

Top Five Labor Law Developments for January 2024

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February 5, 2024

Meet the Authors



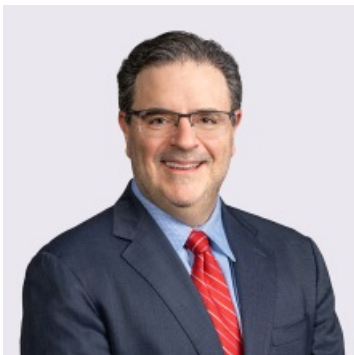
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1. *Union membership continued its overall decline, according to a Bureau of Labor Statistics report.* Overall union membership dropped from 10.1% in 2022 to 10% in 2023, a continuation of the decline since membership peaked in the 1950s. At 6.0%, the private sector union membership rate remained the same as the 2022 rate. Industries with the highest union membership rates include transportation and utilities, construction, motion pictures and sound recording, and education and health services. Despite an overall decline, union membership increased across many southern states, where union membership is traditionally low.
2. *The Screen Actors Guild (SAG) announced an agreement with Hollywood studios requiring actors' consent and minimum payments for artificial intelligent (AI) voiceover work.* The union's agreement with AI platform Replica Studios provides standards on digital voice replicas in video games and other entertainment mediums. The deal follows last year's contentious negotiations between SAG-AFTRA members and Hollywood studios, which involved a months-long strike that shut down the entertainment industry. One of the biggest issues during negotiations was the use of AI, particularly performer consent and compensation for the use of members' image and likeness. The use of AI has continued to be a subject of heated discussion across the entertainment industry.
3. *California State University (CSU) student-workers began voting on whether to unionize.* More than 17,000 students across 23 CSU campuses have until mid-February to cast their vote on unionization. If the students vote to unionize, the resulting union would be the largest undergraduate union in the country. The student-workers cited increased cost-of-living and tuition as the motive behind the organizing efforts and are aiming to gain higher pay, more hours, and benefits such as sick pay. CSU had reached a tentative agreement with its faculty union after 28,000 professors, librarians, counselors, and coaches engaged in a one-day strike. If ratified, that agreement would provide a 5% retroactive salary increase and greater parental leave.
4. *The U.S. Court of Appeals for the D.C. Circuit will hear Google's appeal of a National Labor Relations Board ruling that the company is a joint employer with a YouTube contractor.* *Alphabet Workers Union-Communication Workers v. NLRB*, No. 24-1003 (D.C. Cir. Jan. 23, 2024). Following the Board's holding that Google, which owns YouTube, is a joint employer with Cognizant Technology Solutions U.S. Corp., YouTube contract staff's direct employer, and thus jointly liable for its alleged refusal to bargain with the Alphabet Workers Union (AWU), Google and the union filed competing petitions for review in the U.S. Courts of Appeals for the Fifth Circuit and D.C. Circuit, respectively. Cognizant also filed a petition for

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review in the Fifth Circuit. Cognizant's employees voted to unionize with the AWU in April 2023 after the union filed a representation petition claiming Google was their joint employer. However, Google has maintained it does not control the workers' terms and conditions of employment, and thus is not their joint employer. Because the appeals were filed in two jurisdictions, the U.S. Judicial Panel randomly selected what some perceive as the more labor friendly D.C. Circuit to hear the appeal.

5. *Forbes employees went on strike for the first time amid stalled contract negotiations.* Employees joined the NewsGuild of New York more than two years ago, but the parties have yet to reach a collective bargaining agreement. The union, which represents Forbes' reporters, editors, designers, videographers, and social media editors, stated workers also struck due to alleged union-busting tactics by the company. The NewsGuild subsequently filed a charge with the Board over the alleged unfair labor practices. According to a NewsGuild press release, nearly 9% of its total membership engaged in coordinated work stoppages over the period surrounding the Forbes strike, highlighting the increase in organizing efforts across the newspaper industry.

Please contact a Jackson Lewis attorney if you have any questions about these developments.

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