

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Digital Pickets: The Evolution of Trade Unionism in the Age of Social Media in USA vs. India

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ABSTRACT

This article offers a comparative analysis of how social media and other digital technologies are changing the landscape of trade unionism in the United States and India. This article is a comparative analysis of two nations historical, industry and legal contexts to answer the obvious question: how has digital trade unionism changed the course of working-class mobilization, bargaining and organizing? It details legal frameworks, digital tactics, and case studies, and reveals new opportunities and complex challenges, such as how and when the technologies amplify workers' voices, expand opportunities for cross-border solidarity, and create new legal ambiguities and digital divides. The article closes with several policy recommendations for trade unions, legislators and technology industry players who are attempting to adjust to the emerging world of digital labor activism. It stresses that the goal should be to exploit technological innovations while protecting labor from adverse trends.

Keywords: Trade Unionism, Social Media, Labor Movements, Collective Bargaining, Gig Economy.

I. INTRODUCTION

The advent of the digital era has brought about a veritable revolution-social media being the harbinger. It is a medium through which the barriers posed does to by geography are brought down for the purpose of mobility for organizing and advocacy. In the wake of this change, trade unionism in all its variants is poised for change in the legal and socio- economic structures and markets of different societies. This article intends to undertake an interesting comparative study in the US and India, two countries with a rich legacy in the history of labor movements, highlighting how the digital era is influencing the profile of trade unionism. To this effect, it discusses the genre of trade unionism in the current era of the social media, what the challenges are and whether the law looks the other way or benefits from this new tool at the hands of the US and Indian trade unions. The case laws and the relevant statutory law have creatively been

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introduced to this analysis.

In the digital age, when technology is changing so much in the workplace, trade unionism must adapt – not just to the technology itself, but to new ways of organizing, bargaining and protesting. Social media, such as Twitter, Facebook and WhatsApp, play a role in drawing people together and sharing information as well as organizing. These tools allow unions to reach beyond their traditional boundaries, mobilize members quickly and efficiently, and widen their reach.

Although technology can enable new forms of union action, such as online picketing and social-media campaigns, it brings with it some new risks. Questions of digital security, privacy and the digital divide stand in the way of the widespread and universal uptake of these kinds of tools. Not only are rules rapidly changing, but much of what is generated online has a shorter shelf life than more conventional media, and so these labor organisations must produce and respond in a way that was simply not possible in the pre-internet era.

II. IMPORTANCE OF SOCIAL MEDIA IN TRANSFORMING TRADITIONAL LABOR MOVEMENTS

(A) Amplification of Voices

It has pedestalyzed the picket line by democratizing the public square; by giving workers' voices more prominence than has been the case since time immemorial. It means campaigns can go viral, gaining national – even international – exposure to a previously local labor dispute. That visibility often translates into greater public sympathy and can weigh on the policymaker or the business person alike.

(B) Organizational Efficiency

Digital tools also help them to develop more strategic ways of organizing. Social media allow for real-time communication and coordination during strikes or protests. It is also an extremely cheap way to effectively message advocacy campaigns, with a minimal need for brick-and-mortar infrastructural costs.

(C) Legal and Ethical Considerations

Social media in labor campaigns also pose technical legal and ethical questions – what is an acceptable delineation between legitimate protest action and online harassment remains an ambiguous question, impossible to treat within traditional legal boundaries. Legal regimes differ from country to country in dealing with online political organizing and expression.

(D) The Role of Social Media in Modern Advocacy and Mobilization Efforts

Social media plays a crucial role today in fighting for the rights of trade unionists via advocacy and mobilization. This role can be understood by shifting our focus to two questions: where does it play a role in campaigns and how does it do this? The answer is manifold. One is that social media plays not only a mobilization role but also a capacity-building role; a second is that social media plays a role at both local and national levels.

- **Mobilization:** social media — such as Twitter, Facebook and Instagram — has become indispensable for mobilizing support for strikes, protests and advocacy campaigns. These ways of organizing allow unions in particular to disseminate news and requests to thousands of members, supporters and sympathizers in a matter of minutes.
- **Awareness and advocacy:** social media can raise awareness about labor issues and workers' rights, using hashtags, viral content and online petitions to mobilize public opinion, pressure policymakers and employers and draw attention to a campaign or strike.
- **Solidarity and Network Building:** As we have seen, social media allows workers, unions and labor activists worldwide to forge solidarity and networks across the globe. By enabling ideas, resources and people to flow across borders, social media can contribute to strengthening the global labor movement.
- **Bargaining and Negotiation:** Episodes of collective bargaining and negotiation have been given a new dimension through the leveraging capacity of social media. For instance, unionized workers in the Middle East, such as the Kazan Crocus Bank staff in Moscow, can put pressure on an employer during a pay dispute through an online public campaign. In this case, public opinion can affect the attitude of employers in the bargaining process.

For example, in the particular US context, we have already seen unions use social media in many recent high-profile labor organizing struggles and campaigns, such as the Fight for \$15 movement which leveraged social media to advocate for a \$15 minimum wage. In India, social media became the primary weapon in the 2020 nationwide strike where almost 250 million workers from across various sectors and industries went on strike to protest against new labor and farm laws. It was used for organisation and coordination, but also for raising awareness and demonstrating cross-sector support.

III. TECHNOLOGICAL LANDSCAPE OF TRADE UNIONISM

Digital media now plays a central role in how trade unions organised, communicate and mobilize, and in turn has prompted trade unions around the globe to develop a strategic orientation to digital tools, which have become central to their advocacy and bargaining strategies. In particular, the strategies adopted by trade unions in the United States and India to digitally engage and use different types of tools have changed dramatically over time. Unions increasingly rely on social media and digital outreach to the membership and to the public.

(A) Adoption of Digital Tools by Trade Unions in the USA and India

In their history across the USA and around the world, trade unions have often been the first to embrace new methods of communication, from the printing press. Social media and messaging apps naturally develop this picture further. The most obvious way that the digital has intersected so far with the world of labor seems to be the use of the web and social media by unions to reach members, organised protests, and push the worker's agenda. In India too, a similar story seems to be unfolding. The labor force is massive and spread across sectors and cities, and the trade union movement is using digital technologies for scaling up activities and outreach to heterogeneous workers who typically form the informal economy, one of the largest segments of the Indian workforce.

Platforms Used (Facebook, Twitter, WhatsApp, etc.)

Digital technological platforms are used extensively by trade unions in both India and Australia for various reasons. Both the unions use Facebook and Twitter extensively for public advocacy, such as publishing messages and information on educational matters or publishing labor updates and so on. It is also helpful in circulating important news to the members and publics and circulating their posts and videos, and increasing like and share among them. For promoting and following the campaign movements, the digital platforms serve as an easy tool to join hands with such events. Some of the popular digital platforms preferred by trade unions are Telegram, WhatsApp and other messaging apps similar to email groups. Among these digital apps, such messaging apps are more useful for calling for protests and strikes, especially for disseminating real-time information about the mode of time and place of such events and protests among the members. Both the unions also use the YouTube and Instagram for their promotion among youth who are the major supporters of the ongoing and upcoming strikes and protests, especially in targeting young cohorts in India and in Australia through video stories of the workers or other visuals which convey labor issues and raise them.

Digital Strategies for Mobilization and Advocacy

Trade union digital strategies cover a wide variety of activities – from online petitions and social

media campaigns to virtual pickets and webinars for worker education. A US union can use highly automated digital advocacy tools such as data analytics to target key voters, or digital platforms for virtual strikes. Meanwhile, the digital strategy of an Indian union often entails exposing labor abuses through social media and mobilizing mass protests. A lot of the effort is focused on social media as a form of solidarity messaging.

(B) Case Studies of Successful Digital Campaigns in Both Countries

1. United States:

The Fight for \$15 Movement: A social media-led organizing campaign driving a push for a \$15 minimum wage has generated nationwide strikes and rallies, and resulted in increases of the minimum wage in a number of states.

2. India:

The 2020 Nationwide Strike: Organised over social media about land and labor laws, called by trade unions in tandem with farmers' organisations, where workers as far away as the northeastern states joined together through WhatsApp groups and Twitter and Facebook handles to participate in what would turn out to be one of the largest strikes in India's history.

IV. LEGISLATIVE FRAMEWORK GOVERNING DIGITAL TRADE UNION ACTIVITIES

The course of digital trade unionism in the United States and India will depend to some extent on the legislative landscape in which it is developed. The practice of digital trade unionism in each context faces a thick fog of legislative protections, restraints and developing jurisprudence.

(A) USA

Digital organizing by unions in the US is largely protected by existing statutory provisions. The landmark National Labor Relations Act (NLRA) guarantees workers the right to engage in organizing and the right to bargain collectively, and is interpreted to extend cover to email, Facebook posts and other work-related communications that reach within the Act's textual protections for activities undertaken or communications sent to 'mutually aid and protect' when they relate to 'terms and conditions of employment'. Adjacent statutory protections such as those offered by the Occupational Safety and Health Administration (OSHA) and the right to a minimum wage under the Fair Labor Standards Act (FLSA) can be pressed into service in the digital organizing space to the extent they relate to these protections.

Despite these protections, digital organizing will continue to run up against substantial limitations and challenges. First is the question of precisely which aspects of the NLRA apply in this context. In one ruling in 2015, the National Labor Relations Board ruled that except

where specifically determined by the board to be different, the NLRA applied to digital platforms, but its effectiveness is tied up in ambiguity and subject to potential legal challenge. Second, developments such as the rise of the gig economy and the decentralizing nature of much remote digital work have clearly illustrated the challenges that persist in work protections – large numbers of digital employees today face exclusion from the NLRA (and protection from unfair labor practices) because they are classified as independent contractors rather than employees of the companies using their labor. Third, workers who devote time to digital organizing and other collective action face many of the traditional privacy and employer spying issues that have plagued digital workers for decades.

US court cases indicate that digital trade unionism is an evolving field with evolving legal questions. In 2014, a US federal court decided *Purple Communications, Inc. and Communications Workers of America* the employer email system was part of the property of the corporation, but it also served workplace communication needs, and employees working for the company had a statutory right to communicate about union organizing efforts. This case set a precedent about employer email after a decision five years earlier in a trial judge proceeding that came under the same provision of the US labor law under review in *Purple Communications*.

(B) India

As in most other countries, the laws that regulate online trade union activity in India rely on three layers of statutes: the Trade Unions Act (1926), the Industrial Disputes Act (1947), and the Information Technology Act (2000). These acts together give some basis for trade union registration and activity (such as to negotiate and strike), but do not themselves speak directly to digital organizing. Instead, the Information Technology Act explicitly regulates cybercrimes and digital transactions, but impacts the digital organizing of trade unions only in passing, notably to regulate digital privacy and online speech.

Indian government responses have taken a tentative, restrictive position on digital labor uprisings, mirroring the state's fears about the impact of misinformation on conflicts. While there are no explicit bans on digital trade union activity, internet shutdowns and the use of sedition and public safety laws to censor online mobilization raise questions about the right to digital expression and assembly for labor movements.

Indeed, digital trade unionism is relevant to judgments handed down by India's judiciary on occasion, though not directly. Cases on the freedom of the internet, such as *Anuradha Bhasin v. Union of India*, in which the Supreme Court deemed the freedom of the internet a beneficial

means to the freedom of trade provided by the Constitution, lend indirect support to the claim for the protection of online trade union practices. Meanwhile, the paucity of any direct case law on digital trade union rights can be attributed to the immature nature of digital labor movements in India and the need for more legal clarity.

V. COMPARATIVE ANALYSIS OF DIGITAL TRADE UNION CHALLENGES AND OPPORTUNITIES

Driven by the widespread use of social media and other digital platforms, trade unionism in the digital era seems to hold a mix of challenges and opportunities for labor movements in the US and India. In this comparative framework, the article explores both the challenges as well as some uniquely intriguing opportunities of digital technology for trade unionism. They range from issues arising from free speech and censorship, digital surveillance and privacy, possibilities for cross border solidarity to inequalities in accessing digital technology.

(A) Free Speech and Censorship on Social Media Platforms

In the US, unions have turned to social media as a means to advance labor rights and union organizing, from Twitter and Facebook to Instagram. Under the First Amendment, free speech operates as a robust legal buffer for digital organizing, but private social media platforms themselves have their own terms of service, which can still lead to the removal of union messaging that they deem political, or “too spicy”. It’s a challenging situation that can undermine union voices and subdue the amplification capabilities of online pickets.

India’s situation is also more complicated since non-state digital content is subject to regulatory intervention. For example, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 as it stands bypasses the exemptions accorded to the social media and streaming companies under the IT Act and mandates that they take down any unlawful content flagged by the government. This regulatory environment can make trade unionism harder, even if only some laws have these effects, since it can cause unions to be wary of using digital platforms for mobilization and advocacy.

(B) Digital Surveillance and Privacy Concerns

There is a growing concern about digital surveillance by employers in the US. Due to the ever-increasing sophistication of surveillance technology (in particular monitoring of online employee activities) as well as the possible intervention of the employer, employees participating in trade union activities can be easily detected and followed. According to the National Labor Relations Act (1935), employees have a right to organised for their mutual aid

and protection, and the courts have repeatedly protected the rights of employees to collectivize for ‘mutual aid and protection’ since the 1930s. Over the years, worker protection rulings have gradually expanded to include internet-based activities, as well as those that take place during non-work time and in different venues. But one aspect of employee protection that has never been clear, especially in the digital domain, is the areas of privacy and the possibility for retaliation against members of trade unions.

This is also true in India, where privacy concerns are paramount following the Supreme Court’s ruling that privacy is a fundamental right in *Justice K S Puttaswamy (Retd) v. Union of India*, while digital surveillance by non-state and state actors continues unabated. Digital organizing for trade unions involves operating at the cutting edge, where union organizing itself can be monitored through digital technologies, where members’ data is potentially exposed, and where there are not yet robust legal regulations to protect privacy in the digital age.

(C) Cross-Border Solidarity and International Digital Campaigns

In the digital age, opportunities for cross-border solidarity and for coordinating digital international campaigns have never been easier. Unions in different countries can express their support for each other’s disputes, draw from each other’s experience and share best practice and tips for organizing campaigns – all right at their fingertips on social media channels. #MeToo was truly global in reach, with labor organisations from across the world speaking out in support, showcasing the possibilities for digital platforms to forge international labor solidarity. Legal differences among countries, challenges of language barriers and the digital divide are just a few of the likely reasons why any possible profound shifts in labor organizational patterns might be tempered, and why labor solidarity at the global level might not be as well-coordinated as it might seem from our computer screens.

(D) Challenges in Ensuring Inclusivity and Equity Through Digital Platforms

Regardless of whether digital spaces lead to new paths towards organisation and advocacy, the risk is that digital trade unionism may further extend existing labor movement inequalities. Namely, access to digital tools and digital literacies are uneven among workers. What happens if marginalized workers are sidelined because they are not tech-savvy enough? Importantly, who is disenfranchised by the digital divide? Digital trade unionism should therefore be aware of potential digital exclusivity in terms of race, gender and ethnicity.

There is also a challenge in India, which has an even greater digital divide and linguistic diversity; many workers, especially in the countryside and in the informal sector, do not have access to digital tools. Content on digital platforms often comes in the English language,

excluding those who do not speak or read English from fully participating in digital trade union activities. It remains a challenge how digital campaigns are made accessible and inclusive.

(E) Social Media as a Tool for Mobilization and Advocacy

The fifth example here involves social media as a means to increase mobilization and advocacy by unions; in other words, it has become the fifth pillar of trade unionism. In social media, trade unions found a powerful tool of mobilization and advocacy, allowing them to reach out to a wider audience and connect with people in remote locations. Social media also helps unions to coordinate actions efficiently. Social media has been used to amplify workers' voices in the United States and India, as well as to mobilize public opinion and boost a movement for labor rights. This section discusses how to design an effective online campaign, how communities can be developed in social media, how social media can be used for organizing action (off-line also), how influencers can help run campaigns, and how viral content can contribute to trade union campaigns.

(F) Strategies for Effective Online Campaigns

US unions have likewise employed hashtags and the first-person testimonials of individual workers to weave new narratives, helping to support the argument that demands for better wages, improved conditions of employment and the right to unionize are worth defending. Strategic use of hashtags – #FightFor15 is a key organizing tool for the \$15 minimum wage campaign – has kept the movement unified across social media. American unions are also savvy users of targeted advertising, purchasing listings on social media sites and honing their data analytics so they can focus on different demographics and test different types of messaging with discrete groups.

Through social media, trade unions in India have managed to surpass geographical limitations and connect with a dispersed and vernacular-speaking, multilingual and heterogenic workforce. Be it WhatsApp groups or Facebook pages, these have become the centers of information dissemination, mobilization of workers through calls for strikes, strategic actions and acts of solidarity to build momentum for workers' concerns and issues. Campaign material has been circulated in vernacular languages to cross linguistic barriers.

(G) Building Digital Communities for Trade Union Members

In other parts of the world – beyond the United States – these same digital spaces are also places where workers in health and across other industries come together to support each other and draw strength from collectivized expression: in social media groups and online forums, union members share the details of their struggles and keep up to date with emerging campaigns and

organizational tactics; they offer each other consolation, seek advice, or trade hacks; exchange jokes or memes; and celebrate small wins. Such digital communities can be spaces where a committed clique of workers stay connected when the momentum of the organisation momentarily lapses. Digital labor movements allow union members to keep each other activated, sustained by the ongoing emotion of belonging together.

Digital platforms have been particularly effective in India, where it would be difficult to conduct a classic union meeting. Workers across sectors, such as the informal sector, have been able to meet, share their problems and discuss issues of labor. Digital organisations have even provided an organizing avenue for workers from sectors where unionization is often deficient or feeble.

(H) Leveraging Social Media for Real-World Protests and Strikes

Social media is a key tool for organizing action and coordinating efforts in the physical world. The speed with which logistical information, reports and calls to action can travel through social media is what made it such an essential organizing tool for mobilizing massive forms of protest and action. For example, it was used to organise pickets in the UAW strikes, disseminate real-time developments and updates, and sustain community interest.

In turn, advocates of mass political participation can point to India, where social media was used to organise a nationwide strike in late November 2020 against labor and farm laws. On Twitter and Facebook, strike actions against the laws were coordinated across states in India, mobilizing and keeping followers apprised of nationwide protests in real time. By embedding social media in the process of organisation, the recently concluded strike was able to unite a disparate and geographically segmented movement. Social media helped to mobilize a broad group of individuals and then tie them into a nationwide movement.

(I) The Role of Influencers and Viral Content in Trade Union Campaigns

One of these methods (more common in the US) is to adopt the virality approach, i.e. to turn the attention of celebrities and other social media personalities to a topic that currently appears neither shocking nor glamorous for a wider audience (which such a campaign would need in order to be successful). A ‘viral’ shocking video or striking infographic might turn a trade union campaign into an eye-catching proposition.

Similar tactics, such as generating viral content and influencer lobbying, have been deployed in India to place labor on the public agenda. For instance, during the farmers protests, in which the ranks of labor unions were incredibly high, social media influencers and celebrities helped the protesters’ voice percolate all around the world. Viral footage of the protest and pictures have been instrumental in generating support for the movement internationally.

VI. THE FUTURE OF DIGITAL TRADE UNIONISM

The future agenda of digital trade unionism is entering a crucial hour owing to an accelerated technological revolution, radical legislation, and the impact of artificial intelligence (AI) and automation. Even as trade unions in the US and India deepen their responses to the digital moment, the strategies of resistance, modes of organizing and advocacy are speedily evolving. In this concluding part of the essay, he foresees the future contours – in relation to technology, possible legislation, and the new roles of AI and automation in digitized workspaces.

(A) Predictions for Technological Advancements and Their Impact on Trade Union Activities

The next generation of technologies – including blockchain, augmented reality (AR) and virtual reality (VR) – will similarly alter how trade unions operate. Blockchain technology could see better voting: it could provide secure and more transparent outcomes in union votes – a necessity or at least a consideration for trade union elections or members' ballots. AR and VR could provide new ways of training union members for the workplace, from health and safety rules to familiarization with the work environment.

These technologies will improve member involvement, help organisations to run more smoothly and create new forms of collective action. Members, for example, could increasingly use virtual pickets of strikes to engage with campaigns and social media might change to be used with increasingly complex algorithms and different mechanisms for targeted communications.

(B) Potential Legislative Changes to Accommodate Digital Organizing

- The United States is beginning to see signs of a change in this direction, with calls to modernize labor law for the digital economy by, for example, broadening the scope of the National Labor Relations Act and considering gig economy workers to be employees or expand protections for the right to organised so they include activities on digital platforms; or by expanding existing strict privacy laws to include protections for workers whose psychological wellbeing is threatened by work monitoring and retaliation over what they do online.
- In India: legislative reform might feasibly formalize the status of the gig worker to include rights of association and bargaining. It might update the Information Technology Act, enhancing protections for online speech in relation to labor rights and union activity, and guard against the censorship of union communications and the right of digital expression by trade unions.

(C) The Role of AI and Automation in Shaping Future Labor Movements

The adoption of AI and automation will lead to large-scale changes in the nature of work. Far from retreating in the face of technology-driven job displacements, labor movements will have an important new role to play in advocating for retraining, job replacement and protections for displaced workers. Ensuring the digital literacy and skills-training required for the jobs of tomorrow will become a central part of union activity.

AI might assist trade unions in the practice of advocacy and mobilization, by using machine learning algorithms to make sense of trends on social media or employment patterns, to help inform campaign strategies, identify potential members and predict the outcomes of labor disputes. The increasing use of AI by employers for workforce management and surveillance will need a strong response from unions to demand ethical standards and frameworks of regulation for its use.

(D) Policy Recommendations

This constant interplay between technology and labor organizing has given birth to what I call digital trade unionism. This ongoing change, particularly manifest in the US and India, calls for a rethink of how unions will use technology to enhance the resilience of unions at this juncture – when digital technologies can benefit and impact the organizing efforts of unions – a shift that will protect the rights of members and also advance the principles of free and fair association. The following policy recommendations are for trade unions, legislative policy makers and technology firms. They focus on embedding digital technologies to advance the conditions for digital and offline trade union activities operating simultaneously.

a. For Trade Unions: Embracing Digital Tools While Safeguarding Members' Rights

- **Digital Literacy and Education:** Trade unions should fund digital literacy programmes for their members through which those workers, irrespective of their age, industry or occupation, can further develop their ability to participate in a digital trade-union environment (i.e., the knowledge of digital rights, privacy protection and digital tools usage for organizing and advocacy).
- **Hybrid organizing models:** Unions must develop organizing models that are a combination of traditional organizing methods and digitally based strategies, so that members without digital technology don't have to be hampered in or excluded from the union's activities.

- **Digital Rights:** Trade unions should fight for digital rights of members. These include the right to privacy and to protect their members from surveillance. This will require trade unions to lobby and negotiate with employers for clarification on uses of digital tools at work and to limit the extent of monitoring workers' social media accounts that acts as a disguise for employee surveillance and its potential for retaliation.
- **Innovative use of technology:** Unions should harness the best technology to support organizing and bargaining activities including blockchain-based structures for secure voting; artificial intelligence for gathering and analyzing labor market trends; and social media analytics for optimizing campaign activities.

b. For Legislators: Modernizing Laws to Support Digital and Traditional Trade Union Activities

- **Amend labor laws:** Legislators must ensure the labor laws reflect the actualities of the quasi-digital age. Recognize digital organizing as a form of legitimate collective action; define the limits of digital tools for labor practices.
- **Digital Organizing and Advocacy Rights:** Protect workers' rights to organised, talk about work conditions and advocate for their interests on digital platforms, and to do so with the assurance that they will not be censored or otherwise punished – protections that would be enforced through updated privacy laws and amended labor laws to address the use of digital surveillance technologies.
- **Protecting Gig Workers:** Legislators must grant gig workers the right to join unions and to collectively bargain over their contracts. This protection could take the form of reclassifying employment categories so that digital platform workers are covered by labor laws.
- **International digital solidarity:** Moving beyond national isolation, the law should facilitate cross-border solidarity and support for international labor movements, by cooperating with an international body to develop codes of practice concerning the use of digital tools.

c. For Technology Companies: Ensuring Platform Policies Facilitate Free and Fair Use by Trade Unions

- **Creating trade-union-friendly policies:** The policies regulating online content on technology companies' platforms should not prevent trade union activities. Companies should clarify their content-moderation rules to distinguish between legitimate trade

union content and activities prohibited by the platform.

- **Facilitating Transparency:** Platforms Would commit to transparency in their algorithm design, moderation policies, and enforcement thereof, including any relevant commitments to service providers with whom they contract; and
- **Enabling Advocacy:** Platforms would leave a reasonable space for unions to carry out their activities of advocacy, including allowing them to seek redresses to any harms from search and recommendation scores that may limit unnecessarily or unjustifiably the visibility of their activities, and from takedowns.
- **User privacy:** Technology companies must protect the privacy of users, including trade union members using digital platforms for organizing and advocacy, including strong data protection rules and giving users control over their information and online profiles.
- **Organize with Trade Unions:** The design, ownership and access to content moderation, privacy and the use of digital tools for organizing should be collaborative with trade unions by having companies speak to organizational representatives.

VII. CONCLUSION

The changing nature of digital communication has transformed the landscape of trade unionism both in the US and India. The rise of social media and other digital technologies has brought about numerous changes both to the organisations and the strategies of trade unions, and has offered newer opportunities and challenges to trade unionism across the globe. It is in the context of digital trade unionism that the pathbreaking practices in these two countries are seen.

By adopting digital tools, unions are reaching a much wider audience as workers are mobilized at unprecedented speed and efficiency. Not only can campaigns go viral and attract the attention of the national or even global public, but electronic devices also amplify workers' voices at a time when they otherwise might be isolated beyond the picket lines and union meetings. Digital tools have additionally enabled unions to organised more efficiently, facilitating real-time communication and coordination needed to mobilize large numbers of workers to strike or protest.

But this 'going digital' has its own problems: digital privacy issues, cybersecurity concerns, the digital divide... the list goes on. Most of these tools were developed with EIs in mind, and so they need to be continually adapted to suit IIs. Arenas of discourse also change rapidly online — think of the rapid shift from protecting digital information behind a firewall to its now-ubiquitous data breaches and surveillance. Even moral and legal issues present transitional

challenges. The thin line between legitimate protest and digital harassment makes established legal precedents redundant in the face of new ones.

Digital organizing is dependent upon, and constrained by, legal landscapes that support freedom of protest and work in digital spaces in the US and India. The legal frameworks that sustain digital organizing are governed by legislation in the US – the National Labor Relations Act of 1935, and decisions of the National Labor Relations Board – and remain somewhat legally ambiguous, but nonetheless offer some protections to digital organizing efforts. Digital trade-unionism in India exists in an untenable legal landscape, a Knickerbocker hotel of extremely vague protections between the Trade Unions Act of 1926, the Industrial Disputes Act of 1947, and the Information Technology Act of 2000. While there is room for digital trade unionism within India’s high level of internet freedom, trade union organizers are still responsible for dealing with the highest police-state surveillance and potential censorship in South Asia.

If anything, new waves of technological change (egg, blockchain, augmented reality and artificial intelligence) will likely only increase the opportunities for new forms of unionized labor interacting with broader public goods. And as new forms of technology arise, so too will new kinds of trade-off questions for unions with regard to privacy, surveillance and the automation of work for its members. Historical case studies remind us that how a union responds to technological change forces unions into a series of pragmatic judgments that are grounded in the defensive insistence that members rights must be protected, but at the same time must also involve an accommodation to new ways of working under changing legal frameworks.

Taken together, ‘Digital Pickets’ suggests that digital technology might be trad unionism’s biggest opportunity for transitioning into the 21st century, but that continued reworking, innovation and vigilance are essential in meeting challenges. Lessons from the development of UK trade unionism in the digital epoch are relevant to labor movements everywhere. These include the need to engage more deeply in the shaping of digital technology; to use digital tools for strengthening advocacy and mobilization; and to develop policies that advance workers’ rights in a more heavily digitalized world, including, but not limited to, legal reforms.

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