

# **LABOR AND WORLIFE PROGRAM**

## **ANNUAL REPORT JUNE 2009**



**Labor & Worklife Program  
Harvard Law School  
125 Mt. Auburn St., 3<sup>rd</sup> Floor  
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### Part One: Report of Activities

#### Summary of Academic Year: 2008-2009

#### 1. Executive Summary

The Labor and Worklife Program is Harvard University's forum for research and teaching on the world of work and its implications for society. The LWP's activities are in four program areas: the *Harvard Trade Union Program* (an executive mid-career program for union leaders founded in 1942), the *Pensions and Capital Stewardship Project*, the *Science and Engineering Workforce Project* (SEWP), and the *Changing Labor Markets Project* (CLMP). Additionally, the Labor and Worklife Program administers and awards fellowships on labor and the world of work for the *Jacob Wertheim Research Fellowship for the Betterment of Industrial Relationships* and the *Jerry Wurf Memorial Fund*.

In all four areas of our work, the LWP has registered significant achievements this year. *The Harvard Trade Union Program* (HTUP) held its 98<sup>th</sup> session in the Spring of 2009 with 38 participants. The HTUP continues to be not only the premier labor education program in the country but also provides a unique forum for faculty and students to meet with emerging labor leaders from the US and other advanced industrial countries.

The *Science and Engineering Workforce Project* (SEWP) again offered a lecture series on issues of concern to the science and engineering workforce. This year's Fall and Spring seminars were co-sponsored by The Science-Based Business Initiative at the Harvard Graduate School of Business. The project continues to publish a newsletter and held a number of conferences and workshops on topics including the social impact of nanotechnology, the future of engineering in the U.S., and scientists' and economists' perspectives on a research and development agenda for the new administration and Congress.

The *Pensions and Capital Stewardship Project* continues to expand its work to include workshops on important emerging issues such as pension investment in infrastructure, as well as, a pension trustee training program, a program newsletter and an occasional paper series on pensions and related issues.

Finally, in the program area of *Changing Labor Markets*, the LWP hosts an annual seminar with senior British labor leaders, works with the global labor survey called the *Wage Indicator*, and organized seminars on labor in China including a public forum co-sponsored by the *East Asian Legal Studies Program* with author *Anita Chan*.

## **2. Research, Scholarship and Project Activities**

### **a. Areas of Inquiry – Research Program’s Mission Statement**

The Labor and Worklife Program is Harvard University’s forum for research and teaching on the world of work and its implications for society. Under faculty co-directors Harvard Law School Professor *Benjamin Sachs* and Harvard Economics Professor *Richard Freeman*, the program brings together scholars, policy experts, and practitioners from a variety of disciplines to analyze critical national and international labor issues in the law, economy, and society. In 2007, Professor *Paul Weiler* retired from Harvard Law School but continues to be involved with the program as Faculty Director Emeritus.

### **b. Projects/Research & Scholarship**

#### **The Pensions and Capital Stewardship Project**

The Pensions and Capital Stewardship Project is a research and policy project that focuses on issues of retirement security. Topics explored by the Project include employment-based retirement plans, pension fund governance and management, and institutions, systems, and practices of pension fund investment that encourage capital markets and corporate policies to work more effectively for workers and the well-being of the community at large.

#### **Science and Engineering Workforce Project**

With the support of the *Alfred P. Sloan Foundation*, the LWP has teamed up with the National Bureau of Economic Research (NBER) to construct a network of scholars and policy experts who are focused on the state of the science and engineering workforce. Building from the research conducted under an earlier Sloan grant, the Science and Engineering Workforce Project (SEWP) has developed education and outreach programs to disseminate knowledge about the science and engineering job market. It helps decision-makers – students, employers, professional associations, and national policy-makers – reach evidence-based decisions about career, workplace, policy, stipend and research spending issues that affect science and engineering job markets.

#### **Nanotechnology in Society – the Social Impact of Nano**

With funding from the *National Nanotechnology Initiative* (NNI), the LWP has worked with a variety of programs to expand understanding of this field. The LWP has partnered with UCLA sociologist *Lynne Zucker*, who is developing NanoBank, a web resource that collects data on patents and locations of the nanotechnology sector. The LWP’s NNI grant has enabled *Vivian Weil* of the Illinois Institute of Technology to create a NanoEthicsBank, which is an electronic resource on the growing ethics and legal literature on nanotechnology. Finally, *Sharon M. Friedman*, Associate Dean of Lehigh

University, is mapping media coverage of nanotechnology. The LWP's direct contribution to this wide-ranging project is a study of nanotechnology's creation of jobs in the contemporary economy, a study led by **Richard Freeman** and **Kavita Shukla**.

### ***WageIndicator***

The Labor and Worklife Program has partnered for the last four years with the non-profit *WageIndicator Foundation* in the Netherlands. The *WageIndicator* foundation has websites in thirteen languages and sixteen countries: Argentina, Belgium, Brazil, China, Denmark, Spain, Finland, Germany, Hungary, India, Italy, Korea, Mexico, the Netherlands, Poland, and the UK. In partnership with the *WageIndicator Foundation* we hosted the first American *WageIndicator* site, originally called the "WorkklifeWizard" but changed to *PayWizard* (<http://www.paywizard.org>) in 2007.

*WageIndicator* is an organization based in the Netherlands and is supported by the European Union and the International Labour Organisation (ILO). The foundation is comprised primarily of journalists and researchers from universities worldwide and collects information vis-à-vis an online survey for the purpose of intra- and international comparisons of wages, working conditions, worker satisfaction, education and gender and race issues in the workplace. All *WageIndicator* sites have: (1) an online survey and (2) a free salary checker. The survey elicits what employees think about many issues related to the world of work, including benefits, working hours, job security, manager-employee relations, worker-customer relations, and gender issues in the workplace.

The LWP's work with the *WageIndicator* and *PayWizard* project focuses on analyzing data from the overall project – including organizing a workshop on statistical methods for using nonrandom, large data sources.

## **Other Activities**

### **Jerry Wurf Memorial Fund**

The Jerry Wurf Memorial Fund of the LWP was established in 1982 in memory of the late President of the ***American Federation of State, County and Municipal Employees*** (AFSCME). Its income is used to initiate programs and activities that:

reflect Jerry Wurf's belief in the dignity of work, and his commitment to improving the quality of lives of working people, to free open thought and debate about public policy issues, to informed political action...and to reflect his interests in the quality of management in public service, especially as it assures the ability of workers to do their jobs with maximum effect and efficiency in environments sensitive to their needs and activities.

Activities of the Fund include scholarships for AFSCME leaders to participate in the HTUP (three attended the 2009 session on Wurf scholarships) and the KSG State and Local Government Program (a total of eight scholarships were given to AFSCME leaders to attend this program in 2009), a Wurf Lecture, and various other research, educational programs and projects that are consistent with the terms of the Fund.

With funding from the Wurf Fund and AFSCME, and in cooperation with AFSCME and the United Negro College Fund, the LWP continues to run a 10-week *Union Scholars Program* during the summer. In both 2008 and 2009, 10 minority undergraduate students participated in the program (aimed at sophomores and juniors interested in work and justice issues). The successful candidates were placed with AFSCME affiliates involved in organizing campaigns and came to Harvard during their last week for an educational seminar on the role of unions in society and a debriefing on their experience.

In 2009, *Patrick Bresette*, Associate Program Director of Public Works for the DEMOS Center for the Public Sector, was the Wurf Fellow with the LWP. Bresette's work was focused on the quality of management in public services and the role of government in creating public value.

### **Wertheim Fellowship**

The Jacob Wertheim Fellowship for the Betterment of Industrial Relationships is administered by the LWP. Fellowships are awarded to support original research and publications in the broad field of labor relations and cooperation. Established in 1923 as a gift from the Wertheim family in memory of Jacob Wertheim, the fund has supported the research and publication of 55 books, and numerous papers.

Wertheim Fellows this academic year included: *Erling Barth*, *Gerald Marschke*, *Andrew Wang*, and *Vivek Wadhwa* for research and writing on the science and engineering labor markets; *Aaron Bernstein* for research and writing on pensions, labor and human rights; *Luis Gordo Gonzalez* who is researching on labor rights and social programs in the U.S.; *John Hogan*, research on the history of U.S. industrial relations; *Scott Myers*, writing a Chinese/English handbook on labor terms and labor relations; *Emran Qureshi*, researching unions and democracy in the Muslim world; *Damian Raess*, researching globalization and labor conditions; *Stanley Arthur Gacek*, research and writing on labor in the Americas; *Sigurt Vitols*, research on corporate governance, private equity, and other issues related to pension funds in Europe; and *Qing Zhao*, research on Chinese labor policy.

### **Publications**

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## **i. Conferences:**

### **Infrastructure Finance and Pensions**

On February 13, 2009, the Pensions and Capital Stewardship Project co-sponsored a meeting on “Infrastructure Finance and the Pension Fund Role in it” with the Building & Construction Trades Department of the AFL-CIO. The discussion included trustees and officials of public sector and Taft-Hartley pension plans, pension and policy experts, union officials and staff, investment practitioners, and scholars. The meeting canvassed the federal policy landscape of grant, tax and other measure to support and incentivize investment in infrastructure and explored new ideas for such measures that make more pension fund investment in infrastructure practicable. Participants also reviewed the current landscape of investment opportunities for pension fund investment in infrastructure, the strengths and weaknesses of those approaches as they relate to issues of financial risk and reward as well as concerns of labor. They considered new ideas for investment, among them ones involving collaborations among pension funds. Pensions and Capital Stewardship Project director Larry Beeferman wrote a resource paper for participants at the meeting. The paper “Pension Fund Investment in Infrastructure: A Resource Paper,” *Occasional Papers*, No. 3 is available on the LWP website: [http://www.law.harvard.edu/programs/lwp/LWPPensions\\_publications.html](http://www.law.harvard.edu/programs/lwp/LWPPensions_publications.html)

### **Long-term Investment Decisions: Assessing the Sustainability Risks of Labor and Human Rights and other Workplace Factors**

On March 27-28, the Pensions and Capital Stewardship Project convened a meeting on “Long-term Investment Decisions: Assessing the Sustainability Risks of Labor and Human Rights and other Workplace Factors.” The meeting brought together about 45 people from major U.S. and European pension funds, investment management, advisory, and research firms, accounting firms, labor and human rights groups, unions, and academics. The goal was to hold a workshop-style event to exchange ideas about how investors can begin to measure a wide range of workplace-related factors and analyze

their potential materiality to long-term portfolio returns. The meeting covered a range of topics, including labor and human rights in global supply chains; human capital factors such as employee ownership, teams, and high-performance work systems; and shareholder engagement actions on such issues. The discussion yielded recommendations for research in a broad range of topics; proposals for practical action by participants, such as the establishment of a network to exchange information and ideas; and the application of those findings to investment decision-making and possible engagement with corporations.

### **Capital Matters: Managing Labor's Capital 2009**

The Pensions Project held its 7th annual "Capital Matters: Managing Labor's Capital" conference on April 29 – May 1, 2009. Many of the sessions related to the challenges posed by the worldwide financial and economic meltdown but also the opportunities. The conference opened with a European labor perspective on the impact on the financial and economic meltdown has played out in European financial markets and economies, the diverse responses of European Union countries and perspectives on financial markets regulation.

These sessions examined the behavior of corporations, especially financial corporations, and explored what behaviors might need to change, and how. *Kayla Gillan*, Deputy Chief of Staff to the SEC chairman, speaking at a luncheon session, offered insights about the Security and Exchange Commission's agenda on corporate governance reform, especially as it pertains to proposals and demands made by pension fund and other institutional investors. Conference panels probed corporate behavior, particularly that of financial corporations, to consider the extent to which there is a need to look beyond long proposed corporate governance reforms and likely financial regulations to other factors or considerations that may strongly influence how corporate actors behave.

In other sessions, the focus shifted to pension funds, with a panel discussing different kinds of action pension fund trustees might take in light of the meltdown. A related session took up the different forms and levels of pension fund activism, and what might increase activism. The conference also considered efforts by pension funds and others who have pressed or might pursue legal actions to remedy some of the harm they have suffered from the meltdown.

For a number of pension funds, infrastructure investments have seemed to offer a secure and enduring port in the financial storm. If those investments are domestic ones they raise issues of government policy for investment in infrastructure and job creation and possible job loss in connection with privatization. The conference turned the topic in two ways. Participants heard from the head of capital stewardship for the largest European union representing public sector workers, UNISON, on UK pension funds' involvement with infrastructure and problems with that involvement insofar as it is linked to the UK version of privatization. Attendees then learned about how the problems associated with currently available vehicles for pension fund investment in infrastructure have spawned first, a potentially innovative and important collaboration among American pension funds

to create a different and more attractive vehicle and second, innovative and significant ideas for leveraging federal policy, particularly federal tax policy, to spur pension fund investment in infrastructure that will appeal to pension funds and labor.

Finally, events of recent months have suggested worsening prospects for financial security in retirement for all households in the United States and the dimming prospects for the roughly half of American workers who at any given time are fortunate enough to participate in an employment based retirement plan. One session considered the current Washington consensus about what needs to be done, suggested reasons why it will likely fail, and featured critical and forward looking efforts to create a frame for, devise, and build a consensus for retirement policy reform.

### **Science Policy Washington DC**

In February 2009, working with the NBER and with funds from NORC and the Sloan Foundation, we will convene a one-day meeting in Washington DC on ***Transformational Research: Science, Innovation and the Economy*** which included scientists, policy experts, academics and government officials examining priorities for science in order to face the challenges of the early 21<sup>st</sup> Century (rising energy and food costs, climate change, security and global health threats).

This conference brought together top experts on innovation and economic growth and leading researchers in energy, environment, health, and security to discuss important priorities for a federal research and development (R&D) agenda.

The conference gave Congressional staff and other leaders in Washington a wider view of R&D priorities for addressing public policy concerns, and was especially timely given the additional R&D funding made available through the economic stimulus bill.

### **“The Big 50” Police Union Leaders Seminar**

The Labor and Worklife Program, in cooperation with the national police newspaper, *The American Police Beat*, created “The Big 50,” as a unique forum for the interchange of ideas among police union leaders and academics interested in issues with regards to police, the criminal justice system, and unions. Calling themselves “*the Big 50*,” the group is made up of police union leaders from the 50 largest cities (by population) in the U.S. In recent years, police union leaders from large Canadian cities have also participated in the gathering.

Originally developed as part of a ***Ford Foundation***-sponsored Labor Leaders Forum, the LWP initiated discussions between academic experts on crime and police union leaders from large, urban police forces. Unlike the police chiefs from major cities who have their own national organization, urban police unions are affiliated with many competing labor federations and independent organizations. There is no national arena where these important labor leaders of large and powerful organizations can meet. A further

challenge for police union leaders is that, unlike other union leaders, police representatives tend to go directly from the ranks of the police force into management of their organizations (from the patrol car or the beat to the union office) with little opportunity for labor education experience.

Representation of members for police unions is also more challenging than the union norm. Unlike other labor organizations which generally represent members facing only administrative proceedings, police unions are required to represent members who face potential civil and criminal sanctions in addition to administrative proceedings. Finally, it should not be forgotten that local government (include police and fire) are among the most densely unionized sectors in the U.S. economy (with over 47% union representation) and accordingly, most big city police unions are involved in collective bargaining.

*Eric H. Holder, Jr.* Attorney General of the United States was the featured speaker at this year's 10<sup>th</sup> Annual program. Speaking on the "*Priorities of the Obama Administration for Law Enforcement*," the Harvard Law School event provided Attorney General Holder with a unique opportunity to have a discussion with police union leaders from around the country.

While the seminar is normally closed to the public, this year's program opened on the evening of April 16 with a public forum at the **Kennedy School of Government** on "*Joining Forces to End Gang Violence*," chaired by Harvard Daniel and Florence Guggenheim Professor of the Practice of Criminal Justice and faculty chair of the *Program in Criminal Justice Policy and Management*, **Christopher Stone**, and featured Los Angeles Police Chief **William Bratton**, Los Angeles Sheriff **Leroy Baca**, and Radcliffe-Harvard Graduate '78, Los Angeles attorney and civil rights activist **Connie Rice**.

## **ii Workshops:**

### **Program for Advanced Trustees Studies (PATS)**

In 2008, the Pensions and Capital Stewardship Project held its second annual **Program for Advanced Trustees Studies (PATS)** program from July 22 through 24. A collaboration between NCPERS (National Conference of Public Employee Retirement Systems) and the Pensions and Capital Stewardship Project, the sessions were attended by 50 experienced trustees representing public sector pension funds from across the country ranging from small to very large in size. The program focused on two sets of issues: one concerning corporate governance and the other relating to pension fund investment in infrastructure. On corporate governance, topics included learning about models or forms of corporate governance in the U.S. and abroad; key ideas and principles of U.S. corporate and securities law, the impact of different kinds of corporate governance on financial and other outcomes, current issues for possible action by pension fund trustees with respect to corporate governance and resources and tools to aid in such

actions. Faculty instructing this session included scholars from Harvard Law School and George Washington University Law School. For the session on infrastructure, topics included learning what infrastructure is, the vehicles for investing in infrastructure, the risks and rewards of such investments, and the kind of considerations that should inform a decision (if at all) by a state or local government to privatize its infrastructure. This session was followed by a detailed consideration of factors that should come into play when pension fund trustees are faced with a decision whether their fund should invest in infrastructure. Faculty included scholars from the Kennedy School of Government at Harvard. The PATS program included “hands-on” sessions in which attendees apply their learning to practical problems.

### **Representing Professionals in Science, Engineering and Technology**

A workshop on *Representing Professionals in Science, Engineering and Technology* was organized on September 9-10, 2008. Its purpose was to explore the issues, challenges and best practices among organizations representing professionals in these important areas of the economy. Workshop participants included leaders and key staff of professional organizations in the U.S., Canada and the U.K. as well as academics and researchers interested in collective representation of professionals.

Researchers presented information on the overall state of organization of professions in the science, engineering and technical world. Workshop participants shared their organization’s experience with various forms and methods of representation including both individual career enhancement through educational opportunities and career assistance and advice, job banks and hiring assistance, as well as collective representation through lobbying, bargaining, licensing and standard setting. Discussion also included how organizations use the Internet to connect with members as well as in their use of more traditional modes of linking with members.

### **Trades Union Congress (UK) Leading Change**

In co-operation with the Trades Union Congress of the U.K. as a component of their senior union leadership program *Leading Change*, the LWP organized a three-day workshop at Harvard for 20 senior British labor leaders in October 2008. Topics covered in this workshop included the overall state of the U.S. labor movement, labor and politics, strategic campaigning and organizing by U.S. unions. Speakers included **Ken Zinn**, Director for Strategic Research at the AFL-CIO; **Damon Silvers**, Associate General Counsel, AFL-CIO; **Kris Rondeau**, Organizer with the Harvard Union of Clerical and Technical Workers; **Erik Peterson**, Director of Education and Labor Programs, Wellstone Action; **Steven Greenhouse**, Labor and Work Life reporter for *The New York Times*; and **Marshall Ganz**, Lecturer, Harvard Kennedy School of Government. The workshop included a short site visit to unions in Boston and a discussion about the role and functions of local unions.

## **The Future of Engineering**

The LWP teamed up with the John J. Heldrich Center for Workplace Development, Rutgers University for a national workshop on “The Future of Engineering in the USA.” Held on November 16-17 2008, the gathering featured the deans of several engineering schools (Lehigh, Purdue, Rensselaer Polytechnic Institute, Rutgers, Stevens Institute of Technology, Syracuse); the heads of human resources and recruitment from many global companies including Cisco, ConocoPhillips, Google, IBM, Johnson & Johnson, Microsoft, and NuStar Energy; and an array of economists and policy experts from academe and the National Science Foundation.

Technological transformations have led to demand for new kinds of engineers. It will be a challenge to provide both breadth and depth in engineering education as today’s engineers require a wider range of skills than those from previous generations. Also it was clear many engineers left the profession to pursue other fields including the more lucrative financial services sector that dominates so much of the U.S. economy. Critics of this development made it clear that science and technology leaders need to assert how engineering is responsible for economic growth, rather than the activities of many operators in the financial sectors. Moreover, engineers seem to lack inspiring exemplars in popular culture. A Rutgers project management expert suggested they should on occasion be reminded that this is a field giving one the chance to have big dreams, to dare to become the next Leonardo da Vinci. Rather than succumbing to stereotypes about geeks and the drudgery of engineering work, students should be shown the possibilities for creativity and great accomplishments in this field.

### **iii. Events:**

#### **The Future of Labor Forum**

On October 7, 2008, the LWP co-sponsored with the *Harvard University Office of Labor Relations* and the *Harvard Business School Human Resources* a second annual day long forum on “*The Future of Labor*” at the Spangler Center Auditorium at the Harvard Business School. The *Forum* provided an opportunity for union officials, business leaders, practitioners and academics to join representatives from several higher education institutions in an open, balanced discussion on contemporary change in national labor markets. *Robert Kuttner*, Co-Editor of *The American Prospect*, delivered a keynote address on “Labor Policy and the Next President.” LWP faculty co-director, *Benjamin Sachs*, participated on a panel chaired by on “Finding a Collective Voice for Workers in the New Economy,” along with *Charles Cohen*, Esq. Morgan, Lewis & Bockius, and *Bill Scheuerman*, President National Labor College. Additionally, *Larry Beeferman*, Director of the Pensions and Capital Stewardship Project, spoke on a panel on “New Benefits Systems for the American Worker,” with *Charles Baker*, President and COO of Harvard Pilgrim Health Care, Inc., *Damon Silvers*, Associate General Counsel, AFL-CIO, and *J. Mark Iwry*, Esq., Nonresident Senior Fellow at The Brookings Institution, and Of

Counsel at Sullivan & Cromwell LLP. As well, a panel, including *Greg Thornton*, Senior Vice President for Employee Relations and Operations, *The Boston Globe*, *Lawrence Mishel*, President, Economic Policy Institute, *Philip Dine*, author and columnist, *St. Louis Post-Dispatch*, and *David Finegold*, Dean, Rutgers University School of Industrial Relations, discussed, “The Dynamics of a Changing Domestic Workforce.”

## **e. Fellows/Visiting Researchers/Research Assistants/Interns**

Wertheim Fellows this academic year included: *Erling Barth*, *Gerald Marschke*, *Andrew Wang*, and *Vivek Wadhwa* for research and writing on the science and engineering labor markets; *Aaron Bernstein* for research and writing on pensions, labor and human rights; *Luis Gordo Gonzalez* who is researching on labor rights and social programs in the U.S.; *John Hogan*, research on the history of U.S. industrial relations; *Scott Myers*, writing a Chinese/English handbook on labor terms and labor relations; *Emran Qureshi*, researching unions and democracy in the Muslim world; *Damian Raess*, researching globalization and labor conditions; *Stanley Arthur Gacek*, research and writing on labor in the Americas; *Sigurt Vitols*, research on corporate governance, private equity, and other issues related to pension funds in Europe; and *Qing Zhao*, research on Chinese labor policy.

### **Erling Barth**

A visitor from the Institute for Social Research, Oslo and Department of Economics at the University of Oslo, Erling Barth was a Wertheim Fellow at LWP this year. He has been studying labor markets with a particular interest in the relationship between bargaining arrangements and the wage distribution, and the relationship between wage inequality and support for social insurance across OECD countries. He is now studying issues related to the development of the wage distribution across establishments in the US, in particular linked to the role of productivity dispersion within industries. He will continue his Wertheim Fellowship by focusing on the role of science and engineering workers for knowledge transmission, for research and development investment and for productivity growth.

### **Aaron Bernstein**

Aaron Bernstein has collaborated with the Pensions and Capital Stewardship Project as a Senior Research Fellow. He has worked the Project initiative on the incorporation of workplace/labor and human rights issues in investment decisions helped organize the working conference on the subject convened by the Project in March 2009. As well, he wrote two papers for the Occasional Papers series on the topic, and he and Larry Beferman, the Protect Director, are collaborating with a major European provider of traditional and ESG investment research on a paper concerning the prevalence of corporate supply chain labor and human rights policies, codes, and practices.

### **Luis Gordo González**

A Ph.D. candidate in the Human Rights program of the Department of Public Law at the University Autonoma of Madrid, Mr. Gonzalez spent the Fall of 2008 with the LWP researching labor law and labor rights in the U.S.

### **John Hogan**

John Hogan, research associate at Middlesex University (UK) was a Wertheim Fellow at the LWP in the Fall of 2008. During his stay, Hogan carried out work on two areas: 1) the history and development of the discipline of Industrial Relations; and 2) the role of information technology in transforming the labor movement.

### **Emran Qureshi**

With a stipend by the *Rockefeller Brothers Fund*, and assistance from the Wertheim Fellowship, **Emran Qureshi**, an independent scholar from Ottawa, Canada, is working on labor unions and democratization in the Muslim world surveying the Middle East, South Asia, and South East Asia. He draws upon case studies from Morocco, Egypt, Pakistan, and Indonesia. In Morocco, Pakistan, and Indonesia, labor unionists played prominent roles in democratization efforts past and present.

In multicultural/multi-confessional Muslim-majority societies, labor unions are among the institutions within civil society where diverse peoples can be integrated. However, the converse process has taken place in recent times. Ethnic and religious-based institutions have been strengthened and secular civic institutions correspondingly weakened. The appeal of Islamist social movements in the Arab Middle East can be explained in large part as a function of the myriad social services they provide: medical care, education, and welfare. This is certainly, and visibly the case in Egypt and elsewhere. Nevertheless, in Indonesia, his fieldwork shows that trade unions are a crucial secular institution in civil society integrating diverse religious communities, and Indonesian trade unionists played a prominent role in pro-democracy activism in the 1990s.

Today trade unions in Muslim polities play a significant but subterranean (not well studied) role in tending to the needs of working men and women in societies facing daunting challenges from globalization and political repression. Civil society, human rights/labor rights (e.g. the role of women in the workplace and child labor), and democratization can be enhanced by means of indigenous institutions reaching the working poor. He continues his work, exploring:

- How labor institutions in these regions can be strengthened in an era of globalization and local political repression. This he studies through the prism of labor union repression – examining how labor movements are legally repressed, censored, and the right to organize and strike is denied.
- How the rights of migrant workers in the Persian Gulf (UAE and Qatar) can be augmented through corporate social responsibility initiatives focusing upon corporations working in the region.
- Examining recent Egyptian labor unrest and its linkages to new political opposition parties and formations

He authored entries on “human rights” and “Eqbal Ahmad,” the labor activist-scholar, for the *Oxford Encyclopedia of the Islamic World* & Oxford Islamic Studies Online (2009).

### **Jerry Marschke**

On leave from the University at Albany, SUNY, Marschke was a Wertheim Fellow for the 2009/2010 academic year. His research focuses on the labor markets for scientists, engineers, and other highly educated workers, and on incentives and productivity in organizations. During this academic year, Marschke has completed an analysis of shortages in the supply of doctors to certain medical sub specialties, as well as a study on performance measurement and accountability in public organizations. Marschke's current work seeks to understand scientific teams and the factors that contribute to scientific success. In another ongoing project, he is investigating how and why faculty compensation, productivity, and careers vary by discipline within the research university sector.

### **Scott Myers**

As a fellow at the LWP, Scott Myers began the research and writing of a bilingual lexicon for trade unionists. Tentatively titled *An English-Chinese Chinese-English Handbook for Trade Unionists*, the handbook will support dialog between North American and Chinese labor activists by introducing the theories, practices, similarities, and differences of the North American and Chinese trade union movements. Organized along major labor relations terms and concepts such as “Collective Bargaining/集体协商” “Elections/选举,” and “Strikes/罢工,” each entry includes a dual language introduction to the concept; usage differences in the Chinese and North American contexts; and related terms and concepts in English, Chinese, and *pinyin*, the standard system of Chinese transliteration.

### **Damian Raess**

A post doc with funding from the Swiss National Science Foundation, Raess has been a fellow at the LWP since October 2008. Raess is researching the political economy of globalization and how economic globalization affects works councils, union bargaining and centralized wage bargaining.

### **Sigurt Vitols**

Senior Research Fellow at Wissenschaftszentrum Berlin für Sozialforschung, Vitols was a visiting fellow from January 1, 2008 – April 30, 2009. His research focused on corporate governance, private equity and sustainability/CSR practices among investment firms in the U.S. and Europe. Some findings from that research were reflected in remarks by him and *Pierre Habbard*, Senior Policy Advisor, Trade Union Advisory Committee to the OECD at the Project's 2009 Capital Matters conference and will form the basis for a Project Occasional Papers publication.

### **Vivek Wadhwa**

As a Senior Research Associate at the Labor & Worklife Program, Vivek Wadhwa ranked seventh among law school researchers and professors for the most downloaded

articles at the Social Science Research Network (SSRN). He was in third place among HLS scholars behind Professors Lucian Bebchuk and Cass Sunstein. Wadhwa received major media attention for two co-authored research papers, “How the disciple became the guru: Is it time for the U.S. to learn workforce development from former disciple India?” and “Losing the world’s best and brightest.” The latter paper on foreign-born S&E students and workers in the USA was written with LWP faculty co-chair Richard Freeman and University of California Berkeley dean AnnaLee Saxenian. Also his paper from June 2008 on R&D in India and China, “The Globalization of Innovation: Pharmaceuticals,” co-authored with LWP Research Director John Trumbour and Wertheim Fellows Ben Rissing and Pete Engardio, ended up the most downloaded article at SSRN in the category of “Health Economics” during the Summer quarter of 2008. While remaining a critic of U.S. companies for constantly claiming shortages of IT and S&T workers, Wadhwa has in his magazine columns warned against efforts to shut down immigration of high-skilled students and workers.

(2008) Wadhwa, Vivek, Una Kim de Vitton and Gary Gereffi, *How the Disciple became the Guru: Is it Time for the U.S. to learn workforce development from former disciple India?* Kauffman Foundation, July.

[http://www.law.harvard.edu/programs/lwp/people/staffPapers/vivek/Vivek\\_How\\_DiscipleBecameGuru.pdf](http://www.law.harvard.edu/programs/lwp/people/staffPapers/vivek/Vivek_How_DiscipleBecameGuru.pdf)

(2009) Wadhwa, Anna Lee Saxenian, Richard Freeman and Alex Salkever, *Losing the World’s Best and Brightest: America’s New Immigrant Entrepreneurs, Part V*, Kauffman Foundation, March.

[http://www.law.harvard.edu/programs/lwp/people/staffPapers/vivek/Vivek\\_Losing\\_the\\_best\\_and\\_brightest.pdf](http://www.law.harvard.edu/programs/lwp/people/staffPapers/vivek/Vivek_Losing_the_best_and_brightest.pdf)

### **Andrew Wang**

As a Wertheim Fellow at the LWP this past year, Andrew Wang has been engaged in research activities related to federal Science and Technology policy. He helped organize a conference in Washington DC in March 2009 where scientific experts and policymakers addressed priorities for federal R&D funding. He is conducting research on scientific personnel and outcomes from federal funding of industrial R&D projects, in particular early-stage industrial R&D projects funded by the National Institute of Standards and Technology (NIST).

## **3. Contributions to HLS Teaching Program**

### **Trade Union Program**

Organized by an interdisciplinary team of Harvard faculty, this six-week intensive executive program for senior union leaders runs from the beginning of January to mid February annually. The 2009 session with 38 union leader participants, included a number of Harvard Law School students and visiting scholars sitting in on sessions in the program. Teaching in the program in 2009 were Harvard Law Professor and LWP

faculty co-Director **Ben Sachs**, as well as LWP Faculty Director Emeritus **Paul Weiler** who taught sessions on labor law reform, and **David Harris** from the Charles Hamilton Houston Center for Race and Justice, who taught a session on “Inequality in America.” HLS Lecturer, **Florrie Darwin** taught a day long session on “negotiations.” Additionally, HLS Climenko Fellow **Brishen Rogers** presented a seminar on “RICO, the Right to Organize, and the First Amendment.”

Harvard faculty from other Schools teaching in the program included: Professor **Richard Freeman**, Faculty Co-Director of the LWP, Professor **Benjamin Friedman**, from the Faculty of Arts and Science, **Kathleen McGinn** from Harvard Graduate School of Business, Professors **Alex Keyssar** and **Linda Kaboolian** from the Kennedy School of Government, Professor **Robert Herrick** from the Harvard School of Public Health, Professor **Steffie Woolhandler** from Harvard Medical School, and Dr. **Andrew Martin** from the Center for European Studies.

Labor law faculty from other universities gave seminars in the program, including: Professor **Karl Klare**, Northeastern Law School; Professor **Tom Kohler**, Boston College Law School; and Professor **Harris Freeman**, Western New England College School of Law. Other legal professionals teaching in the program included: Ms. **Rosemary Pye**, Regional Director of the National Labor Relations Board; Mr. **Damon Silvers**, Associate General Counsel AFL-CIO; Mr. **Tom Mann**, Executive Director, New Brunswick Union, Canada; and Mr. **Ronald DeLord**, an attorney and President of the Combined Law Enforcement Association of Texas. As well, Mr. **Arnold Zack**, an attorney and a nationally acclaimed arbitrator, taught a course specifically designed for the HTUP on “Managing Dispute Resolution Systems.”

In addition to direct teaching in the program, faculty joined with students from Harvard Law in participating in many of the public forums organized in conjunction with the executive session and the dinners.

#### **4. Participation of HLS Students in Program Activities**

The LWP continues to work closely with the HLS student club, the **Labor and Employment Action Project** (LEAP). Our activities with the club included a lunch for all club members (and prospective members) in the fall of 2008 (with over 35 students attending), and a public forum series co-sponsored by the club and organized in conjunction with the six-week Harvard Trade Union Program (HTUP). Additionally, students at HLS attended some lectures and seminars in the HTUP. For HLS students interested in labor relations, labor law, employment law, and labor rights as human rights, the LWP offers a variety of public forums, conferences and workshops as well as the opportunity for part-time employment and assistance in building relationships with labor leaders and labor bar practitioners. With a higher portion of HLS LLM students from abroad, many have sought out the LWP to discuss US labor law and labor relations.

## 5. Faculty Participation

All of the conferences, workshops and various events of the LWP generally include participation from some Harvard faculty. As well, throughout the year when the program hosts speakers, special guests and visiting scholars, we frequently organize dinners or other events to provide opportunities for faculty and students to meet with our visitors.

The 2009 session of the Harvard Trade Union Program, for example, had 13 Harvard faculty members from six different schools at Harvard teaching at least one seminar in the program, including faculty from the Harvard Law School, the Faculty of Arts and Science, the Harvard Graduate School of Business, the Kennedy School of Government, the Harvard School of Public Health, and the Harvard Medical School.

## 6. Other Contributions to the HLS Community

In support of the student group, the *Labor Employment Action Project* (LEAP), the LWP hosted a lunch for law students interested in labor and employment issues. As well, the LWP organized a number of forums and speaking events at Harvard Law School during the HTUP. These included talks by author **Bill Fletcher, Jr.** on his book *Solidarity Divided: The Crisis in Organized Labor and A New Path Towards Social Justice*, author **Kim Bobo**, and her book, *Wage Theft in America: Why Millions of Working Americans Are Not Getting Paid – And What We Can Do About It*, and author and *New York Times* Labor and Workplace Correspondent, **Steven Greenhouse** on *The Big Squeeze: Tough Times for the American Worker*. A number of other forums were organized, including talks on *The Employee Free Choice Act* with **Gregory Junemann**, President of the International Federation of Professional and Technical Engineers and *Labor in China* by **Anita Chan**.

## 7. Advocacy

Executive Director **Elaine Bernard** has spoken at 30 labor conferences, seminars or workshops in the U.S., Canada and the U.K. this academic year. Bernard supports passage of the EFCA as well as many other measures designed to bring U.S. labor law in compliance with international labor rights and human rights standards.

## 8. Connections to the Profession

As noted throughout this report, both the Harvard Trade Union Program and the Pensions and Capital Stewardship Project have extensive contacts and relations with lawyers working in labor relations as well as in the pensions area.

## **9. Collaborations with other Schools and Departments at Harvard University**

As the only program at Harvard University that makes labor and the workforce its central focus, the LWP has a long history of significant collaboration with other schools and departments at Harvard. Working with the Kennedy School of Government, the program sponsored through the *Wurf Fund* eight union participants in the *Executive Program for Senior Leaders in State and Local Government* last academic year. Additionally, the LWP co-sponsored with the Kennedy Forum on *Joining Forces to End Gang Violence* in April 2009. As well, faculty at the KSG teach and participate in the HTUP, the Pensions and Capital Stewardship Project and other programs and workshops of the LWP.

Two members of the *Harvard Graduate School of Business Administration* (HBS) faculty teach in the HTUP, and the LWP has collaborated with HBS faculty in assisting with case development and materials. As well, HBS faculty have participated in programs of the Pensions and Capital Stewardship Project. Additionally, through the *Science and Engineering Workforce Project* (SEWP) and in cooperation with HBS, we have participated in a series of Science-Based Business Initiative Seminars at HBS and at the Department of Economics.

Many *Faculty of Arts and Science* (FAS) faculty teach seminars in the HTUP, and there is a clear community of interest between *The Science and Engineering Workforce Policy Center* and FAS. The LWP has also worked with the *Weatherhead Center for International Affairs* assisting with the *Canada Seminar*.

LWP Executive Director *Elaine Bernard* gave a seminar on the *Employee Free Choice Act* at the *Harvard School of Public Health* (HSPH). As well, Bernard sits on the external advisory committee on *Education and Research on Occupational Health and Safety at the HSPH*.

## Plans for Academic Year: 2009-2010

### 1. Executive Summary

Over the next year we envision continuing to focus our programs and research in the four program areas: the *Harvard Trade Union Program* (an executive mid-career program for union leaders founded in 1942), *the Pensions and Capital Stewardship Project*, *Science and Engineering Workforce Project* (SEWP), and *Changing Labor Markets Project* (CLMP). As well, we will be awarding fellowships on labor and the world of work for the *Jacob Wertheim Research Fellowship for the Betterment of Industrial Relationships* and the *Jerry Wurf Memorial Fund*.

### 2. Research, Scholarship and Project Activities

#### Pensions and Capital Stewardship Project

The Pensions and Capital Stewardship Project will convene its eighth annual *Capital Matters: Managing Labor's Capital* conference in April 2009. It anticipates co-convening with the European Trade Union Institute and the Trade Union Advisory Committee to the OECD, Capital Matters-like conference in Brussels on December 9-10, 2009. As well, it will offer the third set of sessions of its *Program for Advanced Trustee Studies* for public sector trustees in July 2010. It will be pursuing the initiative it began in the fall of 2008 on **incorporating workplace/labor and human rights factors in investment decisions**, with a special focus on the role that pension fund investments might play. Subject to funding, the Project may convene another conference on the subject as a follow-on to initial workshop conference it convened in March 2009. In connection with the initiative, the Project anticipates completing research and preparing a paper on the prevalence across the world of corporations' policies, codes, and/or practices relating to workplace/labor and human rights issues in their supply chains. It is exploring possible support for related research projects. The Project expects to complete a paper on financial market regulatory reform, especially as it pertains to pension funds, in the fall of 2009. It is working on a paper on changes effected by the Pension Protection Act of 2006 as they relate to automatic enrollment in employment-based defined contribution plans, the choice of target date funds as a default investment in those plans, and the importance of experience with the foregoing for thinking about policies for retirement security more generally. The Project is gathering data necessary for and hopes to prepare one or more research papers linking pension fund governance and management characteristics and investment outcomes. The Project expects to begin publishing *Occasional Notes* in lieu of its previous quarterly newsletter, *Capital Matters*. The work described above will be the basis for publication by the Project of additional papers to its *Occasional Papers* series which commenced in April 2008. Conversations about possible collaborative work with issues of common interest with the Workplace Research Centre at the University of Sydney, Australia are in process.

## **National Nanotechnology Initiative**

The Labor & Worklife Program is entering the final year of a grant from the federal government's National Nanotechnology Initiative. The grant has helped develop resources on nanotechnology and society such as Nanobank.org, which tracks scientists and companies in this field, and NanoEthicsBank, which has summarized over 1200 articles and books on the ethical implications of this transformative technology. Nanotechnology causes changes to the physical properties of matter that may make nano-processed materials much easier to absorb through the skin. While some cosmetics manufacturers hope to take advantage of these qualities, there are fears that workers handling nanomaterials with toxic properties may be more at risk of developing occupational and environmental maladies. In Fall 2009, the Labor & Worklife Program is launching an informational website on the EHS (environmental, health and safety) aspects of nanotechnology called [www.nanoenvironment.org](http://www.nanoenvironment.org). Although many have hopes that nano processes can be used to clean up polluted water and other environmental dangers, there are still worries that the new technology needs nano-specific regulation, rather than simply rely on the pre-existing legal architecture concerning hazardous chemicals. Starting on August 24, 2009, the Environmental Protection Agency has put into effect its first nanomaterial rule, specifically for makers of carbon nanotubes to notify the EPA 90 days in advance of production. The LWP will continue to monitor these regulatory developments during 2009-2010. Finally, through a small team of student fellows, the program is keeping track of the activities of overseas governments on nanotechnology.

## **Science & Engineering Workforce Project**

Meanwhile, the Labor & Worklife Program continues to play a leading role in the science & Engineering Workforce Project (SEWP) based at the National Bureau of Economic Research. SEWP is a network of researchers focused on issues of the S&E workforce. During 2009-2010, the project will continue to participate in a faculty seminar series at the Harvard Business School on science-based industry and enterprises. Members of the U.S. Congress have indicated their desire for better social science measurements of the impact of scientific and R&D spending, and they have called on SEWP to help provide analysis of the stimulus package and increased federal commitment to S&E spending. SEWP seeks to concentrate efforts on the future of water, which is expected to be in short supply for California and other western states by the year 2020. Water is indeed a global challenge and threatens societal conflicts in many regions where shortages are becoming dire.

## **Global Labor Survey**

Using a methodology similar to the *Global Competitiveness Survey* of the World Economic Forum at Davos, the LWP launched a web-based Global Labor Survey in 2003. The Global Labor Survey (GLS) was in the field for a year, and a report was published on the NBER website on how labor experts and practitioners view labor practices and the

implementation of labor laws in their country. Over the next year, we will be exploring updating the GLS and how this tool might be used to better understand actual practices in labor markets and the state of implementation of labor laws.

### **3. Contributions to HLS Teaching Program**

The HTUP executive program provides an interactive opportunity for faculty to have direct engagement with labor leaders. Many faculty have stressed that the program is a rare one in which they often feel they are receiving much more knowledge from the labor leader students than they themselves are delivering through direct instruction. At the LWP, we will continue to design our conferences, workshops and other events with a mind to mutual learning through significant practitioner engagement.

### **4. Participation of HLS Students in Program Activities**

The LWP continues to work closely with the HLS student club, the *Labor and Employment Action Project* (LEAP). We will again, early in the semester, sponsor a lunch for all prospective club members, and we will seek to work with the club in planning a public forum series organized in conjunction with the six-week Harvard Trade Union Program (HTUP). Additionally, we will be inviting interested students at HLS to attend lectures and seminars in the HTUP. For HLS students interested in labor relations, labor law, employment law, and labor rights as human rights, the LWP will offer a variety of public forums, conferences and workshops as well as the opportunity for part time employment and assistance in building relationships with labor leaders and labor bar practitioners.

### **5. Faculty Participation**

Harvard Law School Professor *Benjamin Sachs* and Economics Professor *Richard Freeman* are the Faculty Co-Directors of the LWP, along with Professor Emeritus *Paul Weiler* (who has agreed to continue to be involved with the program as Faculty Director Emeritus).

### **6. Other Contributions to the HLS Community**

As Harvard University's forum for research and teaching on the world of work and its implications for society, the LWP makes an important contribution to the HLS as a resource on these important issues and by linking scholars and practitioners interested in research and public policy on work issues.

## **7. Law Reform and Advocacy**

Executive Director *Elaine Bernard* is currently writing an article contrasting US and Canadian labor law and how the respective courts have dealt with individual and collective rights.

## **8. Connections to the Profession**

The LWP continues to afford students and scholars access to some of the leading practitioners of labor law, employment and workforce related issues in the country.

## **9. Collaborations with other Schools and Departments at Harvard University**

In the coming year, we plan to continue our practice of extensive involvement of Harvard faculty for many schools and departments in the 6-week residential HTUP session. The program is a unique opportunity to bring faculty interested in labor together and to engage in an exciting mutual learning experience with a group of international labor leaders. As well, we anticipate a continued high level of collaboration with other schools and departments at Harvard.