



The District's Dime

Going Beyond the Budget Book

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Two Major Wins for Workers' Rights

By Ilana Boivie

With Labor Day just around the corner, two recent developments will make a big difference for workers around the country and here in DC, especially for people with low-wage and part-time jobs.

A new ruling from the National Labor Relations Board (NLRB), issued last Thursday, will make it easier for labor unions to negotiate for better jobs for broader swaths of workers. And on the same day, The Gap, Inc., announced that it would end “on call scheduling,” a practice that leaves workers with unpredictable schedules and makes it hard to manage the rest of their lives.

More Predictable Schedules for Workers at The Gap

The Gap and all five of its brands (which also include Old Navy and Banana Republic) will start giving workers 10-14 days' notice of their work schedules, beginning this month. This will replace The Gap's “on-call scheduling,” a common practice in retail under which workers are told to call their employer at the last minute to see if they must work a shift. This scheduling makes it very difficult for workers to make other plans—including school or a second job. In making employees clear their schedules —without a guarantee of actually getting any hours — employers are ostensibly getting away with uncompensated work.

On-call work is common in the District, [a report from DCFPI and Jobs with Justice has found](#). Half of D.C. service workers who reported working on-call/call-in shifts said that this occurs at least several times per month. And workers facing on-call shifts reported that half the time they don't end up actually working – meaning they don't get paid.



The Gap joins other global retailers Victoria's Secret and Abercrombie & Fitch, both of which recently ended on-call scheduling for their employees as well. Since all of these companies have stores in DC, this will mean better working conditions right here at home.

Helping More Workers Organize for Better Wages and Working Conditions

The NLRB ruling allows unions to negotiate on behalf of workers at companies that rely on subcontractors, franchises, and temporary staffing agencies. Before the ruling, workers employed

indirectly for a large company, by working for a subcontractor, could not come together as a union to protest their wages or working conditions or ask for improvements. Now, if one company hires a contracting company to perform certain work, the union can now negotiate with both companies (considered “joint employers”) on behalf of the employees performing the work.

The ruling is meant to increase companies’ responsibilities to its workers, especially as there are more and more contingent workers in the new so-called “sharing economy.” This model, which includes companies like Uber, Lyft, and Air B&B, depends heavily on workers that the companies claim to be independent contractors. In doing so, they have been able to sidestep many labor laws associated with traditional employment, including preventing workers from organizing through a union for better working conditions.

With more employers abandoning unfair on-call scheduling practices, and unions being given the right to negotiate on behalf of more workers, Americans should find much to celebrate this Labor Day.