

Just Transition for All? Labor Organizing in the Energy Sector beyond the Loss of "Jobs Property"

Abstract

In this paper, I investigate the origin, limits, and possibilities of *just transition* as a policy framework to support labor organizing in the energy sector. Just transition first emerged within the labor movement to describe measures to “make whole” workers laid off as the result of necessary environmental policy. Following Gidwani (2015), I analyze claims for income replacement or continued employment as an assertion of “jobs property” based on the collectively-bargained standards that unions have negotiated for dangerous jobs in fossil fuel sectors. While the uses of just transition have grown to encompass broader demands for a democratic and equitable shift from fossil fuels to renewable energy including energy, environmental, and climate justice, I observe that the objectives of labor-centered climate policy often remain focused on the defense of jobs property for dislocated workers. I argue compensation for the loss of jobs property is insufficient to address either historical exclusions of people of color and women from energy industry employment or secure the livelihoods of dislocated workers given increasing precarity. Drawing from more than 80 interviews and fieldwork with energy justice campaigns in Atlanta, I consider the case of energy sector workers in the U.S. South to center a just transition framework that reconstitutes a social wage to address the uneven spatial development of the U.S. labor market.

Key Words: just transition, labor, energy, climate change, U.S. South

Introduction

In June 2019, the Labor Network for Sustainability hosted its third national convergence to bring together union members and environmental and environmental justice organizers to discuss climate policy in Chicago. Building on decades of international trade union efforts, Labor Network for Sustainability curates one forum in which unions and groups committed to environmental justice (EJ) work collectively to envision equitable climate policies oriented toward a *just transition* for workers and communities affected by the closure of fossil fuel facilities. Just transition is a framework that emerged from the labor movement in the 1990s to describe measures to protect and compensate workers who would be dislocated as the result of necessary environmental policy through education, wage replacement, a bridge to retirement, or a pathway to new employment. Today, it broadly characterizes a framework for democratic climate and energy policy that centers the voices and needs of working people (Mazzocchi 1993; International Labor Organization 2015).

In the opening plenary of the Convergence, union leaders took on the contradictions of just transition and the labor movement's varied responses to climate change. Cecil Roberts of the United Mine Workers of America opened in castigating climate policy that threatens the coal mining jobs covered under collective-bargaining agreements that remain in Appalachia following decades of mechanization, union-busting, and increasing competition from gas and renewable energy. The economic benefits of just transition policies have not materialized in the coalfields where employment with commensurable pay and benefits is hard to find (Scott 2010). As a result, the United Mine Workers have advocated for policies to protect the remaining coal jobs and health and pension benefits tied to current or past employment for retirees. These efforts to secure the livelihoods and class position of workers depend on claims to "jobs property." Commons (1924) first theorized the notion of "jobs property" as arising from a collective bargaining agreement that gave workers an expectation of future income. Here, I mobilize the idea following Gidwani (2015) who cautions that workers with a sense of or able to make claims to "property in jobs" are an increasingly small share of the working class. He urges that labor scholarship must account for the precarious position of the majority of the world's workers in informal, casualized, non-unionized, temp, gig, or pieceworker positions who rely on insecure employment for their reproduction.

Echoing this notion, Maria Castaneda with the Service Employees International Union Local 1199, who spoke next on the panel, argued that the labor movement must prioritize climate policy because a changing climate imperils workers on the job and at home as residents of vulnerable communities. She connected the mine workers' struggle to protect pensions to the demands of healthcare workers who are still "fighting for \$15." In doing so, she reoriented the idea of just transition to encompass unionized and non-unionized workers, their family members in and outside the U.S., and neighbors without any claim to jobs property. Moving beyond the

necessarily-exclusive assertion of jobs property, she asked how the benefits currently and historically afforded to unionized miners could be preserved and extended. She advocated that a just transition must go beyond protecting dislocated workers to improve labor standards for all working people. A universal social wage would benefit dislocated fossil-fuel workers, construction workers in the growing, but lower-paid clean energy industries, and low-wage workers more broadly who are often women, immigrants, and Black, Indigenous, and people of color (BIPOC), and laboring in positions without union representation. Sara Nelson with the Association of Flight Attendants concluded the panel with the observation that achieving this broader notion of just transition requires reversing the Taft-Hartley Act that allowed states to adopt “right-to-work” laws, making it harder to organize a union.ⁱ First adopted in anti-union states in the U.S. South and Southwest, right-to-work laws “opened a territorial wedge” that constrained and eroded the union movement and contributed to the uneven racialized, gendered, and geographic development of the labor market (Peck 2016, 5). These regional geographies of labor law circumscribe the realization of a just transition.

These geographic questions had motivated me and two members of the North Georgia Building Trades to attend the Convergence at the invitation of a Georgia-based Sierra Club organizer. We hoped to learn more about pro-union city and utility-level renewable energy policies to take back to Atlanta. In the U.S., labor-centered climate efforts have had the most traction in pro-union states in the West and Northeast where cities and states have adopted climate policy in response to federal inaction and extensive labor and environmental justice campaigns (Cha and Skinner 2017; Zabin 2020). Until recently, less research has focused on anti-union states with “right-to-work” laws. In 2021, the Texas federation of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) endorsed recommendations for a climate jobs

program (Skinner et al. 2021) and more than 160 organizations released the “Southern Communities for a Green New Deal” policy platform (Croslin et al. 2021). The latter observes that the South is home to a significant share of existing fossil fuel infrastructure from the Appalachian coalfields to the Gulf Coast oil and gas complex, politically-powerful and vertically-integrated, investor-owned electric utilities, a weak social safety net and labor laws, and conservative political officials, as well as a long history of civil rights and environmental justice activism led by BIPOC and poor communities. The South’s political power also means that “a just transition is not possible without including Southern workers and communities” (Croslin et al. 2021, 20).

In *Black Reconstruction in America*, Du Bois ([1935] 1998) observed the influence of Southern politics on the wider political economy of the U.S. He argued that the defeat of radical reconstruction following the U.S. Civil War fostered “the increased political power of the South based on disfranchisement of black voters” as well as “disfranchised labor” with disastrous global implications as “[t]he United States was turned into a reactionary force. It became the cornerstone of that new imperialism which is subjecting the labor of yellow, brown and black peoples to the dictation of capitalism organized on a world basis” (p.630–631). The region is an important case study to understand conservatism that shapes labor relations in and beyond the U.S. South as well as counter-hegemonic organizing led by Black workers (Woods 1998; Wilson 2000; Gilmore 2002; McLean 2008). Focusing on the Southern geographies of labor law and energy worksites, I argue for a reorientation of the notion of just transition to respond to the precarity of waged work defined by racialized, gendered, and geographic inequalities.

My argument also builds on feminist economic geographers and labor scholars who have examined the coproduction of race and gender alongside class and the challenges of labor organizing in periods of economic transition (McDowell 1991; Herod 1997; Nagar et al. 2002;

Wright 2006; Fletcher and Gapasin 2008; Smith 2015). Recent scholarship on energy geographies and just transition interrogates how the spatial transformation inherent in new forms of low-carbon energy threatens to disrupt labor and social reproductive relationships embedded within energy infrastructure (Bridge et al. 2013; Smith and Tidwell 2016), which created high-wage jobs for predominately white men (Scott 2010; Smith 2015; Dorow and Mandizadza 2018; Mills 2019; cf Curley 2019). White men are also over-represented in clean energy sectors (The Solar Foundation and Solar Energy Industries Association 2019). While these jobs offer higher wages than the median wage in the U.S. (2020 U.S. Energy and Employment Report 2020), unionization rates are much lower, averaging 6 percent in wind and 4 percent in solar nationwide compared to 20 percent in fossil fuel power plants (E2 et al. 2020). Jobs along the solar supply chain also pose occupational health hazards for workers (Mulvaney 2014; Lennon 2021; Stock 2021).

Building from Lowe's (2015) analysis that examines the intimate connections between "differently laboring peoples" within racial capitalism, I argue that shifts in energy sector employment must be studied within a long historical-geographical framework to contextualize inequalities that shape labor conditions in the energy industry and to formulate an expansive definition of just transition that moves beyond the defense of jobs property. This research builds on four years of participant observation with energy justice organizing in Georgia including with the *Clean Energy for All* campaign of the Sierra Club and grassroots coalition efforts to challenge utility rate increases (see Luke 2021). I attended hearings, meetings, and workshops, phone-banked, and contributed research and writing to develop social media and educational tools about energy regulation. This engagement informs my analysis of the interviews that I conducted with stakeholders I came to know through ethnographic research or met through snowball sampling. In total, this work builds on more than 80 interviews with labor, environmental, and EJ organizers,

clean energy developers, and municipal officials in Atlanta as well as experts working within and adjacent to the labor movement in pro-union states between 2016 and 2021. I analyzed the testimonies, reports, policies, and interview transcripts I gathered through narrative analysis to examine the subjective identification of problems in the energy sector and proposed solutions. Across these contexts, use of the term or identification with just transition varied significantly. Here, I concentrate on the geographic contexts that influence interviewee's perceptions of the role for public policy and its limits in influencing changes to decarbonize electricity generation or support workers in the energy sector.

This paper proceeds in four parts. First, I provide a brief history of just transition put forth within and outside the U.S. labor movement. Second, I consider changes in labor law and the energy industry during the 20th century that preceded just transition to evaluate efforts to compensate dislocated workers for loss of “jobs property” (Commons 1924). Following Harris (1993), I argue that just transition policy limited to the protection of jobs property can reinscribe racialized and gendered inequalities. Third, I illustrate these limitations in the context of Georgia's changing electricity sector. I conclude by echoing legal and geographic claims that just transition policy commensurate to the needs of workers in the U.S. South must overhaul labor law to expand collective bargaining and provide a social wage (Doorey 2017; Pichon Battle et al. 2019; see Heffron and McCauley 2018; Gilmore 2020). While this study is rooted in the political challenges and powerful organizing traditions of the U.S. South, it is also informed by organizing across the world through networks such as the International Trade Union Committee and Trade Unions for Energy Democracy, which have argued a just transition must decommodify energy as a basic need for a dignified life, socialize the costs of transition, and protect all workers (Sweeney 2012; International Trade Union Confederation 2018).

Just Transition or Just a Fancy Funeral

Just transition was first proposed in the 1990s by Anthony Mazzocchi with the Oil Chemical and Atomic Workers union (OCAW) to address the spatial problem that environmental policy created. Where manufacturing and industrial facilities might:

just continue elsewhere. Workers do not have such flexibility.... The only way out of the ‘jobs versus environment’ dilemma is to make provisions for the workers who lose their jobs in the wake of the country's drastically needed environmental clean-up projects....

Paying people to make the transition from one kind of economy - from one kind of job - to another economy or another job is not welfare. Those who work with toxic materials on a daily basis, who face the ever-present threat of death from explosions and fires, in order to provide the world with the energy and the materials it needs, deserve a helping hand to make a new start in life (Mazzocchi 1993, 40).

Based on the model of the G.I. Bill, Mazzocchi urged the creation of a Just Transition fund that would pay wage replacement, healthcare, pension benefits, and up to four years of tuition assistance for continued education as well as economic support for communities affected by the loss of tax revenue from closing facilities (Brecher 2015). In asserting that support for workers is “not welfare,” Mazzocchi drew a distinction between those with jobs and their closest neighbors in the “non-working classes” (Worsley 1972) and differentiates the experiences of dislocated workers from people receiving public assistance. Where Mazzocchi elsewhere championed radical demands for a social wage (Leopold 2007), the labor priorities of just transition were initially delimited as a work-based entitlement for a specific class of dislocated, unionized employees.

Just transition has since evolved and taken on different definitions through labor coalition building with community and EJ organizations (Stewis and Felli 2015; Labor Network for Sustainability and Strategic Practice Grassroots Policy Project 2016; Doorey 2017). At their 1997 national convention, OCAWⁱⁱ adopted a just transition platform and committed to bring together “front-line workers and fence-line communities” in coalition against corporations that risked environmental and occupational health (Just Transition Alliance n.d.; The Public Health Institute and The Labor Institute 2000). Environmental, climate justice, and Indigenous movements championed and adapted just transition to include support for communities affected by the closure of polluting facilities (see Climate Justice Alliance 2018; Heffron and McCauley 2018; Baker, DeVar, and Prakash 2019; Indigenous Environmental Network 2019; Morena, Krause, and Stevis 2019). While these intersections have expanded just transition to demand “broader societal transformations, from the local to the global scale” (Velicu and Barca 2020, 264), as both Maria Castaneda and Sara Nelson identified, technical and policy prescriptions often resort to a discourse of protecting jobs property, in part due to concerns of affected skilled trades workers and unions in power production and extractive industries.

From its origin, key unions opposed measures to curb climate change and union leaders decried just transition as just “a fancy funeral” that beckons “just more unemployment,” given the failure of prior public programs to assure a commensurate standard of living for workers affected by trade, mechanization, and deindustrialization (Walker 2013; Trumka 2016; Manchin and Roberts 2021).ⁱⁱⁱ Despite opposition to some national environmental and climate policies from unions that represent mining, refining, and power plant workers (Obach 2004; Sweeney 2017), just transition gained global support as a framework to defend workers’ rights in international climate negotiations. The preamble to the 2015 Paris Climate Accords recognized

“the imperatives of a just transition of the workforce and the creation of decent work and quality jobs” (United Nations 2015, 2). The AFL-CIO (2017) formally endorsed the Paris Climate Accords and resolved to fight legislatively and politically to “secure and maintain employment, pensions and health care for workers affected by changes in the energy market” and “energy and climate legislation that creates good jobs.” In addition to providing a safety net to protect dislocated workers, the AFL-CIO added that new positions in low-carbon industries must also ensure family-sustaining wages and benefits as part of a strategy for managed fossil fuel decline and planned economic re-development. In 2021, Roberts announced that the United Mine Workers would support clean energy infrastructure and other investments to create union jobs in coal-producing regions such as Appalachia, which is now predominately right-to-work (Manchin and Roberts 2021).

A robust literature on worker, union, and public response to the decline of coal (Smith and Tidwell 2016; Abraham 2017; Cha 2020a, 2020b) and successful case studies of managed decline or closure of coal facilities (Martelle 2012; Brecher 2015, 2020; Alberta Federation of Labour and Coal Transition Coalition 2016; Lipsitz and Newberry 2016; Cha and Skinner 2017; Cha 2020b) examine how to balance worker and environmental concerns. Both academic and policy literature often emphasize the uniqueness of energy producing communities. For instance, Colorado’s Just Transition plan, which was the first state-level policy in the nation to offer protections to coal workers affected by decarbonization established the provision as “a moral obligation to assist impacted workers who have powered Colorado for generations” (Colorado Just Transition Advisory Committee 2020, 20). The discourse around just transition stresses the exceptional sacrifices required in dangerous mining and utility work and mythologizes blue-collar (most-often male) workers (see Scott 2010). Coal workers organized for safety measures

and compensation to support their families given these dangers (Mulcahy 2000) and today, the Colorado plan notes, “coal industry jobs pay significantly more than the median household income for the host county – sometimes more than twice as much.” Coal workers also receive benefits above those of other local workers “if they get benefits at all,” which is due at least in part to the historical union density (Colorado Just Transition Advisory Committee 2020, 17). Recognizing the dispossession of jobs property from coal workers who would lose jobs due to the state’s climate policies, Colorado has sought to provide training, job search assistance, and income and wage benefits for transitioning coal workers. For others in affected communities who make significantly less, individualized benefits are not available. Community benefits focus on replacing lost revenue in property and extraction taxes and targeted grants for economic redevelopment. Other national and local just transition initiatives similarly differentiate between “worker” and “community” programs, sometimes to leverage existing federal funding streams for worker retraining and economic development (The White House 2016).

In one of the most comprehensive economic analyses of securing a just transition for the U.S., Pollin and Callaci (2019) problematize the uneven outcomes if policy focuses only on fossil fuel workers, observing that measures to preserve union pension funds, protect health insurance, extend wage replacement, and provide training could contribute to “major gender and ethnic disparities ... both as the fossil fuel industry contracts and the Just Transition program advances” because “U.S. fossil fuel industry employment is, at present, dominated by white males.” A just transition program directed only to fossil fuel workers does not address wage stagnation, income inequality, decline in nonwage benefits for low-wage workers, and falling unionization rates that affect the wider labor market and imperil economic recovery following plant or mine closure in regions economically dependent on fossil fuels. This is a particular

challenge in right-to-work states, where fewer public policy options exist to incentivize living wages or collective bargaining. In failing to consider the needs of workers without claims to property in jobs, just transition could become another way in which the state fosters “racially contingent forms of property and property rights” if the position of a dislocated energy worker is “ratified and legitimated in law as a type of status property” (Harris 1993, 1709). To understand the disparities in the racial and gender composition of the energy sector and claims to jobs property requires a deeper interrogation of U.S. labor law that contributes to the precarity of the working class today “in and beyond work” (Strauss 2019, 3).

Jobs Property

Preceding the recognition of collective bargaining rights in the U.S., Commons (1924, 296) asserted worker’s rights to “property” in their labor based on a union contract that conferred an “expectation of income to be obtained through bargaining power and apportioned to its members according to rules agreed upon.” This perspective differs from Marxist scholarship that posits wage workers are alienated from their labor in the production process and face on-going changes in labor conditions that make workers surplus (Braverman [1973] 1998). Jobs property offers a framework to analyze class formation and differentiation through legal and social claims originating from and extending beyond the jobsite. Building from Worsley’s (1972) separate invocation of jobs property to understand the class position of unemployed urban migrants in the Global South, Gidwani (2015) critiques “historiography in which the formally employed male industrial worker is accorded primacy as the subject of history.” Instead, tracing recent labor histories that illustrate the “thin and porous” boundaries between “wage workers in formal capitalist production and those in non-wage, self-employed home-based, piece rate, and contract work,” Gidwani (2015) urges a political theorization of class attentive to the illusory notion of

jobs property that divides workers with more secure tenure who feel a sense of jobs property from disenfranchised labor without claims to property in jobs. Importantly, he asserts class relations cannot be understood without attention to the processes of racial, gender, and caste formations and national and legal identities that shape labor conditions (see also Du Bois [1935] 1998; Lowe 2015; Woods 1998). This thesis aligns with labor scholarship on precarity that argues insecure and non-standard employment relations did not arise with neoliberal restructuring, but rather have been on-going through time and are integral to racial capitalist organization (Ettlinger 2007; Mosoetsa, Stillerman, and Tilly 2016).

A class division between workers with and without claims to jobs property is in part geographically reproduced through differences in labor protections. In the U.S., the right of workers to organize was recognized in 1935 with the National Labor Relations Act. However, labor and social welfare laws enacted as part of the New Deal created a piecemeal legal framework (Katznelson 2006). Labor organizing contributed to creating good jobs in basic industry as “collective bargaining became a centerpiece of the nation’s social welfare regime” (Windham 2017, 20). Collective bargaining provided workers “a new sort of property right to the job” grounded in the seniority system used to distribute jobs in industrial unions (Lichtenstein 2003, 74) and “[t]he right of unions to select their own members” in the building and construction trades (Quadagno 1996, 65). Southern congressmen negotiated exceptions to labor and social welfare programs for domestic and agricultural workers which meant “the extension to the federal scale— through differentiations of protections from calamity and opportunities for advancement — of the South’s apartheid practices” (Gilmore 2002, 18). In place of a comprehensive federal system to secure a social wage, healthcare, retirement, and wages were

negotiated through the workplace. Unions across the U.S. won wage and benefit increases, yet the early gains for the labor movement predominately benefited white men.

These disparities in protections for workers support Harris's influential thesis that through laws and regulation, whiteness becomes property. Harris (1993, 1728) argues that recognition of "jobs, entitlements, occupational licenses, contracts, subsidies, and indeed a whole host of intangibles that are the product of labor, time, and creativity" constructed "new forms of property derived from the government" that reproduced race and racial inequality. The creation of an industrial working class relied upon a legal system that differentiated job access and quality and entrenched racialized, gendered, and classed segmentation in the labor market.

If the growth of organized labor gave union members a sense of jobs property, the legal foundation of collective bargaining upon which the claims to such protections were based has been continually weakened in the U.S. as national and state labor laws restricted union organizing. The 1947 Taft-Hartley Act limited worker's ability to negotiate over management prerogatives such as relocation or outsourcing and recognized state-level right-to-work provisions that had been adopted in the U.S. South and Southwest to curb union power (Peck 2016; Mishel, Rhinehart, and Windham 2020). Labor and civil rights leader A. Phillip Randolph (1966, 108) observed that Taft-Hartley presented a geographical problem, as industries could move "to low-wage non-union states" and "the black and white working poor in the 'Right-to-Work' states of the South, noted for sweat-shop starvation wages, are not free to organize bona-fide unions to fight for living wages." Taft-Hartley undercut Operation Dixie, which the CIO had launched in 1946 from Atlanta to galvanize workers in the industrializing South.

Following the Civil Rights Act, which prohibited workplace discrimination, Black, Latinx, and women workers organized with renewed force. These nationwide unionization drives

faced growing opposition from employers who practiced intimidation, violated National Labor Relations Board rules, and threatened plant relocation and automation. Nonetheless, workers of color made significant gains, especially in the public sector, and today Black workers are the racial group most likely to be represented by a union. Despite these gains, as Randolph predicted, since 1970, private sector unionization has declined with the movement of jobs and people south, automation, and employer's legal and extra-legal strategies used to inhibit organizing (Mishel, Rhinehart, and Windham 2020; Moody and Post 2015; Windham 2017). In some instances, unions leveraged property claims rooted in collectively-bargained contracts to negotiate for severance pay for workers' dislocated as a result of technological change, noting that workers might have a "property right in the job," if not "the right to use this property right indefinitely to burden the social efficiency of the country" (Gomberg 1961, 129; Cohen 1963). In Detroit, United Auto Worker efforts to use protections in their collective-bargaining agreement to resist plant relocation were denied in court (Sugrue 2014).

In the energy sector, the intersecting processes of automation, geographic competition, and weak labor protections contributed to racial segregation (see King and Risher, Jr. 1970; Hill 1988; Wilson 2000; Priest and Botson 2012). A 1966 survey by the Ford Foundation on the conditions of Black workers in eighteen industries recorded these changes in the South, noting that in the coal industry, the United Mine Workers had organized all workers regardless of "creed, color, or nationality," however, "the union's failure to insist on equality in upgrading has permitted the virtual elimination of Negroes from the coal industry" (Barnum 1970, 15). Black workers lost positions in manual labor and did not receive a "proportional share of the mechanization-created jobs" (Barnum 1970, 8). Between 1930 and 1968 the share of Black workers in the Appalachian coalfields fell from 22.5% to 6.3% (Barnum 1970; Lewis 2009).

Affirmative action following the Civil Rights Act brought more women into mining, however, mining remains a predominately male sector. The Ford Foundation study also reported systemic patterns of hiring discrimination in petroleum production and public utilities (Anderson 1970; King and Risher, Jr. 1970). Black workers fought to integrate public utility workforces (Luke 2020) and because of organizing, court orders, and subsequent voluntary diversity initiatives, the share of BIPOC workers also increased in nuclear and fossil power plants where unionization rates are highest (E2 et al. 2020). However, the 2020 U.S. Energy and Employment Report on the distribution and wages of workers in energy occupations found that Black, Asian, and Latinx workers remain significantly underrepresented in the coal, natural gas, and petroleum fuels workforces as well as growing solar and wind sectors. Women and Black workers also experience a wage gap in coal, oil, and gas sectors (Tomaskovic-Devey 2016).

Focusing on the transformation of the energy labor market as a sector-specific issue fails to account for the broader legal and geographic shifts that segregated the labor market and have stifled union power. When narrowed to a work-based entitlement, just transition skips over the historical practices of discrimination against BIPOC and women workers that led to a predominately white male energy sector as well as concomitant changes that deepened uneven outcomes for workers with and without jobs property, including the rise in policing deployed to address urban surplus labor, the growth in Black and Latinx incarceration rates, policies enacted to limit employment options for returning citizens (Gilmore 2002, 2007), the evisceration of welfare benefits and the privatization of social reproduction (Bakker 2007), and constraints on collective bargaining in right-to-work states. Absent consideration of differently laboring peoples to whom fossil fuel workers are intimately connected, just transition programs can become a work-based entitlement that reproduces racial, gender, and class differences between workers

with jobs property and the “working classes who lack ‘property in jobs’ [that] constitute the modal form of urban employment...in most of the world” (Gidwani and Maringanti 2016, 128).

If worker dislocation in the energy sector is instead understood as an economy-wide problem of the erosion of the unequal social wage, just transition must bridge cross-class priorities of protecting dislocated worker pensions, establishing livable wages, and restoring collective bargaining rights as Sara Nelson and Maria Castendea asserted at the Labor Network for Sustainability Convergence. In the South, where “Suppressing unions has long been an economic development approach” of state leaders (Darmofal et al. 2019, 432) and measures to improve labor standards have repeatedly been made illegal, the reorganization of energy production reveals the limits of just transition as the protection of jobs property. Through a case study of the on-going transformation of electricity generation in Georgia, I observe achieving necessary changes to the legal frameworks that reinforced labor segmentation require this expansive approach to just transition centered on “re-establish[ing] a public commitment to the maintenance (and indeed to the *expansion*) of the social wage” (Bluestone and Harrison 1982, 233) to sustain the social reproduction of workers and communities.

Just Transition for Georgia

The energy sector in Georgia has undergone a rapid transformation. In 2005, coal powered more than two-thirds of electric generation. In 2019, only 20 percent of electricity came from coal and eight coal-fired power plants had been closed or converted to natural gas generation (Sierra Club 2021; U.S. Energy Information Administration 2021). Georgia is now among the top ten states in the U.S. for cumulative installed solar capacity (Solar Energy Industries Association 2021), however, environmentalists have urged that decarbonization needs to happen faster to address climate change. Responding in part to these pressures, in 2018, Southern Company, the parent

company of Georgia Power, which is the state's largest investor-owned utility and electricity producer, committed to reaching a no- to low-carbon energy portfolio by 2050 (Southern Company 2018).

What this shift means for workers has been harder to discern. In 2019, when Georgia Power agreed to close the coal-fired Plant Hammond during the integrated resource plan proceedings before the Georgia Public Service Commission, all workers at the plant were offered a pathway to retirement or new jobs at Plant Wansley, about 70 miles south. The Company was proud of this measure, explained Michael,^{iv} a lawyer from a national “big green” environmental organization: “they didn't fire anybody, and so they view themselves as going about just transition in the right way. I viewed that as sort of an inadequate stopgap because there's still three coal plants that are needed to be closed and you know the reality is, it takes way fewer people to run a solar field than it does a coal plant” (Interview May 2021). Of the three coal plants that are still operating, Plant Scherer and Plant Bowen are among the largest coal plants in the U.S. Plant Bowen has been an important source of work for the construction trades unions who are contracted to perform maintenance on the plant in addition to the unionized power plant workforce (fieldnotes May 2019).

The utility has begun to consider just transition, staggering plant closures in a way to phase out workers as they retire, and train new people with the skills needed to operate low-carbon power plants, but so far as Michael can tell, “They [Southern Company] view that as like an internal HR challenge. They don't view that as something that is up to either the federal government or the environmental community to deal with. They're just kind of like stay out of our business, we'll handle this, we'll make sure everybody ends up where they need to be” (Interview May 2021). Getting the Company to do anything more, explained Hugh, an energy

consultant, “it’s hard and it requires, particularly in the energy industry in a fully regulated state like Georgia, it involves very close coordination or it would involve very close coordination between the utility, Georgia Power, and the Public Service Commission, because the utility on its own isn't going to lift a finger unless the Public Service Commission tells it [that] it needs to” (Interview, September 2019). Company efforts to reallocate workers at plants that are closing, does little to secure a just transition for the towns that are economically dependent on tax revenue from coal plants or ensure that the future of the energy industry promises the same wages, benefits, and job security that workers in coal-fired power plants have (Interview July 2019). Michael urged me to think about just transition relationally. The conjuncture in which both utility efforts to decarbonize and environmental organizing for just transition emerge is only partly about energy. The power plant is one aspect of a local economy shaped by

all the other factors that are killing small town rural life like the hospital clos[ing]. The coal plant may have nothing to do with the hospital, but certainly if the coal plant goes away, the hospital has less money, but the hospital's closing for other reasons related to [things] like states that refuse to do Medicaid expansion. So, all of these other factors are converging on these areas where, you know, drug addiction is going up, transportation costs.... It's kind of like the perfect storm that's conspiring, and you know the energy transition is just one piece of it (Interview May 2021).

Wage replacement for affected Georgia Power workers, many of whom are represented by the International Brotherhood of Electrical Workers (IBEW), fails to address wider questions of economic opportunity for workers without claims to property in jobs as well as concerns of energy and environmental justice given the Company’s inadequate plans to cap in place coal ash containment ponds adjacent to coal plants that customers have been asked to pay for through

additional fees on monthly electric bills (see Baker, DeVar, and Prakash 2019; Luke 2021).

Securing a just transition also requires attention to energy and environmental justice to protect differently laboring people at and beyond the worksite.

The unequal outcomes for workers and customers seen in the closure of coal-fired power plants also characterizes Georgia Power's targeted investments in new infrastructures to achieve Southern Company's low to no-carbon energy goal. Decarbonization in part relies on the construction of two new nuclear reactors at Plant Vogtle near Augusta, Georgia, which is five years and \$15 billion over budget. Plant Vogtle is the largest construction project in the state and a liability for customers who already pay about \$100 per year in nuclear construction cost recovery charges to fund construction. Household electricity bills are expected to increase further when Plant Vogtle comes online. In the 2018 statewide election headlined by the gubernatorial race between Stacey Abrams and Brian Kemp, the AFL-CIO endorsed Republican incumbent Chuck Eaton in the race for Public Service Commission against Lindy Miller, the Democratic candidate and a renewable energy company executive. Eaton was the only Republican candidate who the AFL-CIO endorsed for statewide election given his support Plant Vogtle and he was also the only AFL-CIO endorsed statewide candidate who won. In an interview to the *Atlanta Journal-Constitution*, the business manager for IBEW Local 1579 that represents workers at Plant Vogtle explained that: "The dignity that comes from having a job is more important than any politics, and Chuck [Eaton] has been about jobs" (Galloway, Bluestein, and Hallerman 2018). Sally, a consumer advocate, described the focus on jobs and the construction project as the economic engine of the southeast to be "kind of a bait and switch," because

Georgia Power does in fact employ a lot of Georgians and I don't mean to suggest that's not important that the[y] are good jobs. It's just... to use that as an excuse to continue

with a project that is ultimately going to be an unnecessary increase in the energy burden on Georgia Power customers, and then not acknowledge that... [there] would have been much more positive benefit if you would do that and make those investments in solar, wind, and most of all energy efficiency (Interview December 2020).

From Sally's perspective, good jobs for construction workers were used to justify an incredibly costly construction project without consideration of the other kinds of jobs that the utility could create, or the effect higher energy costs would have on low-wage workers, retirees, unemployed people, and people of color who pay a disproportionate share of their income in energy bills. Other interviewees also raised concerns about environmental justice and ecological effects of nuclear power (fieldnotes, May 2019; Interview April 2019, June 2019, December 2020).

At the same time Georgia Power has invested in Plant Vogtle, most of the growth in the solar energy industry has been with non-union firms. Georgia Power was first required by the Commission to invest substantially in solar in the 2013 integrated resource plan. Since, more than 2.4 gigawatts of solar generation capacity have been installed and during the 2019 integrated resource plan, the Commission required an additional 2.2 gigawatts that will nearly double Georgia Power's installed capacity (Roselund 2019). These regulatory requirements have helped to foster the state's solar industry, which has mushroomed to nearly 200 companies engaged in manufacturing, installation, production, and design, who employ 5,000 people (Interviews May, August, September 2019; Solar Energy Industries Association 2019). Far from the labor-centered policies seen in pro-union states, the Public Service Commission has championed solar given its low cost (Margolis 2019), while avoiding discussion of the labor effects of different energy portfolios, which are seen as outside the Commission's statutory remit (Interviews May, September 2019)

Most solar construction has been at the utility-scale (Prieto and Gunning 2019) and most often the utility contracts with private developers through power purchase agreements. I interviewed solar developers in the Atlanta metro area, where the preponderance of solar firms in Georgia are based, who build residential, commercial, and utility-scale solar projects. All reported that Georgia-based firms do not necessarily see the benefits of utility-scale generation that Georgia Power has contracted. Joe, a contractor, detailed that, “Those jobs typically go to out of state contractors who come in and hire a lot of temp labor to get them installed. And it doesn't really benefit the economy when you're paying someone you know, very low wages with no benefits” (Interview June 2019). Similar shifts in utility construction are seen across the country. The IBEW journal describes that while solar creates new employment opportunities, “many of the new jobs [in solar installation] are lower skill, lower wage and nonunion and often hundreds, even thousands of miles away from where jobs are being lost” (The Electron Revolution 2017). For temp workers hired to do entry-level installation, contractors have an incentive to minimize training and cut down on labor costs. Shawn, a solar installer, pointed out that most of the training is relatively straightforward and the best workers are the people who can show up on time (Interview September 2019). Training someone to do more complicated wiring is a six-week process (Interviews May, September 2019). For someone who can complete all the wiring correctly and be comfortable climbing up on a roof for residential or commercial installations, Shawn said, “That guy can make \$22 an hour.” Another company reported they paid \$25 an hour but were hoping they could pay less when the labor market was not as tight (Interview August 2019). While competitive salaries relative to the economywide average in Georgia, these wages remain below those offered to many unionized utility workers (Memorandum of Agreement... 2016; Wages, Benefits, and Change... 2020).

Edward, a developer whose company has built projects that sold energy to Georgia Power, diagramed a hierarchy of skilled/unskilled and formal/informal employees that exist within a solar company. Most jobs are in construction, but on any given jobsite, you have “engineers that are certainly white collar, high paying jobs, but a solar installer that's just doing racking, or solar panel installation is going to make, you know, \$15 to \$20 an hour. Which is, depending on their skills, may be a good job.” He continued, “as a general rule... direct employees do have benefits. And the temporary labor people will typically work for a temp labor organization. And the better ones of those would have benefits but you know, in construction, it's a mixed bag” (Interview August 2019). When I asked Joe whether he was able to pay his workers benefits, he was glad to hear that other companies offered health insurance but lamented that, “It's hard to do that.... to make enough money to be able to afford taking care of employees better ... I've got union guys, and they have a nice benefits package. But as far as being able to put something together for the rest of the company, including myself, I have not been able to afford to do any type of health or welfare fund or retirement plans” (Interview June 2019). While all construction work is temporary in nature, building trades unions provide some security by negotiating contracts that require employers to pay into portable health insurance, pension, disability and worker’s compensation, and apprenticeship training funds. This model ensures the current and future reproduction of workers through a contract that confers job property despite the contingency of construction work. Edward posited that unions aren’t relevant “with projects the scale of solar projects, collective bargaining is not really something I've ever heard of. In certain states, but not in Georgia” (Interview August 2019). Another developer was dismissive of the fact that when his company met with IBEW leaders, the union insisted their members must receive prevailing wages (Interview August 2019). A former Building Trades researcher summed

up his efforts to lobby for “green” job opportunities, describing that “the union situation is tough here in Georgia, no doubt about it” (Interview July 2019).

Julie, a solar developer, also noted that union contractors are not bidding on work in the solar industry. “Maybe they're just afraid of change,” she suggested. “[T]hey do have a lot of accounts with Georgia Power, so, they feel like that would be crossing the line or something.... but Georgia Power [is] administering these huge utility scale projects for the IRP [Integrated Resource Plan] So, where's the union component in that?” (Interview September 2019).

However, when she tried unsuccessfully to hire union members on her company’s projects, she felt as though she was not listened to as a woman in the industry, asking, “are they ready to talk to me?” When I asked Edward, a white man, what he thinks it will take to improve racial and gender diversity in solar, he answered that, “it's gonna take time” (Interview September 2019).

His response echoed a New South progressivism present in the early 20th century when the Public Service Commission first began to govern electricity of inevitable, slow progress toward racial and gender inclusion in solar, which remains predominately white and male in Georgia (The Solar Foundation and Solar Energy Industries Association 2019). In practice, improvements in gender and racial equity are hard fought for by developers like Julie, but this attitude absolves the utility, Commission, and contractors of responsibility to consider the labor impacts of solar procurement requirements or implement a proactive strategy to hire and contract BIPOC and women workers who have been historically excluded from employment. Public policy in California, Illinois, New York, and other pro-union states has included labor standards to improve the quality of jobs in renewable energy industries and target training and hiring in BIPOC communities (see Luke et al. 2017; Illinois Solar Energy Association 2018; Kaminsky 2019). No such pro-worker policies exist in Georgia, nor have the labor implications of Georgia

Power's changing energy portfolio been addressed by the regulatory agency except in ways that are politically useful for elected Public Service Commissioners to justify the continued construction of the over-budget nuclear plant (Galloway, Bluestein, and Hallerman 2018; Eaton and Templeton 2020).

In Atlanta, where the city council committed to procure 100% of its electricity from renewable sources by 2035, energy and climate change are framed as issues of racial justice that could worsen inequalities in health, employment, and housing if “a rapid, just transition to clean energy is not achieved” (City of Atlanta Mayor’s Office of Resilience 2018, 11). Despite these goals, state law limits how the city government can achieve its energy and climate commitments. The Georgia Territorial Act prevents cities from leaving their utility provider and state pre-emptions prohibit municipal and county governments from enacting a minimum wage above the federal minimum wage, fair scheduling measures, requirements that contractors pay prevailing wage on public projects, or paid sick leave (Economic Policy Institute 2018; Huizar and Lathrop 2019). For Georgia and the U.S. South more broadly, ensuring a just transition able to support workers leaving, entering, and affected by energy sector restructuring requires more than protection of jobs property.

The platform put forward by the *Southern Communities for a Green New Deal* acknowledges the transformative change necessary to secure economic justice through a broad demand for “worker’s rights.” The earlier version of the platform centered on the Gulf South observed the need to “Overhaul the US labor system through the expansion of collective bargaining rights for all workers, including migrant workers and farmworkers. Support collective bargaining and repeal attacks on worker protections including the “Right to Work” and “At Will” employment laws” as well as eliminate convict leasing and prison labor and ensure formerly

incarcerated workers play a role in the green economy workforce (Pichon Battle et al. 2019, 14). These broad demands acknowledge the intersections of energy with other elements of work and that “to implement a just transition strategy, governments need to design policies that cross existing government ministerial portfolios and legal regimes” (Doorey 2017, 238). To bridge environmental, energy, and labor law in the U.S. also means bridging the scales of locally-specific needs and state and national laws. The AFL-CIO (2021) has rallied behind the Protecting the Right to Organize Act intended to reverse the erosion of the union movement and supported President Biden’s proposed infrastructure plans to fund childcare and healthcare alongside clean energy. As the uneven outcomes of energy investment in Georgia illustrate, these federal-level initiatives to suture organizing rights and establish a social wage to secure and expand the social reproductive benefits historically bargained through the workplace remain key to realizing a just transition to begin to address the uneven development of the U.S. labor market and provide for the needs of workers with and without claims to property in jobs.

Conclusion

In this paper, I argue for an expanded notion of just transition that addresses the uneven spatiality of labor rights in the U.S. and the related differentiation of worker protections. Just transition was first proposed to respond to environmental laws that threatened to eliminate the jobs of unionized, industrial workers. The idea has evolved through coalition-building with community and environmental justice organizations and taken on new meanings to ensure an equitable transition away from fossil fuels. Despite these broad visions, the labor objectives of just transition often remain constrained to energy sector jobs and oriented to protect the jobs property of fossil fuel workers in lost income, pensions, and healthcare benefits in ways that

restrict just transition to a job-based entitlement for an already privileged class of workers. I considered the historical construction of jobs property as interwoven with racism and patriarchy that limited the development of a social wage and ask how just transition can be mobilized as a platform to extend the benefits of unionized workers and challenge right-to-work laws. A myopic focus on organized, industrial workers as the embodiment of the working class as seen in both academic histories and just transition policy ignores workers in precarious, casual, and informal jobs as well as those whose ability to organize is legally restricted. Building from Gidwani (2015), I argue a just transition must take on the legal and geographic forms that reproduce labor precarity.

The politics of just transition powerfully foreground labor concerns in environmental and energy policy, yet studies of just transition have largely ignored the U.S. South where there exist limited policy tools and political will from elected leaders to protect workers and ensure that working people do not have to pay disproportionately for the costs of decarbonization. Through a case study of the energy transition in Georgia, I argue that thinking from the U.S. South illustrates the need for a theory of just transition adequate to address the effects of energy transition on differently-laboring peoples. This thesis is relevant to other geographic contexts where the constellation of labor law and organizing is distinct yet still characterized by uneven power relations between different classes of workers within and outside the energy sector. While Georgia Power has taken minimal steps to transition workers at coal-fired power plants that are scheduled to close and employ unionized construction workers at the Plant Vogtle construction site, these gains have also led to the development of a largely non-union solar sector and resulted in high electricity bills for Georgia residents. The U.S. has some of the weakest protections for workers in the Global North and workers in the U.S. South are even more vulnerable. Centering

the U.S. South and building on the vision of grassroots organizing in the region to marry energy and labor law to expand worker's rights offers an expansive vision of just transition to realize labor and environmental justice.

Notes

ⁱ In right-to-work states, union security agreements are prohibited meaning that workers cannot be required to join a union even in workplaces represented by a local that is nonetheless responsible for representing non-member workers as “free riders.” For an analysis of the legal and geographical history of U.S. right-to-work laws see Peck (2016).

ⁱⁱ OCAW eventually merged with the United Steel Workers.

ⁱⁱⁱ Trade Adjustment Assistance and the worker protection programs following the 1990 Clean Air Act Amendments are two such examples.

^{iv} All names of interview participants have been changed to pseudonyms.

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