2022). This is due to the fact that gig companies—such as Uber, Lyft, and DoorDash—(mis)classify their workers as independent contractors rather than as employees, depriving these workers of fundamental rights under federal and state labor and employment laws, including wage and hour protections. And with recent historic inflation, drivers have faced increased costs of gas and other car-related expenses not covered by Uber, in addition to increased cost of living (Featherstone 2023).

Shortly after the TLC announced its decision, Uber sued the city, claiming the increases would require the company to spend an additional \$21–\$23 million per month to pay its drivers and would require an increase in fares. On December 19, nearly 1,000 Uber drivers, represented by the New York Taxi Workers Alliance, went on strike for 24 hours to demand that Uber comply with the TLC decision. They also encouraged riders to boycott the company for the day. On January 6, 2023, a New York State judge sided with Uber, ruling that the TLC did not sufficiently justify the increase (Ley and Hu 2023).

Effective strike threats are more common than strikes, but are not captured in available data

In many cases, strikes are planned but then averted. A credible threat to strike can often provide workers the leverage they need to negotiate better pay and working conditions without ultimately having to strike.

For example, unionized faculty at Howard University threatened a three-day strike after the union tried for over three years to negotiate an agreement with the university. A tentative agreement was then reached between SEIU Local 500 and Howard University and the strike was called off days before it was set to occur (Shivaram 2022).

Likewise, according to one count, 34,000 health care workers went on strike in 2022, but 58,300 more threatened to strike before reaching improved contract settlements and

averting planned strikes (Mensik 2023).⁴

Conclusion: Federal and state action is needed to ensure the right to strike

The 2022 BLS data on major work stoppages show that strike activity is occurring despite the obstacles workers face. But the fact remains that current labor law does not adequately protect workers' fundamental right to strike. The right to strike may be further weakened when the Supreme Court issues its decision in the *Glacier* case.

The Protecting the Right to Organize (PRO) Act includes critical reforms that would strengthen private-sector workers' right to strike.⁵ 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.

Congress should also pass the Striking Workers Healthcare Protection Act, which would prevent employers from cutting off health coverage of workers and family members in retaliation against striking workers.⁶

As previously discussed, certain groups of workers—including railway, airline, public-sector, agricultural, and domestic workers—do not have the fundamental right to strike. Congress should pursue policies that extend a fully protected right to strike to all workers.

Gaps and exclusions in federal labor law mean states also play crucial roles in ensuring workers' right to strike. State legislatures should protect the right to strike for public-sector, agricultural, and domestic workers who are otherwise excluded from federal labor law. At present, only a dozen states grant limited rights to strike to public-sector workers, and agricultural workers have a limited right to strike in only 14 states.

States like Massachusetts and Maine, for example, should take the opportunity to immediately act on recent proposals to extend the right to strike to public employees.⁷ More states should also join New York and New Jersey in ensuring workers have a real right to strike by making striking workers eligible for unemployment benefits. Recent proposals to allow workers in Connecticut and Pennsylvania to collect unemployment while on strike are promising signs of growing state-level interest in shoring up workers' right to strike, especially at a time when it may be threatened by the U.S. Supreme Court.⁸

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Notes

1. See FRA n.d.
2. NY Lab L § 592 (2012); NJ Rev Stat § 43:21-5 (2022).
3. 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 then keeping those workers on after the strike is over, thus permanently replacing the striking workers. 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.
4. Counts included actions (strikes and threatened strikes) involving 500 or more health care workers.
5. For more information about the reforms in the PRO Act, see McNicholas, Poydock, and Rhinehart 2021.
6. Striking Workers Healthcare Protection Act, H.R.6557, 117th Cong. (2022).
7. Massachusetts H. 1946 (2021–2022); Maine H.P. 400 (2021).
8. Connecticut S.B. 229 (2023); Pennsylvania proposed amendment to H.B. 90 (2021–2022).

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