



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

LABOR DAY 2023: THE FEDERAL COURTS' ROLE IN LABOR'S PROGRESS

Labor Day this year falls on September 4. On June 28, 1894, President Glover Cleveland signed into law the bill designating the first Monday of each September as Labor Day. This national holiday honors the achievements and societal contributions of ordinary workers. Although Labor Day has become synonymous with parades, cookouts, picnics, relaxation, and the end of summer, it is also a day to reflect on the importance of labor in our country and the progress our country has made because of labor's contributions.

What is the "labor" in Labor Day? In common usage, it can mean the economic group of people who do manual work for pay. *Labor, Webster's New International Dictionary* (3d ed. 1993). In legal terms, "labor" can mean "[w]orkers considered as an economic unit or a political element." *Labor, Black's Law Dictionary* (7th ed. 1999).

We must not take labor's many contributions to our society for granted. Chief among these contributions are the privileges and protections we enjoy in the workplace today: wage and hour laws, personal time off from work, medical leave, workplace safety regulations, and protections for those who speak out about dangerous or illegal circumstances in the workplace. For these privileges and protections to be realized, however, the federal courts have had a vital role to play.

The most important legislation governing labor rights is the National Labor Relations Act of 1935 (NLRA), also known as the Wagner Act. The NLRA, for the first time, granted workers the federal right to organize, collectively bargain with employers, and go on strike. Much of the work of enforcing the NLRA is delegated to the National Labor Relations Board (NLRB), an independent federal agency. The NLRB enforces federal labor law regarding collective bargaining and unfair labor practices. It supervises elections for labor union representation and investigates allegations of unfair labor practices against employers and unions alike.

Although the NLRB plays a large role in labor matters, because the NLRA is a federal law, the federal courts retain their traditional role in interpreting and enforcing the NLRA and reviewing the NLRB's actions and decisions. The key U.S. Supreme Court case on labor rights is *National Labor Relations Board v. Jones & Laughlin Steel Corporation*, 301 U.S. 1 (1937), which held that the NLRA was constitutional under the Commerce Clause of the U.S. Constitution.

Federal courts handle cases involving the rights of workers on a regular basis by interpreting and enforcing federal employment laws. Cases are routinely brought in federal courts based on frequently used federal statutes protecting workers. Examples of such laws include:

- **Title VII of the Civil Rights Act of 1964.** Title VII prohibits discrimination in employment based on race, color, religion, sex, or national origin.
- **The Employee Retirement Income Security Act of 1974 (ERISA).** ERISA protects workers' retirement, healthcare, and insurance plans by establishing minimum standards for most voluntarily established private-sector plans.
- **The Fair Labor Standards Act (FLSA).** The FLSA establishes minimum wage, overtime pay, recordkeeping, and age employment standards affecting employees in the private sector and in federal, state, and local governments.
- **Federal Employers' Liability Act (FELA) and Railway Labor Act.** FELA protects and compensates railroad employees injured on the job. The Railway Labor Act governs labor relations for railroad and airline workers.

The federal courts have been indispensable in ensuring fair and equitable treatment for workers and in encouraging labor peace in our society. Our country is a better place because of that. Looking ahead, as our economy evolves and new challenges emerge, federal courts will remain critical in shaping the future of labor. The gig economy, artificial intelligence, remote work arrangements, and emerging technologies pose novel questions about the nature of employment and workers' rights. Federal courts will continue to be responsible for interpreting existing and new laws in this rapidly changing landscape.

We have come a long way since the establishment of Labor Day in 1894. As we celebrate Labor Day in 2023, let us also recognize the past, current, and future role of the federal courts in our nation's economic and workplace progress.

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