

## COWORKERS IN LAW

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Like “in laws” in the family, coworker relationships are “in law” in that they are created by a legal relationship—the one between employer and employee—but coworker relationships themselves are not recognized in law. This Article critiques the legal status of coworkers by arguing that coworkers are at the heart of work life and work law, that work law fails, and indeed undermines its own purposes, in its blindness to this important reality, and that coworkers must be “in law” to fulfill the goals of work law.

While scholars have focused on the tensions between labor law and employment law, this Article unites work law under a relational theory that highlights the central role of coworkers to the success of work law. Coworker social bonds provide support that enhances employee leverage, promotes collective action, facilitates worker voice to register complaints, and even prevents legal violations from occurring in the first place. In this way, coworkers are instrumental to achieving the equal, fair, and safe workplace that work law envisions. But the law’s blindness to coworker relationships limits workers’ ability to harness the power of these bonds. Across a wide swath of doctrines—from unit determinations, to discrimination, to retaliation, and beyond—work law erects barriers to coworker bonding, discourages the exchange of coworker support, and permits employers to rupture coworker bonds. This means, for example, that employees are without standing to complain that discrimination harmed coworker bonds, and that employers can fire workers who support their coworkers.

This Article proposes a new relationship model—a law of limited-purpose support—that would recognize coworker bonds. This model would take a two-pronged approach. First, time-tested doctrines would be adapted to the reality of coworker relationships. So, for example, in assessing standing under antidiscrimination law, coworker bonds would count among the interests the law protects. Second, coworker bonds would enjoy new protections, such as a blanket protection against retaliation when coworkers exchange work-related support. Under the law of limited-purpose support, coworker bonds could fulfill their promise of achieving a better workplace.