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Introduction

Charlotte Garden

It is a pleasure to introduce the Seattle Journal for Social Justice Symposium issue on *Workers' Rights in the Wake of a Global Pandemic*. This topic could not be more pressing or timely: as the pandemic enters its third year, too many workers still face untenable choices between risking COVID and meeting their basic needs. On the other hand, there are also glimmers of hope, including in the form of increased interest in unionization and collective action—to give just one example, workers at dozens of Starbucks locations have expressed interest in unionizing in just the last several weeks. This symposium edition includes four articles and three sets of transcribed remarks. One common theme: the pandemic exacerbated existing inequalities and other harms; it did not invent them.

In her keynote address, Rebecca Dixon discusses several ways that the systemic racism that once sustained chattel slavery continues to shape American labor markets and labor policy. As she put it, the “fact that a disproportionate share of those underpaid and in unsafe jobs are Black and brown is not inevitable, but it is a function of our accumulated state, local, and federal policy choices” across a range of policy areas. The keynote ends on a hopeful note, however, by suggesting that while labor policy has too often reinforced racism and inequality, it can also achieve the opposite: genuine empowerment for and by disadvantaged workers.

In her presentation, certified nurse's assistant and economic justice activist Sepia Coleman searingly details what it was like to work as a certified nurse's assistant in several different healthcare settings during the pandemic. The conditions under which she was asked to work suggest pervasive indifference to the lives and health of both workers and the people they care for—and Coleman suffered two bouts of COVID-19, with the second infection

necessitating a 14-day hospital stay. Coleman's experience also reflects that bad employers rarely mistreat their workers in just one way: she explains that she was fired from a job after speaking with a reporter about her working conditions and her fear of getting sick.

Like healthcare workers, farmworkers have borne a heavy load during the pandemic. Essential but also often invisible, many farmworkers work and live in close quarters that are not compatible with social distancing—and these fundamentals changed little during the pandemic. Rosalinda Guillen, the founder and executive director of Community to Community Development here in Washington, focuses on farmworker organizing. She describes the deadly consequences of labor law's failure to protect farmworkers: "with COVID there was the perfect space, the perfect conditions for farm workers to die." However, like Dixon, Guillen also sees law and lawyers as part of a potential solution, and she calls on law students to become labor lawyers and especially to represent farmworkers.

Margaret Hannon's article picks up where Guillen's talk leaves off. *Tenant Rights for Employer Provided Farmworker Housing* focuses on the intersection of housing and agricultural work in Washington state. As Hannon explains, many farmworkers live in employer-provided housing out of necessity. This housing must meet certain minimum standards—but these standards are at best incomplete, and Hannon details several common problems including unsafe conditions, lack of effective control over who does and does not visit, and the risk of illegal evictions. Like with many issues related to work, COVID-19 has only made these existing problems more urgent, and Hannon ends with a call for improved regulation and enforcement of employer-provided farmworker housing.

Whether and under what conditions schools should open for in-person learning remains a contentious issue. For obvious reasons, teachers have advocated for safety, whether in the form of remote learning, or changes to schools' physical plants. At times, this advocacy has put teachers at odd with parents who are pulled in too many different directions and exhausted by the

challenges of overseeing remote learning. Ben Waldron and Richard Bales argue that a focus on “shared community grievances related to the conditions created by the COVID pandemic” would shore up community support for teachers’ activism. Their article offers both a long and a short historical lens, discussing both the recent #RedforEd strikes and historical analogues to contextualize and reframe teachers’ collective action during the pandemic.

What about business owners? Mynor Lopez analyzes the landscape facing small, minority-owned businesses before and during the pandemic. The owners of these enterprises are often met with discriminatory denials of access to credit, making them less able to withstand shocks like the pandemic. The solution, Lopez argues, is for state government to create the Washington Investment Trust, and allow it to originate loans under the Linked Deposit Loan Program, while also providing more funds for minority-, women-, and veteran-owned businesses. Lopez’s article offers nuanced analysis and concrete policy recommendations.

Finally, in *Death by Apathy: How the Failure of the Government to Properly Fund Promised Health Care Results in Loss of Native American Life*, Lia Maria Fulgaro traces the US government’s failure to meet its obligations to provide adequate health services to Native American tribes. These failures, which occur at a structural level and which predated the COVID pandemic, left Native Americans especially vulnerable in the pandemic. Fulgaro concludes by identifying some urgently needed reforms, including making federal funding for the Indian Health Service mandatory instead of discretionary through a statutory enactment, and ensuring that tribes have opportunities to shape tribal health services.

This volume will go to print about one year after the symposium. Unfortunately, many of the problems identified by symposium participants have only grown more pressing—and the proposed solutions more critical.

