## Tariffs

## GOP

## Hollow Hope

### Overview---Gig Economy---2NC

The 2AC has answered the wrong DA. Every claim contested is about the internal link and impact of labor militarization NOT about court-based victories.

Societal precarity causes extinction. Absent new protections, the ever-expanding gig economy will lock millions into cycles of insecurity that erode societal resilience to every existential risk. That’s Parfitt.

#### AND, link turns the case. Top-down reform gets circumvented.

Blanc 25 – Ph.D in Sociology from New York University, Assistant Professor of Labor Studies at Rutgers University.

Eric Blanc, “WE ARE THE UNION: How Worker-to-Worker Organizing is Revitalizing Labor and Winning Big,” University of California Press, 2/18/2025

Union leaders are right that this country needs better labor laws— including, as SEIU leaders emphasize, to replace our narrow firm-based collective bargaining system with a broader sectoral bargaining regime, a step that could make it far easier to unionize in today’s decentralized context. The problem is that by downplaying deep workplace organizing in the meantime, a “policy first” strategy makes transformative legal reform less likely.

If history is any guide, national labor law reform won’t get passed without an organizing effervescence that creates intractable crises for economic and political elites. Absent such pressure, labor’s half dozen attempts at labor law reform since the late 1970s have failed to overcome Republican intransigence and Democratic insipidity. And even were Congress able to get past the filibuster and pass transformative labor law reform, it’s all but guaranteed that our reactionary Supreme Court would shoot it down—unless a powerful insurgent movement compels it to retreat or compels a Democratic administration to pack the Court.

It turns the case:

#### Democratic localism solves civil conflict AND preserves LIO.

Scipes 25 – PhD, Professor Emeritus of Sociology at Purdue University Northwest.

Kim Scipes, “Looking Ahead: US Unions Must Look Beyond Themselves to Save Themselves,” Class, Race, and Corporate Power, 2025, https://digitalcommons.fiu.edu/cgi/viewcontent.cgi?article=1255&context=classracecorporatepower

Recognizing these two different possibilities and what union members want to do in light of this understanding is important. It is being argued that workers in every union should get to discuss how they want their particular union to move forward; it is not sufficient to continue with an unexamined “business as usual.” It is important that these issues get discussed by the members of each union themselves; this is not limited to union leadership or even activists. But this consideration is even more than “what can we do for the community?”, as important as that is; it relates to the very survival of our unions.

Ideally, unions becoming or transforming themselves into social justice unions would consider the range of “community” interests from the local to the global, ultimately seeking to join with unions and other people’s organizations around the world to make things better for all. The reality is that the trade union movement today is so weak that unions rarely have a chance to win their battles without gaining public support. Unions have often recognized this and have appealed to community support to help them win their battles. Yet, what do the communities get back from today’s business unions? Usually nothing. This one-way form of “solidarity” is simply not sustainable; you can only withdraw water from a well so many times before it runs dry.

Transforming business unions into social justice unions offers a solution: they build on their foundation in the workplace but join with community members, however defined, to work together in ways to improve life for all concerned. There are issues that simply cannot be solved on a local, regional, or even national basis; the climate crisis jumps immediately to mind, although there are other issues such as global sexual slavery and related issues, pandemics, war and empire that can only be approached from a global perspective. We have to understand issues such as these from a global perspective and begin educating and organizing our union sisters and brothers on this level.7 But our ideas about our unions must at least allow for this, if not actively encourage work on this level by all members. Key to this is implementing an educational program that confronts these issues and encourages workers to think about how their union could work to address issues key to workers in this larger sense. The old slogan, “Think globally, act locally,” encapsulates these ideas.

Social justice unionism offers a viable future for workers. It is based on building collective power in the workplace. It utilizes its power on the shop floor to also fight to better the communities in which its members live. It works to include all members into the decisionmaking processes in the union and works to ensure representativeness of leadership. It is based on the members, not just the formal leaders, running the union (see, for example, Caputo-Pearl, 2024a, 2024b). This also means reporting all major union activities to the membership, and allowing free and fair elections, both for leadership and what they do. A foreign policy, such as business unionism has projected over the last 120 years, would be impossible in the face of extensive member involvement in their unions, which most business unions don’t seek and definitely don’t prefer.

However, the key difference between these forms of unionism is the involvement of each union in their larger community. And this is absolutely crucial in the advancement of unionism in the southern US, which has been the primary site of labor’s weakness since the failure of Operation Dixie in 1948 (Goldfield, 2020). Think, if you can, about the United Autoworkers (UAW) union’s victory in Volkswagen in 2024 in Chattanooga, Tennessee. An important victory by the UAW. With joining the union, the lowest paid workers earn about $32 an hour. While I don’t know what the average wage is in Chattanooga, I’m willing to bet it’s much closer to $12/hour than $32. Other than wishing they had one of those “high paying” jobs at VW, I doubt most workers could care less about what happens at the VW plant. And should the union get attacked by politicians or other fools, most workers will stand by and ignore it as “I don’t have a dog in that fight.” If we are serious about labor and unions, that is not acceptable; we need other workers and the general public’s support if we’re going to win our battles because, excluding a limited number of specific situations, we no longer are strong enough to win our battles without public support. But we must put sincere effort into building that support; it cannot be left at the rhetorical level.

This, however, is not going to change by itself: activists in each union/unionizing effort need to stimulate discussion within their organization about whether they should confine their unionism just to the workplace, or to use that power for the good of all. It is suggested that each of us try to find a group of union members in each local union, or group who is organizing workers into new unions, who think having this debate within one’s union to be crucial, and work to unify this core. Then they could create a campaign to spread this issue throughout the union, initially through one’s workplace and/or local and then through the national or international union they are affiliated with. It should be run the same way as any organizing campaign; and that is to win.

When confronted by this question - how do we want our union to go forward, alone or with our neighbors (from the local area to the globe)? - this is a question that encourages workers to think about these issues and get involved in participating in strengthening the union. Once a union is seen as something everyone participates in, or at least as many as possible, instead of just something that “others” do, we strengthen our individual unions. When we come to common responses, then we can extend our conceptualization of the union to other unions, locally, regionally, and nationally.

This can be extended globally when we find out what is happening elsewhere: there are workers around the world seeking to join globally to fight for a better world for all. Yes, this is happening among workers in other imperial countries but, as we see particularly in the case of SIGTUR (Southern Initiative on Globalization and Trade Union Rights), workers in Africa, Asia and Latin America are finding ways to unite across their geographical regions and the globe to organize for a better world for all (O’Brien, 2019; see a review by Scipes, 2020). I think they would be delighted to have North Americans join in their project, and that can only happen when unions take that broader, social justice union approach.

In short: innovate or stagnate. Business unionism of the past 40 years (in particular) has been a failure: union density in the early 1950s was approximately 35 percent of the private sector; today, it is less than six percent. Public sector unionism—basically non-existent in the early 1950s—adds some, but the total number of workers in unions today is still less than 10 percent of the workforce. Either we think about unionism in new ways and establish new ways of thinking about and joining other movements, or most of our unions die a long, slow, painful death. It’s time we started to rebuild the labor movement: for the good of all!

There are two ways of thinking about this that come immediately to mind.8 First, like the Packinghouse Workers’ “Back of the Yards Council,” a union can join with other people in the community to address problems in the community, such as youth unemployment, lack of skills training, drug abuse, things like these that people in your community need. Projects like this are important and each union needs to buy into and initiate such projects.

Secondly—and I think this needs even more thinking and development—is the idea of building “community” unionizing. What if the union, say in some industrial plant, developed this idea of unionizing every business possible in the local area, however defined? What if union activists joined with community organizations to train as many people as organizers as possible, put up some serious money to support these efforts, and worked to supply strategic thinking to these processes? What if every fast-food joint in your community were unionized into the same union, so the owners of Wendy’s could not support McDonald’s when a union drive was taking place?

And as this developed, say what if workers unionized in home improvement services like Menards or Lowe’s or whatever, had developed ties of solidarity to the fast-food workers’ union who has ties with the gas station attendants’ union…? And what if they developed ties of solidarity with the school bus drivers’ union? And the teachers’ union? In solidarity, there is strength. And what if such a high level of solidarity was created over time—obviously in close connection to the industrial union—that if a community coalition union obtained a set level of support, say 70 percent of a strike vote, whereby the workers in the industrial plant would also walk out and join the strike effort of others, giving the strike additional strength? What I’m talking about here is building a pathway to support everyone who was willing to work for it to improve their standard of living. What if we decided to struggle, not snivel? Now, excuse me: this is total fantasy; you can’t make it happen; you are dreaming!

Well, 30 years ago, the great late labor historian and activist, Staughton Lynd, edited a book titled ‘We Are All Leaders’: The Alternative Unionism of the Early 1930s (Lynd, 1996). In this book, Lynd presents accounts of different versions of community-based unionism that I think are worth revisiting. And the one I remember the most is by my friend, Peter Rachleff, and his article is titled “Organizing Wall to Wall: The Independent Union of All Workers, 1933-37.” In it, Rachleff reports the efforts in efforts to build a community-wide union, the Independent Union of All Workers, in Austin, Minnesota, site of a packinghouse and a UPWA local (later known as P-9). But even more interesting was that the IUAW was not just limited to Austin but spread throughout the area. According to Rachleff, Between 1933 and 1937, the IUAW organized locals in Austin, Albert Lea, Faribault, Thief River Falls, Bemidji, Owatonna, Mankato, and South St. Paul, Minnesota; Mitchell and Madison, South Dakota; Fargo, North Dakota; Alma, Wisconsin; Waterloo, Mason City, Algona, Ottumwa, Ft. Dodge, and Estherville, Iowa. The IUAW also influenced activists in Madison, Wisconsin, Cedar Rapids and Sioux City, Iowa; Sioux Falls, South Dakota; Omaha, Nebraska; Kansas City, Kansas; and Oklahoma City, Oklahoma. In many of these cities, the IUAW sought only to spread industrial unionism among packinghouse workers but also to organize “wall to wall.” Their efforts—expressed in organizing drivers, strikes, strike supporters, local politics, and various ‘cultural’ activities— threatened entrenched power throughout the region (Rachleff, 1996: 52).

Now that is what I’m talking about: building grassroots power from the ground up, in social justice unions controlled by their members, closely connected to each other and to their respective communities, and for the purpose of working together to improve conditions for all involved. Obviously, any project thinking on those kinds of terms would take not only financial but human resources with significant dedication, determination, and desire. But it offers a way forward, benefitting the large majority of people, building solidarity across each region involved, and looking for ways to expand even farther, including uniting with workers in other countries around the world.

Precarity turns education. People can’t access it if they’re too poor and lack food on the table to feed their kids.

#### It also solves the case through state experimentation.

Velazquez 25 – Associate Professor of Law, University of Indiana. J.D., Harvard Law School.

Alvin Velazquez, “The Death of Labor Law and the Rebirth of the Labor Movement,” Indiana Legal Studies Research Paper No. 543, Boston College Law Review (forthcoming), February 13, 2025, https://ssrn.com/abstract=5136825

B. The Possibilities for State Collective Bargaining Reform

If the Court were to repeal the NLRA, then organized labor and its allies could leverage already existing protections on the books at the state level and push for further innovation without worrying that courts would preempt state and local labor legislation. As noted above, several states already have provisions in their statutes or in their constitutions protecting collective bargaining that would go into effect should the Court strike down the NLRA. However, there would be room for states to further experiment in the absence of preemption, including bargaining at a sectoral level rather than at the company level as NLRA provides.236 Befort observes that “[t]he federal preemption landscape consists of a complex web of rules and precedent, and courts often appear to decide cases on the basis of highly technical distinctions. In short, many perceive the topic of federal preemption as a great mystery to be avoided if at all possible.”237

If the Court interprets the severability clause as discussed in Section I.C, then organized labor and its lawyers can avoid the quagmire that is federal preemption. There are three relevant preemption doctrines for labor law. The Supreme Court has created two of those: Garmon and Machinists preemption.238 In Garmon, the Court held that federal labor law preempts state regulation of core concerns regulated by the NLRA, such as those implicated by Section 7 and Section 8 of the NLRA.239 That doctrine aligns with the arrangement that other federal statutes have with overlapping state regulation. The second doctrine, Machinists, is where the NLRA’s preemption doctrine develops in an especially unusual manner.240 The Court held in that case that the NLRA also preempts all laws regulating what Congress left to economic forces or otherwise did not regulate. The courts have applied Machinists preemption to strike down laws of general applicability providing for paid breaks241 and a California state ban on using the state’s resources to support or oppose union organizing drives.242 The third preemption doctrine is based on Section 301 of the Labor Management Disclosure Act.243 It grants federal courts the jurisdiction to hear contractual disputes between labor and management and requires federal courts to apply federal common law instead of state contractual law to these kinds of disputes.244

The advantage of setting aside federal preemption doctrine for organized labor is that states could then become laboratories of work law and fill in where Congress has not acted. Andrias and Sachs previously noted that engaging in disruptive tactics is much easier at the state level than at the federal level.245

In May 2021, the Harvard Law Clean Slate for Worker Power Project issued a report called “Overcoming Federal Preemption: How to Spur Innovation at the State and Local Level” that succinctly set out what innovations states and localities could implement in the absence of federal labor law preemption or the articulation of a new norm through the PRO Act.246 Those innovations include:

• “[e]xpand[ing] collective bargaining coverage and protections to those not covered under the NLRA,”247

• “[p]rovid[ing] for enhanced labor standards related to wages, hours of work, and/or benefits,”248

• “[r]egulat[ing] employer’s use of state or local funds to attempt to defeat union organizing campaigns,”249 and

• “[c]ondition[ing] state funding on labor peace or neutrality agreements”250

While these remedies certainly help workers seeking to organize into unions, more would be possible under this Article’s analysis because states could not only consider these actions but could actually engage in regulating labor within their own borders. Andrias and Sachs note how “[m]ovement actors translate disruptive capacity into political power that they deploy to secure government concessions.”251 This is especially true at the local government level.252 The possibilities at the local and state level encourage innovation.253

Labor scholars would not have to expand current doctrine but instead think about expanding bargaining protections to wider swatches of the work force. In the case of the gig economy, the change in preemption would allow states to regulate gig company workforces through the imposition of collective bargaining. For example, California could convert its recently formed Fast Food Council into a full collective bargaining regime.254 In Massachusetts, voters will soon consider whether to make gig drivers employees for purposes of a bargaining-like law after efforts to work around bargaining fell short in the legislature. By defining gig workers not as independent contracts but as employees, state law would get around impediments that antitrust law places on gig workers conspiring to bargain.255 Without preemption, Massachusetts lawmakers could simply legislate a bargaining regime for Uber and Lyft drivers through normal mechanisms or ballot referendum.256 Workers could also advocate for state wage boards because, as César F. Rosado Marzán posits, if the NLRA is dismantled and labor politics are disrupted, that could create conditions for the creation of new labor institutions as occurred in Puerto Rico in the 1960’s.257 Although a Court ruling setting aside the NLRA would open new possibilities, such a ruling would also leave certain labor regulations that inhibit union action such as the prohibition on secondary boycotts. This Article now turns to that.

### UQ---Movements Now---2NC

Local movements are up.

1. State Amendments. Corporate capture is driving constitutional change to expand unions.

2. Admin state. Poor federal flexibility and authority is pushing unions locally. That’s Andrias.

Nunes is about Trump shutting down political opponents. Not about state labor policies OR local movements pushing states NOT Trump.

#### Local movements are growing due to worker dissatisfaction AND will succeed due to social media enhancement.

Hyderally 25 – Employment Law Attorney at Hyderally & Associates, J.D. from UC Berkeley

Ty Hyderally, “The Surge in Labor Strikes and Union Organizing,” 06-24-2025, https://www.tyhyderally.com/2025/06/24/the-surge-in-labor-strikes-and-union-organizing/

Over the past two years, the United States has seen an extraordinary shift in labor relations. More than 60 major labor strikes have occurred alongside over 3,800 union elections, according to the Bureau of Labor Statistics and the National Labor Relations Board.

These figures represent some of the highest levels of collective labor action in decades. As Ty Hyderally, an employment attorney practicing for over two decades, I can tell this is a transformation in how workers respond to economic pressure, workplace treatment, and the broader labor climate.

Workers across several industries are organizing at unprecedented rates. Moreover, these efforts are no longer isolated incidents. Instead, they represent a broader movement toward collective empowerment, fueled by growing dissatisfaction and renewed confidence in union protections.

I’ve seen waves of labor activity before. But, what’s happening now is different in tone, intent, and scale.

About the Author

Ty Hyderally is a respected employment law attorney based in Montclair, New Jersey. He is the principal of Hyderally & Associates, a law firm focused on employment-related legal matters such as:

Labor law

Wage and hour violations

Workplace discrimination

Retaliation claims

With decades of experience in representing both employees and employers, Mr. Hyderally is frequently sought out for his deep understanding of employment, wage, and labor law.

What’s Driving the Rise in Labor Strikes?

The main drivers behind increasing labor strikes are multifaceted. Wage stagnation tops the list, followed closely by unsafe working conditions and growing frustration with employer practices, especially after the pandemic.

Additionally, workers feel more empowered than ever before. Social media connects and combines their voices, and public support for unions continues to grow.

In 2023, the United States recorded 33 major work stoppages, the highest annual total since 2000. These strikes involved over 458,900 workers, according to the Bureau of Labor Statistics.

The trend continued into 2024, with 31 more strikes involving another 271,500 workers. While the raw number of strikes matters, so does the the volume of people involved. That metric reveals the depth of worker engagement and dissatisfaction.

Much of this unrest stems from conditions that worsened during the COVID-19 pandemic. Essential workers, particularly in healthcare and education, bore the brunt of staff shortages and burnout.

Meanwhile, private sector employees in manufacturing and information industries pushed back against stagnant wages and increased productivity demands.

Today’s workers are also more connected than previous generations. Social media has amplified organizing efforts and publicized labor disputes. That led to gaining sympathy from the public.

Combined with broader economic pressures, these forces help employees take action where they may have stayed silent in the past.

Rising reports of workplace discrimination have also fueled worker dissatisfaction, further contributing to the momentum behind strikes and organizing.

### AT: Movements Fail---2NC

2AC said ‘internal divisions’ without a warrant or card. Kagan is our uniquenesss argument. Federal unions are weak and lack resistance to Trump. This takes out the case since the Courts and Unions will “kiss the ring” BUT state and local laboralism is high.

#### Corruption is propaganda.

Green 23 – Founder and CEO of Union Track.

Ken Green, 30+ years managing and supporting unions, undergone union development projects. “Dispelling Union Corruption Myths: How Unions Can Change the False Narrative”, Union Track. 11/28/23. https://uniontrack.com/blog/union-corruption

The Corruption Narrative Helps Management Break Workers’ Trust in Unions

Anti-union companies that fight workers’ unionization efforts have latched on to the false corruption narrative, using it as a key message in their union-busting campaigns. Managers play to workers’ fears of union corruption to plant seeds of doubt and create distrust between workers and the union.

“Real-life examples of corrupt union leaders living high on the hog off members’ dues are very rare,” writes the Socialist Alternative team. “It is a scare tactic that management uses to stop our unions.”

It’s effective because the company has access to its workers that unions do not. They can post these messages in break rooms, communicate them in captive audience meetings, and blast them in emails. Unions simply do not have the same level of access to workers to be able to refute corruption claims.

### AT: Aff Solves

Wrong. 2NC proves case doesn’t.

#### Gig economy is a pre-requisite.

Tariq 24 – Marketing Analyst at iQuasar.

Saba Tariq, “AI-Driven Gig Economy: How Staffing Firms Can Thrive in a Freelance-First Future”, ASA Central, 9/12/24, https://asacentral.americanstaffing.net/blogs/saba-tariq/2024/09/12/ai-driven-gig-economy-how-staffing-firms-can-thriv

The gig economy has rapidly become a cornerstone of today's labor market, delivering unparalleled flexibility for workers and businesses alike. As professionals increasingly seek non-traditional employment and companies adopt agile workforce models, the way we work is undergoing a significant transformation. According to Reid Hoffman, co-founder of LinkedIn, we're just at the beginning of this shift. Hoffman predicts that by 2034, traditional 9-to-5 jobs may largely become obsolete, replaced by a freelance-driven workforce. As artificial intelligence (AI) further integrates into business models, the transformation of the labor market will only accelerate. Staffing firms that embrace this new reality can thrive by adapting to these evolving dynamics.

The Evolution of Work: Insights from Reid Hoffman

Hoffman's vision of a freelance-first future is rooted in the rise of AI and automation, which are expected to disrupt conventional employment structures. As automation takes over repetitive tasks, the demand for specialized, project-based work will rise. Already, nearly 50% of the U.S. workforce is projected to be gig workers by 2027. This trend signifies a shift towards more independent, flexible work arrangements where staffing agencies will play a pivotal role.

#### The resulting economic immobility causes social implosion. It’s reverse-causal. Straight turns advantage 2.

Houle 19 – Associate Professor in the Department of Political Science at Michigan State University, Ph.D. in political science from the University of Rochester, and M.A. in economics from Queens University, Canada.

Christian Houle, “Social Mobility and Political Instability”, Journal of Conflict Resolution, Vol. 63, No. 1, January 2019, https://journals.sagepub.com/doi/epub/10.1177/0022002717723434

This article argues that social immobility increases the likelihood that a country experiences unrest. Using a new data set on relative mobility covering 102 countries worldwide, I provide the first large-N cross-national test of the effect of mobility on political unrest. I find that countries with low levels of mobility are indeed more likely to experience riots, strikes, demonstrations, political assassinations, guerillas, and revolutions. The findings are robust to multiple sensitivity tests. Moreover, I find that mobility reduces the likelihood of civil war, although the results are not as robust as with other forms of political instability.

These findings point to the importance of distinguishing between the political implications of social mobility and inequality. While there is a large literature looking at the effect of economic inequality on democracy, corruption, party identification, and turnout, among other subjects, few authors have looked at the political consequences of social immobility.15 Yet, as shown in this study, mobility may have important implications, even when one controls for inequality. In fact, my findings suggest that a large portion of the effect of inequality on instability may actually be driven by social mobility.

Most of the studies that do exist focus on how personally experiences with mobility affect an individual’s political preferences and attitudes (e.g., Abramson 1973; Clifford and Heath 1993; Turner 1992). Yet, this article has demonstrated that a society’s overall level of social mobility—which affects one’s prospect of mobility—also has important implications. Studying the implications of social mobility—both at the individual and society levels—on other political phenomena, such as the emergence and consolidation of democracy, is a promising avenue for future research.

#### Independently, collapse of the gig economy wrecks supply chains.

Nguyen 23 – Associate Professor and Lecturer at Faculty of Transport Economics with a Ph.D. degree in Economics from the University of Tennessee.

Minh Hieu Nguyen, “What if delivery riders quit? Challenges to last-mile logistics during the Covid-19 pandemic,” Research in Transportation Business & Management, Vol. 47, March 2023, https://www.sciencedirect.com/science/article/pii/S2210539522001626?via%3Dihub

Research on issues related to delivery work is limited (Chowdhury, Paul, Kaisar, & Moktadir, 2021; Rigby, 2021; Xu, Elomri, Kerbache, & El Omri, 2020). On the motivation of workers to leave or stay, most reports are anecdotal. Digital platforms keep their rider turnover rates confidential. Yet turnover is a critical issue, and was even more so at the height of the pandemic (Bellon, Rana, & Bellon, 2021; Meisenzahl, 2021). Given the size of the sector, if a mass of delivery drivers or riders had failed to show up for work, the B2C sector would have become paralysed, leaving individuals in various states of lockdown or isolation without food and supplies.

#### Extinction.

Oluyemi 25 – PhD, Senior lecturer, Department of Political Science and International Relations, Achievers University, Owo, Ondo State, Nigeria.

Opeoluwa Adisa Oluyemi. “Great Power Competition (GPC) and its Implications on the Global Security Architecture” *Canadian Social Science*, vol. 21, no. 3. 2025. DOI:10.3968/13806.

7.7 Technological Decoupling and Security Risks

Perhaps the most disruptive manifestation of GPC is the fragmentation of the global technology ecosystem. Strategic competition in fields like semiconductors, quantum computing, 5G, and artificial intelligence has led to a bifurcation of technological standards and supply chains (Rahman, 2025). The United States has adopted export controls, sanctions, and industrial policies to curtail Chinese access to key technologies, including measures under the CHIPS Act. In response, China has prioritized self-reliance through massive investments in indigenous innovation. This technological decoupling is undermining interoperability, increasing cybersecurity threats, and causing widespread disruption across global markets (Stango, 2024).

8. CONCLUSION

The intensifying strategic competition among the United States, China, and Russia is fundamentally reshaping the global security architecture. In this emerging era of Great Power Competition (GPC), the geopolitical landscape is defined not by cooperation or shared global governance, but by fragmentation, strategic polarization, and militarized rivalry. The post-Cold War aspiration for a cohesive, rules-based international order is giving way to a multipolar reality characterized by the formation of rival blocs, conflicting governance models, and increasingly divergent foreign policy objectives. A primary casualty of this strategic transformation is the weakening of multilateral institutions that historically underpinned global order. Institutions such as the United Nations, the World Trade Organization, and various regional security bodies are now frequently paralyzed by power struggles among their most influential members. On issues ranging from arms control and conflict prevention to digital policy and humanitarian intervention, consensus is often elusive, giving rise to a more unilateral and transactional mode of international engagement. This shift signals a return to classical realist principles, where state interests, power balancing, and competitive advantage shape diplomatic behavior more than collective norms or legal frameworks.

The implications for global security are broad and complex. Foremost is the heightened risk of military confrontation, whether accidental or deliberate. In strategically volatile regions including the IndoPacific, Eastern Europe, the middle-east, and the Arctic, the proliferation of military assets, frequent naval maneuvers, and aggressive signaling heighten the potential for escalation. The dismantling of arms control regimes, notably the collapse of the IntermediateRange Nuclear Forces (INF) Treaty, removes critical mechanisms that previously helped manage great power tensions and maintain strategic stability. Moreover, the evolution of hybrid warfare comprising cyber intrusions, disinformation, and economic coercion has profoundly altered the nature of conflict. These non-kinetic forms of competition erode traditional distinctions between war and peace, complicating detection, attribution, and response. States like Russia have institutionalized such tactics as part of broader coercive strategies, while China increasingly integrates these approaches into its own playbook. These methods exploit societal vulnerabilities in democratic states, exacerbate political polarization, and challenge conventional defense postures.

In addition, the race for technological dominance has emerged as a central axis of contemporary GPC. Strategic competition over artificial intelligence, quantum computing, and space technology is reshaping global power structures and security doctrines. This technological rivalry is not only redefining military capabilities but also transforming global markets, digital infrastructure, and the rules that govern innovation and information. Fragmented supply chains and the erosion of universal digital standards signal the broader economic and normative consequences of this techno-strategic contest. GPC also exacerbates global strategic fragmentation, particularly for middle powers and states in the Global South. These nations increasingly find themselves navigating a geopolitical environment marked by competing patronage systems and diverging norms. While alignment with one bloc may yield material or security benefits, it also risks estrangement from others, thereby reducing strategic autonomy. The resulting diplomatic pragmatism often undermines unified responses to shared transnational threats such as climate change, pandemics, and nuclear proliferation issues that inherently require inclusive and sustained international cooperation.

Against this backdrop, rethinking global security demands a deeper understanding of GPC’s structural drivers and adaptive consequences. Policymakers and scholars alike must confront a global system where cooperative mechanisms coexist with competitive rivalries, and where the stability once afforded by U.S. unipolarity is no longer assured. The development of resilient and responsive international institutions capable of absorbing shocks, mediating conflicts, and facilitating cooperation is now more essential than ever. Ultimately, the resurgence of great power politics signifies more than a temporary geopolitical recalibration, it represents a profound reordering of the international system. Responding to its challenges requires not only the revitalization of diplomacy and multilateralism but also innovative strategies for managing strategic competition without precipitating systemic breakdown. If the international community is to navigate this complex terrain, it must prioritize dialogue, invest in confidence-building measures, and seek flexible yet robust frameworks for global governance. Only through such efforts can the destabilizing effects of GPC be mitigated and a path toward a more stable and cooperative international future be realized.

### AT: Labor Conflict

CP solves labor conflict BUT irrelevant if gig economy swallows it.

### AT: Thumped---2NC

The plan shifts movements.

1. Signal. It’s the only pro-labor decision in the anti-labor Roberts court. Masisvley expanding labor rights for teacher autonomy at a time where DeSantis and Trump are targeting education signals a massive win.

2. Outsized influence. Even “minor courtroom successes obtained by the . . . movement . . . had a series of profound . . . effects.” That’s DIRECT QUOTES from Pavone and McCann.

3. Upward pressure. Workers aren’t looking at every decision. Only one’s that affect them will ensure lower workers pressure bosses. That’s key because “each union's approach is shaped by the priorities of its membership”. That’s Dukes and Kirk.

4. Fiat. The plan is a bolt-from-blue, reversal of precedent. Even if the legal issue is narrow, a ruling in January for a sua sponte ruling looks insane.

#### Groff doesn’t thump. It was under the radar AND paired with a series of other decisions in the same week. The Court isn’t going to hear anything about labor soon.

Dr. Tashlin Lakhani et al. 24, PhD, Assistant Professor, Management & Organizations, Cornell University; David Sherwyn, JD, Professor, Hospitality Human Resources, Cornell University. Academic Director, Cornell Center for Innovative Hospitality Labor & Employment Relations. Presidential Fellow, Cornell University; Paul Wagner, JD, Adjunct Assistant Professor, Hotel Administration, Cornell University, "Same Words, Different Meanings— Same Courts, Different Leanings: How the Supreme Court's Latest Religious Accommodation Holding Changes the Law and Affects Employers," Cornell Hospitality Quarterly, Vol. 65, No. 4, pg. 420-428, 2024, SAGE. [italics in original]

As expected, the Supreme Court dropped several of its most anxiously awaited and controversial cases during the last week of June 2023. While two of the cases, *303 Creative LLC v. Elenis and Students for Fair Admissions., Inc., v. President & Fellows of Harvard College*, received most of the press, a third case will likely be the most consequential of the three for the hospitality industry. In *Groff v. DeJoy*, Postmaster General, the Supreme Court, in a 9-0 decision, rejected a 25 year+ interpretation of a Supreme Court case defining employers’ obligations to accommodate religion. Because the Court released its Groff decision during the same week as the release of both 303 Creative and the Harvard cases, Groff was lost in the shuffle. Moreover, because it was a 9-0 decision and, on its face, seems somewhat benign, there was little fanfare surrounding the case. In fact, one MSNBC commentator, who was decrying the outcomes of *303 Creative* and *Harvard*, stated that Groff simply means large intractable employers will no longer be able to deny employees their rights to practice their religion. If only it were that simple. *Groff*’s imprecise but radical change of what constitutes an undue hardship for religious accommodations under Title VII of the Civil Rights Act (CRA) of 1964, as amended (Title VII or the CRA of 1964) will create confusion, may cause dissention, and will add to an already difficult labor market in hospitality and other industries. To support our proposition, this article examines (a) the development of religious accommodation law before 1977, (b) the 1977 Supreme Court case that the Groff Court rejected, (c) the subsequent precedent of that 1977 case, (d) the passing and development of the Americans with Disabilities Act (ADA), and then, (e) the effect of Groff.

It also is pre-Trump from 2023 which radically reset framework and movements.

ALSO not about unions. Solely about individual employment practices AND is in the hospitality space which doesn’ t have unions.

#### Unions face a trade-off between litigation and other action. They only choose litigation when they think they’ll be successful OR face internal pressure to do so, which judicial victories cause.

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Ruth Dukes and Eleanor Kirk, “Legal Change and Legal Mobilisation: What Does Strategic Litigation Mean for Workers and Trade Unions?,” Social and Legal Studies, 10-19-2023, https://journals.sagepub.com/doi/10.1177/09646639231204942

High profile courtroom victories made it easier for the union to acquire pro bono legal advice and representation and to increase crowdfunding donations.

[S]ome lawyers are more comfortable admitting this than others, but they all want to argue cases that have lasting effect and set precedents …. They all want to be involved in the sexy legal point.

With better legal advice and representation, the union's ability to win cases increased, these in turn attracted more offers of support, and a kind of virtuous circle developed.

All that said, it was also emphasised by interviewees that unions can create structures which improve their ability to spot potential cases and to integrate litigation with organising, mobilising and recruitment and with wider industrial strategies. Legal officers from Unison and Unite explained that it was important that they be kept abreast of industrial strategy, through inclusion in relevant meetings (Unison2) or good, personal relations with other office-holders (Unison4). Where legal work was contracted out to panel firms, vigilant management of the firms’ solicitors became important (Unison1; Unite3) and good communication, and ‘connections’, between the solicitors and union officers (Unison4): ‘unless someone comes to me personally … and says, this is, or this could become a really important piece of litigation, we wouldn't necessarily have sight of it’ (Unite3). A leading barrister underscored the importance of close relationships when he reflected on his personal friendship with Bob Crow, former general secretary of RMT:

Over a beer I said, ‘If we can find a case to challenge the ban on secondary action let's have a go’ …. Months later, he gave me a ring to say, ‘I think we’ve got one here,’ and so I said, ‘Right. Let's run through it together …. Get the local officials in and let's see what we can do’ (Barrister1).

In an effort to improve the union's ability to spot and manage strategic litigation, Unite set up a ‘Strategic Case Unit’ 4 or 5 years ago (Unite3). ‘We set up the unit to bring in [quarterly or bi-monthly meetings] with our panel lawyers, to discuss what are kind of priority areas, and ask them to filter down to their various assistant solicitors, or whoever, who were dealing with cases to see if they had anything of interest to us’ (Unite3). Within IWGB, the legal team was primed to look out for disputes that might form the basis of strategic legal challenges – for example, to the self-employed status of foster carers (IWGB3). At the national level, too, efforts had been made to ‘get much more strategic’ (TUC2). A network of Union Legal Officers aims to update TUC affiliates on legal developments and to coordinate strategies across them (TUC2). In September 2022, 11 affiliate unions acted together, with coordination from the TUC, to seek judicial review of the Government's move to allow striking workers to be replaced with agency labour.8 Working together in this way allows the unions to share the cost of the litigation and to demonstrate the breadth of resistance to the new law in terms of their combined membership. In recent years, equivalent networks have been set up in the EU and internationally to coordinate the strategic litigation of affiliate trade unions and lawyers representing unions and workers.9

To the Courtroom or the Picket Line?

Regarding decisions to engage – or not – in strategic litigation, the importance of the unions’ accountability to their membership was highlighted by several of our interviewees. ‘Democratic structure is a crucial thing, the re-election of officials, that sort of thing’ (Barrister1). Democratic accountability meant that union decision-makers were likely to weigh up the potential costs and benefits to the membership. Costs could be ‘astronomical’ (Barrister2), and a courtroom win would only truly amount to a significant victory if it translated into ‘something meaningful’ for the members (Unison6).

If you change some esoteric piece of the law through some strategic litigation, your members are saying what discernible effect is this going to have on me though? Does it mean that I get more holidays, does it mean I get more, do I get more pay? And the vast majority of the time you've got to say, well, not really (Unite3).

That said, benefits could also be indirect, with courtroom wins used down the line, for example, as a communicative resource: legal officers might cite legal precedent in the course of their day-to-day dealings with employers (IWGB4), or to communicate to members, politicians or the general public what was at stake in a particular campaign (Unison5; Unison6). Litigation concerning the blacklisting of workers was successfully used by Unite, for example, as a focal point in a recruitment drive in the construction sector (Unite3). In opting to embark on strategic litigation, unions might also act out of a feeling of general responsibility towards workers extending beyond their own membership, recognising, in the case of issues such as tribunal fees, that if they didn’t support or bring litigation, no one else would, since only they had the financial and organisational resources to do so (Unison4). Responsiveness to members’ interests could be complicated where different cohorts of members had different interests. Special efforts might be needed to litigate in furtherance of equality and equal pay, for example (TUC1). ‘[H]aving a strategic impact in discrimination on grounds of race … requires a – a vigilance that borders on aggression’ (Unison1).

Even where the substance of members’ interests was uncontested, actors could disagree about how best to further them (Barrister2). Some participants spoke of an enduring scepticism regarding the efficacy of litigation in industrial disputes and a wariness of legal experts who would always advocate ‘legal solutions’ (TUC2). ‘There is the phrase, “it's the last refuge of the rogue” when you try to defend or to, to pursue a case on, on human rights grounds’ (Unison3). There was also a suggestion that such scepticism might have waned over the decades as many unions became industrially weaker and political lobbying seemed less likely to be effective. ‘[I]ndustrial and political action is shut down … So people start thinking about whether there's a legal way forward’ (Barrister1). Opportunities for strategic litigation had been closed down and opened up over the years as a result of constitutional change – the passing of the Human Rights Act, devolution, Brexit – and the waxing and waning receptiveness of particular courts to particular kinds of argument. There had been a period, for example, when U.K. courts had been particularly sympathetic to claims that workers characterised as self-employed were, in fact, dependent contractors with employment rights: ‘[IWGB] were hitting the courts at the right time’ (Barrister2). In contrast, ‘I’d be very sceptical now about taking cases to the European Court of Human Rights in view of the defeats that we’ve had there’ (Barrister1).

Consideration of the costs and benefits of litigation often proceeded on the basis that legal action would be combined with other forms of action. If the aim was to force an employer to concede to the union's demands, explained the former general secretary of IWGB,

there's a bunch of different ways you can do that, you can pressure their reputation, you can do strikes, you can make things, you know, make it hard for them to operate …. So the law, using the law is quite similar to a protest …. I’m not saying use the law and not collective action, but you want to use all the tools you have at your disposal.

Along similar lines, a Unison legal officer characterised litigation as one ‘tool in the box’ and emphasised that it would always be used ‘in conjunction with industrial and organising approaches’ (Unison3). It would be unwise to ‘see it as a dichotomy between … like either there's the legal route or there's the organising route, we can't see them as going hand-in-hand … the organising is more like the centre of the galaxy’ (IWGB4).

Assessing the success of litigation after the event was not always easy, interviewees reported, partly because of a perennial strain on resources. ‘[E]ven in the bigger unions … you're always responding to day-to-day and the ability to step back and commission someone to look at things and see, how much did this case or that case produce in terms of membership benefits’ (Unite3). For that reason, perhaps, legal officers sometimes placed weight on the responses of actors external to the unions:

The point at which you realize that a case is taking on a strategic importance is when [prominent scholars] start commenting on Twitter about it. That's when you actually know that you’ve done something or are doing something which may actually be more important than your run-of-the-mill …. It's a small community; you’re speaking to barristers, and to solicitors …. And people talk about cases, you know the Industrial Law Society,10 that's another community which decides whether your case is a big case or not (Unite3).

While efforts were made within the unions to publicise victories on websites, social media feeds and communications departments, some participants thought that more could be done in this respect: ‘We don’t blow our trumpet enough’ (Unison4).

Reflecting on differences between the three unions and the reasons for them, legal officers for Unison confirmed that gender equality had been a priority for the union in recent years (Unison1) and highlighted the importance of strong leadership in this regard: of general secretaries leading strategic priorities for the union and lending support to legal departments (Unison4). An officer from Unite commented on the union's perception of itself as an organisation that ‘resolves things industrially’, considering that this might have been a barrier, at times, to greater involvement in strategic litigation (Unite3). In comparison to Unison, which tended to focus very much on ‘the issues that are important to their members, sleep-ins and all the rest of it’, Unite had litigated in defence of workers’ freedom of association, understanding the ‘legal stuff’ to work ‘hand in hand’ with collective bargaining, union recognition and so on (Unite3). Even where litigation had involved individual rights, Unite tended to be keen to find ‘industrial solutions’, using court victories as leverage to secure collective agreements, for example (Unite3). Different unions had different capacities to mount effective industrial action and this could be an important factor in deciding whether to litigate or not: ‘If you're the RMT and you have the industrial muscle to shut a country down … yeah, you don't need the law, you know, just go on strike’ (former general secretary of IWGB). The more established unions might hesitate to litigate where they had long-standing relationships with the employers in question: ‘industrial relations is a lot about relationships and building them. They’re not often very cosy but they are at least trustworthy’ (Unison3).

Officials from the older unions were well aware of the IWGB's greater involvement in strategic litigation, expressing some admiration for its ‘nimbleness’ and ability to act fast and admitting that they had been prompted, by observing the IWGB in action, to reflect on whether they should increase their own use of strategic litigation (Unite3). At the same time, these officials also pointed out that the IWGB might have been constrained in its strategizing in ways that the more established unions were not: ‘they don't have the collective bargaining, so they’ve got little option but to go down the legal route’ (Unison3). In addition to the union's success in crowdfunding and securing pro-bono representation from lawyers, protective cost orders granted by the courts had clearly facilitated its comparatively frequent recourse to litigation (Barrister2). ‘[Y]ou’re never going to get that for a big union’ (Barrister2).

The former general secretary of IWGB considered that their size and lack of bureaucracy had aided quick decision-making and action-taking. He also suggested that the relative lack of bureaucratic structures could be problematic, rather than facilitative, if it meant a lack of established rules and procedures concerning union decision-making. This had sometimes been the cause of internal disagreements with significant consequences for the union. The former general secretary identified the nature of the union membership as relevant to its litigation strategies, largely comprising atypical workers, who may be characterised by employers as independent contractors with no employment rights. If the workers contest that characterisation, courts and tribunals are the only place to get an authoritative ruling to the contrary:

When it came to worker status … it's trying to establish that the problem here isn't about the law being arcane or confusing or unclear or whatever. It's about companies not obeying the law and we established by proving over and over and over and over again that they are disobeying the law. Right?

Discussion and Conclusion

Our research findings suggest that both the call to identify ‘windows of opportunity’ for litigating strategically and the caution to beware of de-politicising effects may be based on somewhat narrow understandings of strategic litigation and its potential costs and benefits to workers and trade unions. According to our interview data, union legal officers and other officials understand strategic litigation to encompass a wide range of activities: landmark legal decisions that effect a change or clarification in the law but also more modest, routine litigation if it is instigated or defended for strategic reasons. Strategic litigation might aim to ensure compliance with existing law, in other words, rather than the kind of twist in the tale of precedent that legal scholars find exciting. The approach of each union to strategic litigation is shaped by many factors, including its history and traditions, current leadership, internal structures and procedures, external relations with employers and others, and the personal characteristics and preferences of key actors, including appetite for risk or risk aversion. The size and nature of the union membership are important insofar as they impact directly on the union's income and on its capacity to organise effective collective bargaining and industrial action – these being the most obvious alternatives to litigation, but also potentially something to be combined with litigation as part of broader campaigns. Above all, perhaps, each union's approach is shaped by the priorities of its membership. Trade unions exist, first and foremost, to further their members’ interests; they are democratic organisations, directly answerable to the membership in the form of periodic elections of general secretaries and other officials.

It follows that decision-making regarding litigation involves weighing up the likely costs and benefits of going to court as against, or in combination with, other kinds of action – though this may be difficult to do with any confidence, given the inherently unpredictable nature of litigation. General secretaries and union officials tend to be quite sober in their assessment of the transformative potential of even landmark courtroom victories when it comes to the terms and conditions of members; however, they also recognise that law can be used in a variety of ways and to a variety of ends with courtroom victories – and even defeats – figuring, potentially, as important communicative resources. In our interviews, union officials and lawyers alike acknowledged the limitations of strategic litigation and emphasised the importance of aligning litigation strategies with wider industrial, political and social strategies. Through their narration of past involvement in litigation, they demonstrated a capacity to hold multiple uses of the law in dynamic tension and to alter their chosen courses of action flexibly as circumstances demanded.

#### It doesn’t fly under the radar. Labor movements uniquely pay attention to legal opportunity structures, and they’ll believe the plan is their key window.

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Jack Meakin, “Labour Movements and the Effectiveness of Legal Strategy: Three Tenets,” University of Leeds, https://eprints.whiterose.ac.uk/id/eprint/188397/1/Meakin.%20Three%20Tenets.%20IJCL2022009.pdf

Notwithstanding important interventions by legal scholars, political scientists and political sociologists have carried the baton for law and social movement scholarship. A key insight from such studies has focused on ‘legal opportunity structures’, analysing judicial attitudes and the role of legal structures in making litigation more or less attractive and/or effective in different jurisdictions.13 Lisa Vanhala has inserted an important caveat to this focus on structures by analysing the ‘agency’ of social movements in their legal mobilization strategies.14 For Vanhala, it is important not to reduce the ways that social movements engage with law to the ostensible opportunities presented by law but to recognize how litigation strategies also confront and shape legal opportunity structures. Furthermore, there is a vast literature focusing on social movements and transnational activism.15 It describes the multi-level nature of contemporary mobilization strategies and the opportunity structures created by the globalization of law and politics. This literature tends not to highlight specific legal doctrines or mechanisms but analyses the ways that social movements have engaged in contentious politics by mobilizing various processes in international institutions, formed transnational networks, organized mass protests, and the impact of such actions on domestic politics.

To explore the issue of effectiveness in the context of strategic litigation, this article will bring the socio-legal legal mobilization literature into conversation with legal theory. The contribution of legal theory to our understanding of strategic litigation aims to highlight the legal context of strategic litigation. There is a small but burgeoning literature that draws on interdisciplinary approaches to explore the use of strategic litigation to confront doctrinal legal concerns, or how certain areas of law have been targeted by social movements. For example, labour law issues have been analysed using methods and insights from socio-legal studies, empirical legal studies, and industrial relations scholarship.16 Moreover, the potential impact of strategic litigation has been explored in fields with extensive case lists, including human rights law and issues ranging from arbitrary detention to land rights.17 Indeed, we can identify numerous interdisciplinary analyses and categorize them as contributing to a wider discussion about the use of strategic litigation at the domestic and transnational level,18 as well as reflexive debates about the nature and form of legal mobilization.19 Despite such interdisciplinary insights and the breadth of concern for strategic litigation, it remains a challenge for contemporary legal scholarship to rationalize the factors that determine the success of litigation strategies and the reasons why social movements identify law as an important tool.

This article draws together labour law and legal mobilization scholars’ shared concern for strategic litigation alongside legal theoretical insights in order to confront and rationalize the factors that determine its effectiveness for labour movements. I argue that to better comprehend the practice and potential of strategic litigation, we must recognize how labour movements’ legal arguments confront (and/or are subjected to) processes of legal ordering and are reliant upon the capacity of legal institutions to respond to their claims. This will provide insights about the articulation of legal arguments, the effects of legal ordering and law’s normative boundaries on the political objectives that motivate litigation, as well as offering an opportunity to reflect on the institutional context of litigation. This is particularly pertinent in the labour law context for two reasons: First, the worker-protective aims of labour laws often come into conflict with the law’s protection of freedom to contract, property rights, and other corporate interests. Second, in spite of these challenges, workers and trade unions rely upon law’s capacity to redress grievances and enforce fundamental worker protections.

#### Which is empirically proven.

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Ruth Dukes and Eleanor Kirk, “Legal Change and Legal Mobilisation: What Does Strategic Litigation Mean for Workers and Trade Unions?,” Social and Legal Studies, 10-19-2023, https://journals.sagepub.com/doi/10.1177/09646639231204942

Interest in strategic litigation has recently been sparked by a number of high-profile ‘wins’ for trade unions and workers.1 Several of these have involved platform workers and claims concerning the workers’ employment status and entitlement to employment rights (Bertolini and Dukes, 2021; Moyer-Lee and Kountouris, 2021), most prominently, the ‘landmark’ decision of the U.K. Supreme Court in Uber v Aslam ([2021] UKSC 5). Some cases have not only been a landmark in a legal sense, they have also prompted employers to reach voluntary and not-so-voluntary recognition agreements with the unions (Bertolini and Dukes, 2021; Blackburn, 2022), or have inspired or galvanised organising efforts (Kirk, 2020; Marshall and Woodcock, 2022). For some authors, landmark victories chart a road that could be more travelled by trade unions seeking to achieve concrete improvements in members’ terms and conditions (Cefaliello and Countouris, 2020). For others, suspicions remain concerning the propensity of litigation to depoliticise industrial disputes (Adams, 2023). The concern, in short, is that legal form only ever poorly captures the nature of the class conflict at stake (Fraenkel, 1930). If litigation is the tool, only formal legal rules (usually individual rather than collective in form) and contractual terms figure as relevant, even when it is underlying socio-structural matters that are actually at issue (Fischer-Lescano et al., 2021).

#### This turn to the courts then dooms labor movements.

Depoorter 16 – Professor of Law at the Roger E. Traynor Research Chair at the University of California, Hastings; Lecturer at Ghent University, Affiliate Scholar at the Center for Internet & Society at Stanford Law School.

Ben Depoorter, “The Upside of Losing,” Columbia Law Review, 04/2016, https://columbialawreview.org/wp-content/uploads/2016/04/Depoorter-B..pdf

Similarly, public law litigation focuses on the strategic pursuit of favorable case outcomes on the basis of individual verdicts.31 The civil rights, women’s rights, and New Deal labor movements are generally remembered for providing landmark victories and creating new rights where none existed before.32 By selecting disputes carefully, choosing venues wisely, and timing certain claims accurately, social movements could gradually win cases and ultimately reform entire areas of law. The model of public interest litigation seeks to seize upon the romantic ideal that courts have the power to remedy structural, constitutional, and statutory wrongs.

Over recent decades, however, the once widespread enthusiasm about public law litigation has now turned into widespread disillusionment. The notion that social movements could call upon judges to “reorder whole institutions and change the fundamental nature of society”33 has dissipated and made place for general skepticism about the promise of obtaining significant social change through litigation.34

Some believe that the promise of success for social movements is greatly reduced in the current economic and political climate. First, it is sometimes stated that in a system of precedent, judicial rulemaking is biased toward wealthy, powerful institutional litigants.35 Because repeat players often face similar legal issues in other disputes, they have a strong interest in preventing adverse precedents. With so much at stake, institutional litigants can be expected to invest heavily to secure victory in landmark disputes.36 An insurance company, for instance, will be willing to spend considerable time and resources in litigation. When repeat players fear losing in court, they may prefer to settle the case, thereby avoiding the creation of an unfavorable precedent. Typically, the investments of institutional litigants outweigh those of individual litigants.37 While the former expect to face similar claims in the future, the latter merely seek to obtain direct compensation in the individual dispute. Accordingly, in a common law system, the “haves” come out ahead because they possess the expertise and financial resources to litigate winning cases and settle the cases they are likely to lose.38 For instance, in major tort disputes it is understood that the imbalance between large defendants and individual litigants in interest, experience, and resources enables large corporations to exert significant control over the creation of judge-made law.39 This description of the judicial process presents a bleak picture for social movements and activists seeking to address social injustice before courts.

Second, there is a growing perception that courts are increasingly reluctant to adopt sweeping and progressive social changes in judicial decisions.40 Because judges are perceived as reluctant to declare new, controversial rights, social movement advocates and legal reform communities are being cautioned about the pursuit of legal strategies and court-based activism.41 There is a fear that repeated losses not only strengthen adverse precedents but also reduce the support for the underlying cause.42 If so, litigation in pursuit of social change may prove futile and possibly counterproductive by draining movements of scarce resources that could have been applied to constructive uses.43

Others share a more fundamental criticism of the pursuit of social change by law. A strand of scholarship expresses grave disappointment about the limitations of legal reform through courts.44 Rights-based strategies, it is argued, tend to produce narrow remedies that apply only in limited circumstances and provide no assurance about broader rightsbased implementation45 and enforcement.46 Even if a broad set of rights has been confirmed by court order, the resources necessary to implement these rights might be lacking.

Questioning the capacity to bring about social change through litigation, scholars have argued that legal strategies mostly provide false, “hollow hope” to social movements.47 While court victories are heralded as paradigm shifts and romanticized in constitutional law casebooks, it is argued that even sweeping legal reforms often fail to bring about substantial material change or fundamentally affect actual inequalities and injustices.48 Because litigation serves to correct an individual wrong, it is mostly “backward looking” and fails to bring about long-term benefits.49 This false optimism about the power of litigation outcomes is dangerous as it instills a false sense of security.50 Most famously, Gerald Rosenberg’s empirical study concluded that courts can “almost never be effective producers of meaningful social reform.”51 The complacence from symbolic victories52 might reduce mobilization and shift focus away from obtaining further and more substantial political reform.

Some criticize the ability to bring about social change in litigation because “the focus on legal reform narrows the causes”53 and diverts attention from other worthwhile causes. For instance, the success of sexual harassment litigation may have caused diversion from other forms of employee abuse and mistreatment in the workplace.54

Finally, some scholars present more principled objections to rightsbased activism because a focus on legal rights may hinder the development of progressive movements, causing the so-called “legal cooptation” of a social movement. Social change litigation may be counterproductive not only by draining scarce resources from movements but also by generating confusion between real, substantive victories and mere symbolic ones.55 Also, by pursuing litigation-based strategies, movements become overly dependent on the professional advice of lawyers,56 and the agenda of social movements is softened and adjusted to existing legal conventions and thinking patterns.57 More generally, by turning to law, a social movement is forced within a framework that excludes other more radical and perhaps equally effective alternatives such as protests, strikes, and pickets.58 This presents the risk of compromising the goals and ideals of social movements. Moreover, success in court inadvertently may legitimize other “ongoing injustices[] and divert[] energies away from more effective and transformative alternatives.”59 Finally, and most pervasively, when certain social demands are vindicated in legal precedent, the legal protection may distract from the actual economic and social inequalities that continue to exist. For instance, “when a court decision declares the end of racial segregation but de facto segregation persists, individuals . . . begin to view continued inequalities as inevitable.”60 As a result, some reform communities and social movement advocates renounce litigationbased advocacy altogether. Concluding that the focus on rights-based litigation hinders the development of progressive movements, those advocates favor instead nonlegal means of social action, including community organizing, grassroots campaigns, and broad-based protests.61

#### AND ensures they don’t fight for progress at the sub-federal level.

Elmore 21 – Associate Professor, University of Miami School of Law

Andrew Elmore, “Labor’s New Localism,” Southern California Law Review, Vol. 95, 2021, https://southerncalifornialawreview.com/wp-content/uploads/2022/05/Elmore\_Final.pdf

Millions of workers in the United States, disproportionately women, immigrants, and people of color, perform low-paid, precarious work. Few of these workers can improve their workplace standards because the National Labor Relations Act (“NLRA”) does not sufficiently protect their right to form unions and collectively bargain. Lacking sufficient influence in federal and state government to strengthen labor and employment law, unions and worker centers have increasingly sought to build power in cities. The shift to local labor lawmaking has delivered local minimum wage, paid sick leave, and fair scheduling ordinances covering millions of low-wage workers, as well as groundbreaking unionization and collective bargaining agreements, including in regions of the United States historically hostile to unions. This has positioned cities as a primary staging ground for labor law reform.

This Article examines this trend as a rejuvenated labor localism and this trend’s effects on state and local government law and labor and employment law. Labor localism advances the democratic values of labor and local law by channeling worker and community protests and bargaining through the direct democracy mechanisms of cities, instead of or in addition to the NLRA. While provoking fierce employer campaigns seeking state preemption of local lawmaking, labor localism can often manage these state-local conflicts by engaging in state law reform and pivoting to adjacent areas. Modest home rule reform can improve its stability and reach and, contrary to conventional wisdom, improve local accountability. Labor localism, finally, reveals the central roles of localism in enabling a bottom-up reform effort to counteract the weaknesses of federal labor law and in safeguarding democratic norms in the United States.

#### AND it locks in false and symbolic progressive wins which distract from successful political change---local movements are key.

Rosenberg 17 – Professor of Political Science at the University of Chicago

Gerald Rosenberg, “Protecting Privilege: The Historic Role of the U.S. Supreme Court and the Great Progressive Misunderstanding,” Policy Exchange, 2017, http://judicialpowerproject.org.uk/wp-content/uploads/2018/01/Judicial-Power-and-the-Left-web-version.pdf

If space allowed, I could continue to describe other examples, such as criminal law, where, despite the ‘criminal rights revolution’ of the Warren court, poor criminal defendants, particularly those of color, continue to be denied basic rights. As we have learned so powerfully and sadly over the last few years with the use of cell phone videos, at least some police still treat black males as if they were slaves, killing them virtually indiscriminately. The history of progressive litigation painfully demonstrates that without political support the Supreme Court will eviscerate progressive rights and create obstacles to legislative attempts to introduce new rights. And, in those few instances where progressive forces win Supreme Court cases, without powerful political and social movements to enforce them they will remain empty, symbolic victories.

Litigation substitutes symbols for substance. The danger of celebrating symbols is that it can lead to a sense of self-satisfaction. Seen in this light, the great Supreme Court progressive victories are “little more than an ornament, or golden cupola, built upon the roof of a structure found rotting and infested, assuring the gentlefolk who only pass by without entering that all is well inside".1 Celebrating legal symbols encourages us to look to legal solutions for political and cultural problems. Without political support, court decisions will not produce social change. Celebrating lawyers and courts encourages reformers to litigate for social change. But if political support is lacking, the effect of this vision is to limit change by deflecting progressive claims away from substantive political battles, where success is possible, to harmless legal ones where it is not. In this way, courts play a deeply conservative ideological function in defense of the status quo. When social reformers succumb to the ‘lure of litigation’, they forget that deep-seated social conflicts can’t be resolved through litigation.

First and foremost, successful progressive change requires building social movements. For close to 75 years now in the U.S., the progressive agenda has been hijacked by a group of elite, well-educated and comparatively wealthy lawyers who uncritically believe that rights trump politics and that successfully arguing before judges is equivalent to building and sustaining political movements. It isn’t. Litigation is an elite, class-based strategy for change. It is premised on the notion that it is easier to persuade similarly educated and wealthy lawyers, who happen to be judges, of certain progressive principles than it is to organise everyday citizens. While that might be true, it is also true that without broad citizen support, change will not occur.

### AT: Conflicting Precedent

Solved by CP in 2NC

BUT also doesn’t take out the DA. Our thesis is about turning to the court crushing unions.

Turning to the Courts is bad.

1. Drain resources. Movements have scarce resources and litigation is costly.

2. De-radicalization. Litigation narrows movement focus and diverts energy away from effective alternatives.

3. Movement splitting. Courts produce counter-movements by “inspiring opposing groups” which only fractures organizing. That’s all Depoorter.

#### Here’s more ev.

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Ben Depoorter, “The Upside of Losing,” Columbia Law Review, 04/2016, https://columbialawreview.org/wp-content/uploads/2016/04/Depoorter-B..pdf

Similarly, public law litigation focuses on the strategic pursuit of favorable case outcomes on the basis of individual verdicts.31 The civil rights, women’s rights, and New Deal labor movements are generally remembered for providing landmark victories and creating new rights where none existed before.32 By selecting disputes carefully, choosing venues wisely, and timing certain claims accurately, social movements could gradually win cases and ultimately reform entire areas of law. The model of public interest litigation seeks to seize upon the romantic ideal that courts have the power to remedy structural, constitutional, and statutory wrongs.

Over recent decades, however, the once widespread enthusiasm about public law litigation has now turned into widespread disillusionment. The notion that social movements could call upon judges to “reorder whole institutions and change the fundamental nature of society”33 has dissipated and made place for general skepticism about the promise of obtaining significant social change through litigation.34

Some believe that the promise of success for social movements is greatly reduced in the current economic and political climate. First, it is sometimes stated that in a system of precedent, judicial rulemaking is biased toward wealthy, powerful institutional litigants.35 Because repeat players often face similar legal issues in other disputes, they have a strong interest in preventing adverse precedents. With so much at stake, institutional litigants can be expected to invest heavily to secure victory in landmark disputes.36 An insurance company, for instance, will be willing to spend considerable time and resources in litigation. When repeat players fear losing in court, they may prefer to settle the case, thereby avoiding the creation of an unfavorable precedent. Typically, the investments of institutional litigants outweigh those of individual litigants.37 While the former expect to face similar claims in the future, the latter merely seek to obtain direct compensation in the individual dispute. Accordingly, in a common law system, the “haves” come out ahead because they possess the expertise and financial resources to litigate winning cases and settle the cases they are likely to lose.38 For instance, in major tort disputes it is understood that the imbalance between large defendants and individual litigants in interest, experience, and resources enables large corporations to exert significant control over the creation of judge-made law.39 This description of the judicial process presents a bleak picture for social movements and activists seeking to address social injustice before courts.

Second, there is a growing perception that courts are increasingly reluctant to adopt sweeping and progressive social changes in judicial decisions.40 Because judges are perceived as reluctant to declare new, controversial rights, social movement advocates and legal reform communities are being cautioned about the pursuit of legal strategies and court-based activism.41 There is a fear that repeated losses not only strengthen adverse precedents but also reduce the support for the underlying cause.42 If so, litigation in pursuit of social change may prove futile and possibly counterproductive by draining movements of scarce resources that could have been applied to constructive uses.43

Others share a more fundamental criticism of the pursuit of social change by law. A strand of scholarship expresses grave disappointment about the limitations of legal reform through courts.44 Rights-based strategies, it is argued, tend to produce narrow remedies that apply only in limited circumstances and provide no assurance about broader rightsbased implementation45 and enforcement.46 Even if a broad set of rights has been confirmed by court order, the resources necessary to implement these rights might be lacking.

Questioning the capacity to bring about social change through litigation, scholars have argued that legal strategies mostly provide false, “hollow hope” to social movements.47 While court victories are heralded as paradigm shifts and romanticized in constitutional law casebooks, it is argued that even sweeping legal reforms often fail to bring about substantial material change or fundamentally affect actual inequalities and injustices.48 Because litigation serves to correct an individual wrong, it is mostly “backward looking” and fails to bring about long-term benefits.49 This false optimism about the power of litigation outcomes is dangerous as it instills a false sense of security.50 Most famously, Gerald Rosenberg’s empirical study concluded that courts can “almost never be effective producers of meaningful social reform.”51 The complacence from symbolic victories52 might reduce mobilization and shift focus away from obtaining further and more substantial political reform.

Some criticize the ability to bring about social change in litigation because “the focus on legal reform narrows the causes”53 and diverts attention from other worthwhile causes. For instance, the success of sexual harassment litigation may have caused diversion from other forms of employee abuse and mistreatment in the workplace.54

Finally, some scholars present more principled objections to rightsbased activism because a focus on legal rights may hinder the development of progressive movements, causing the so-called “legal cooptation” of a social movement. Social change litigation may be counterproductive not only by draining scarce resources from movements but also by generating confusion between real, substantive victories and mere symbolic ones.55 Also, by pursuing litigation-based strategies, movements become overly dependent on the professional advice of lawyers,56 and the agenda of social movements is softened and adjusted to existing legal conventions and thinking patterns.57 More generally, by turning to law, a social movement is forced within a framework that excludes other more radical and perhaps equally effective alternatives such as protests, strikes, and pickets.58 This presents the risk of compromising the goals and ideals of social movements. Moreover, success in court inadvertently may legitimize other “ongoing injustices[] and divert[] energies away from more effective and transformative alternatives.”59 Finally, and most pervasively, when certain social demands are vindicated in legal precedent, the legal protection may distract from the actual economic and social inequalities that continue to exist. For instance, “when a court decision declares the end of racial segregation but de facto segregation persists, individuals . . . begin to view continued inequalities as inevitable.”60 As a result, some reform communities and social movement advocates renounce litigationbased advocacy altogether. Concluding that the focus on rights-based litigation hinders the development of progressive movements, those advocates favor instead nonlegal means of social action, including community organizing, grassroots campaigns, and broad-based protests.61

### AT: Movements Fail for Gig---2NC

Local labor movements are pushing for gig protections now. Ongoing efforts in New York, Chicago, Colorado, and Minnesota prove.

Their card is terrible. It says a single strike failed. Not that entire movements failed. Strikes are radically different than lobbying and pushing regulation.

#### Here’s more of 1NC Dewey:

\*Grey in 1NC.

Dewey 23 – Labor Correspondent at Stateline.

Caitlin Dewey, “States and cities eye stronger protections for gig economy workers,” Stateline, 09-19-2023, https://stateline.org/2023/09/19/states-and-cities-eye-stronger-protections-for-gig-economy-workers/

Joshua Wood remembers days during the COVID-19 lockdown when New York City’s streets were practically empty, save for workers like him.

That experience convinced the 25-year-old Brooklynite — who makes deliveries for both Uber Eats and a package delivery service — that the gig economy needed some urgent changes.

Roughly 1 in 6 American adults have engaged in gig work for platforms such as Uber, Lyft and DoorDash, according to a 2021 report by the Pew Research Center. But while those jobs promise flexibility and a low barrier to entry, they often pay less on an hourly basis than the prevailing minimum wage and lack basic protections such as overtime, sick pay and unemployment insurance.

“There was a sense among workers, coming off the pandemic, that something really needed to be done,” said Wood, a member of the labor group Los Deliveristas Unidos, which fights for gig worker benefits in New York City. “So much of the city is dependent on the work that we do — but if we want to make the conditions better for us, we have to be the ones to do it.”

New York City has since passed a package of legislation guaranteeing a minimum wage and other benefits for app-based food deliverers, and communities across the country are following suit. In the past five years, lawmakers in at least 10 jurisdictions — including cities such as Chicago and Seattle, and states such as Colorado, Connecticut and Minnesota — have proposed new protections for ride-share drivers and food delivery workers.

At least 10 states have also considered programs that would make it easier for gig workers to access traditional workplace benefits, such as retirement or paid family leave. Meanwhile, regulatory agencies and courts in states including Massachusetts, New Jersey and Pennsylvania have sought to force Uber, GoPuff and other tech platforms to grant their drivers the same benefits as regular employees.

The push comes amid a resurgent workers’ rights movement in the United States and a global reconsideration of labor rights in the age of the gig economy. Since the start of the summer, both Australia and the European Union moved to strengthen workplace protections for gig workers, while the U.S. Department of Labor is expected to finalize a new rule that may reclassify some gig workers as employees as soon as October.

But gig companies fiercely oppose any effort to reclassify gig workers, a change that would grant the workers new rights and protections under state and federal law. In public statements, legal filings and elaborate marketing campaigns, gig platforms have argued that any significant shake-up to their current labor arrangement would jeopardize workers’ flexibility and independence — as well as raise consumer costs.

In a statement, Uber spokesperson Alix Anfang told Stateline the company “supports comprehensive legislation that protects the flexibility drivers tell us they want while providing important benefits and protections.”

“They don’t want to pay drivers,” said James Parrott, an economist at The New School whose analyses of driver wages informed New York’s new pay standard. “But their pockets are infinitely deep when it comes to fighting regulations they disagree with.”

Pandemic spurred organizing

Tech companies and their detractors can at least agree that gig platforms forever changed work, for better or for worse.

Since their launch in the late 2000s, platforms such as Uber and Airbnb have spawned a sprawling ecosystem of on-demand digital marketplaces, spanning services from food delivery to therapy to child care and education.

For consumers, such marketplaces offer flexibility and convenience, and may fill gaps in existing transportation, logistical or social support systems. Workers flock to gig platforms for similar reasons: In a 2016 Pew Research survey of gig workers whose households relied on their platform income, 45% said they needed control over their schedules and 25% said they lacked other job options.

At the same time, gig work comes with an unusual level of precarity, said Daniel Ocampo, a legal fellow at the National Employment Law Project. Workers generally have no job security, no traditional benefits, no consistent income, and little opportunity to organize or advocate for themselves.

But that last part is changing in the wake of the COVID-19 pandemic, Ocampo said. Spurred by falling wages and growing safety concerns, new advocacy organizations have sprung up in cities from New York to Los Angeles to push for laws that establish minimum wages and mandate paid sick leave, among other protections.

“There’s been a real wave of legislative action, especially in the last year,” Ocampo said. “It’s a very difficult group of workers to organize … but people are fed up with the conditions.”

In addition to New York City — which approved a minimum wage for ride-share drivers in 2018, and for food deliverers in 2021 — gig workers have also notched a string of significant victories in Seattle. The city unanimously passed a minimum pay floor for ride-share drivers in 2020 and app-based delivery workers in 2022. Earlier this year, Seattle mandated paid sick leave and due process procedures for a broader swath of gig workers if they are suspended from the apps.

Lawmakers in Chicago also expect to pass a minimum wage ordinance for ride-share drivers in the coming months, said city Alderman Michael Rodriguez, a Democrat who introduced the bill with 25 co-sponsors. As of 2021, Uber and Lyft drivers in the city earned an average hourly wage of $12.72 after expenses, according to an analysis of 22 million trips by the University of Illinois at Urbana-Champaign and the Illinois Economic Policy Institute.

“Many of these workers have had issues with their pay and with deactivation,” Rodriguez said. “We’re working to get new protections for the people toiling day in and day to provide rides in a city that desperately needs better transportation.”

#### Here are more examples.

McSwigan 24 – Deputy Director of Economics at Third Way.

Curran McSwigan and Fredrick Hernandez, “What’s New on Benefit Models for Gig Workers,” Third Way, July 17, 2024, https://www.thirdway.org/memo/whats-new-on-benefit-models-for-gig-workers

Approach 1: Pursuing portable benefits models

Numerous states are experimenting with a unique approach: flexible and portable benefits accounts. With this model, contributions from companies (as well as workers if they choose) are placed into accounts that workers can then use for things like paying for health insurance, paid time off, or retirement.

Pennsylvania

DoorDash recently announced a new portable benefits savings pilot program in Pennsylvania which will run for six months this year. Through the program, DoorDash will contribute an amount equal to 4% of eligible workers’ pre-tip earnings to accounts that workers can use for benefits such as retirement accounts and health insurance.1 DoorDash drivers can also contribute funds themselves. Notably, these funds remain portable and stay with the individual, whether or not they continue to drive for the company.

Wisconsin

At the end of last year, the Wisconsin state legislature introduced legislation which seeks to expand portable benefits to app-based drivers. If passed, the bill would allow state-approved companies or financial institutions to provide portable benefit accounts to eligible app-based workers.2 The driver, company, or both have the option to contribute to the benefits accounts for the driver. Workers may use their portable benefits funds to purchase health insurance, make contributions to a retirement account, or replace lost income in certain circumstances.3

Minnesota

In 2023, Minnesota’s legislature passed a law increasing rideshare drivers’ compensation and bolstering safeguards for rideshare drivers in the deactivation process.4 In 2023, Governor Tim Walz vetoed the bill arguing that it would make the state one of the most expensive places in the country for rideshare. However, he did establish a commission to make policy recommendations to better support rideshare drivers.5

In March 2024, a new bill seeking to expand portable benefits to delivery platform drivers was introduced, which would require delivery network companies to make quarterly contributions to eligible portable benefits accounts.6 Workers may use their portable benefits to purchase health insurance, contribute money to a retirement savings account, and replace lost income in certain circumstances. The bill would also require delivery network companies to provide free occupational accident insurance for all drivers, which some companies currently do voluntarily.

Utah

In March of 2023, Utah signed into law SB233 which authorizes companies engaging independent contractors to voluntary contribute to portable benefits plans.7 This bill is more expansive in that it captures all contractual workers who are not regularly employed by a company, not just drivers of app-based companies.8 The law does not require companies that elect to create a portable benefits program to contribute to it, nor does it prescribe what benefits any portable benefits program should include.9

Approach 2: Expanding benefits and protections directly

Several places across the country are looking to directly expand benefits and protections to gig workers. The following cities have each approached expanding benefits by using legislation to enshrine access to supports such as paid leave and minimum pay requirements into law.

New York City

New York City was one of the first places to implement an earnings floor—which sets a baseline for how much a worker must be paid per hour—for rideshare drivers in 2018 and then for delivery workers in 2021.10 The minimum wage floor recently came into effect, making New York City the first major city to institute a wage floor, guaranteeing at least $18 per hour for app-based delivery workers.11 Proponents of the law see it as a victory for delivery workers, pointing to research that suggested these workers saw an hourly rate below the new wage floor. But other research finds that now some workers have reported a decrease in pay because tips have fallen off dramatically and some platforms have limited work hours. The decline in tips may, in part, be due to changes in the tipping interface for app users, which was highlighted by the city of New York as a potential way for companies to address consumer costs.

Chicago

A Chicago ordinance is looking to create higher safety standards for rideshare drivers while enshrining their right to certain benefits. The ordinance raises drivers’ minimum pay per ride, caps the amount rideshare companies can take per trip, increases pay transparency, and amps up safety protocols to better support drivers.12

Seattle

Seattle legislators are continuing to push forward efforts to provide benefits to gig workers. The city passed a pay floor for rideshare drivers in 2020 and then extended that to app-based delivery workers in 2022. Last year, the city enshrined a pandemic-era policy into law, which would allow all app-based workers to accrue paid sick and safe leave time.13 (Rideshare drivers already have access to up to 12 weeks of paid leave through a broader state law in Washington passed in 2022.14)

As a result of these efforts, many app companies have started charging additional fees per order.15 One study from DoorDash noted that the law resulted in 30,000 fewer orders over a two-week period stemming from fees implemented to account for higher operating costs associated with accommodating the new legislation.16 In response, the Seattle City Council is considering a reform bill that would amend the new earnings standard.17

Approach 3: Increasing pay transparency

There are various differences in how gig workers are paid, depending on the type of work. For example, a passenger using a rideshare platform pays a fare to the driver, and the platform takes a cut. However, pay for delivery drivers is not correlated with the amount a consumer pays for an order—a driver delivering $10 tacos is paid the same as one delivering a $50 steak. There have been several state-level efforts focused on improving pay transparency for gig workers so that people better understand how fees are being used to pay workers. In some instances, states may pair increased transparency with wage floors.

Colorado

Colorado Governor Jared Polis recently signed two bills into law, which would increase pay transparency for both delivery drivers as well as rideshare drivers. Both bills require companies to provide information on how much of a fare goes to the driver. Delivery drivers would also be able to see the destination before accepting a ride.18 Additionally, the law would require rideshare companies to develop a clear and fair deactivation policy and establish an appeals process.19

Connecticut

Senate Bill 1180 was introduced last spring in the Connecticut legislature.20 The bill sought to adopt a wage floor for driver compensation (which would be based on a per mile minimum) and set a minimum requirement on how much income a company must share with a driver.21 The bill would also have allowed Connecticut drivers to pick up passengers in out-of-state locations, which has been a point of concern for many drivers.22 In 2024, a similar bill was introduced but died in committee after bipartisan opposition.23

Approach 4: International gig worker efforts

Internationally, different countries continue to pursue varied approaches to gig benefits. These efforts range from creating regulatory bodies to set key benefit standards, to allowing worker commissions to bargain on behalf of gig workers, to closing labor loopholes.

European Union

The European Union’s new regulatory agreement on gig workers allows member states to make determinations on whether they want to consider gig workers as employees or not.24 The new regulations come after a push to mandate that all countries treat gig workers as employees failed.25 The new agreement will also place new rules on how workers can be de-activated on the apps.26

Australia

Australia’s Fair Works Commission, which is responsible for maintaining a safety net for wages and working conditions, is at the center of efforts to better regulate the gig economy and ensure gig workers are entitled to key protections. Recent laws passed by the Australian Parliament allow gig workers to retain their status as independent contractors but allows the Fair Work Commission to set standards on their behalf and enforce those standards on companies failing to comply.27

South Korea

In 2020, the South Korean government passed amendments to its labor code after a series of gig worker deaths heightened concerns over a lack of protections for these types of workers. The new laws also expanded paid leave benefits to gig workers as well as guaranteed access to unemployment benefits and accident coverage and closed loopholes that could leave workers without occupational insurance.28

Conclusion

Different countries, states, and cities are experimenting with ways to get gig workers better protections—while still maintaining the flexibility and independence core to their jobs. As gig work continues to be an integral part of our day-to-day lives—and the broader economy—it is critically important that there is a series of protections for the workers who keep the system going.