

Stronger Together

How Unions Help Strengthen
Families and the Nation



*Prepared by the Democratic Staff of the
U.S. House Committee on Education and the Workforce*

Ranking Member Robert C. "Bobby" Scott (D-VA)

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Cover Photo: AP Photo/Craig Ruttle

“It used to be that no matter how hard I worked, I had no chance of moving up. Now that I am in a union, I’m making \$15.80 an hour, which is about \$10 more than I made per hour at my old job. And I’m guaranteed 40 hours each week. I know if I work hard, it will pay off. It makes a big difference being a member of a union.”

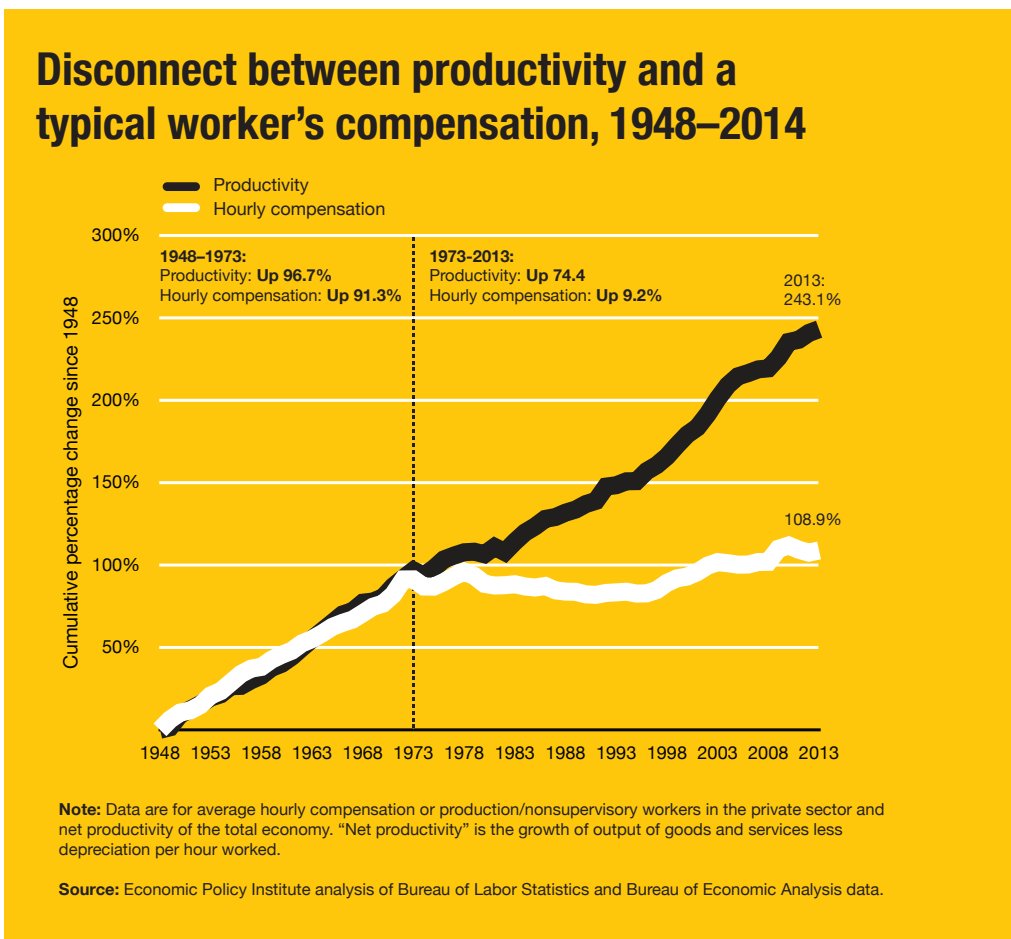
—Laverne Wrenn, Member,
UFCW Local 400, Newport News, Virginia

Introduction

American workers are more productive than ever, but they are not receiving their fair share of the wealth they create. As a result, the middle class is shrinking and for many workers, the American dream is moving further out of reach.

To fix this problem we must repair the broken link between productivity and wages. Between 1948 and 1973, productivity and hourly compensation grew at nearly equal rates – productivity increased by almost 97 percent and hourly worker compensation increased by 91 percent.¹ But in the forty years that followed, while productivity continued to skyrocket, wages barely rose. Between 1973 and 2014, American workers’ productivity grew by 72 percent while hourly worker compensation grew by 9 percent.²

In the 1970s, the American economy began to shift from one in which the rising tide of economic growth lifted all boats, to one in which the rich were getting richer while the rest of Americans struggled to make ends meet. Income inequality increased steadily – with inequality in hourly wages increasing by more than 40 percent

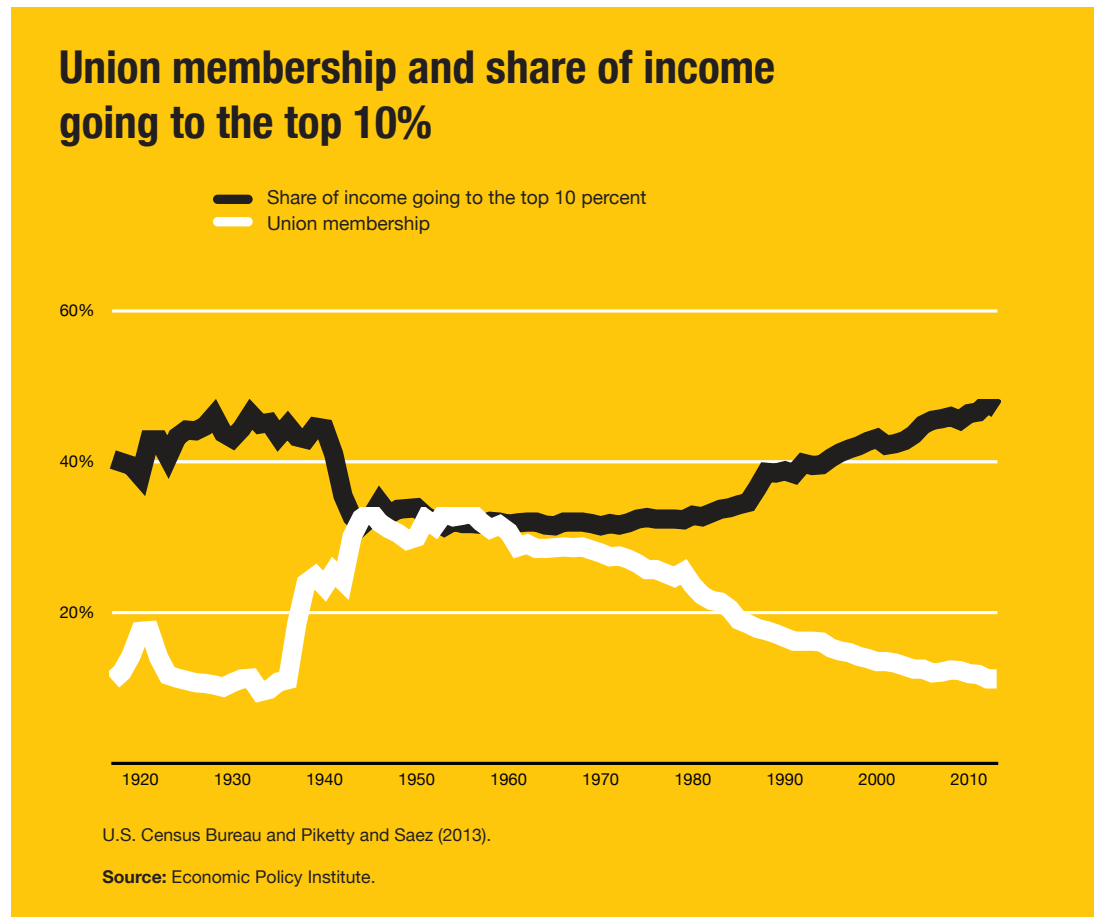


between 1973 and 2007.³ And the CEO to worker pay ratio increased nearly tenfold – from 30 to 1 in 1978 to nearly 300 to 1 in 2013.⁴

The decline in union density is among the single biggest contributors to this shift in our economy. Strong unions once made it possible for millions of hardworking Americans to join the ranks of the middle class. In the mid-1950s, the percentage of workers belonging to a union peaked at 33%.⁵ America’s middle class was expanding and hardworking Americans were sharing in the prosperity they worked so hard to create.

But in the decades that followed, private sector union membership declined dramatically. From 1973 to 2007, private sector union membership in the United States decreased from 34 to 8 percent for men and 16 to 6 percent for women.⁶ The decline is estimated to explain one-third of the growth in wage inequality among men and one-fifth of the growth in wage inequality among women from 1973 to 2007.⁷

The direct correlation between declining unionization and increasing income inequality is not surprising. Union jobs have historically offered good wages and benefits, safer working conditions, and retirement security. Indeed, on average, unionized workers earn \$207 more per week than non-unionized workers.⁸ Unionized workers also have more access to paid holidays, paid sick leave, life insurance, medical and retirement benefits than those workers who are not unionized.⁹ And in unionized workplaces, workers are also much more likely to be aware of and able to exercise their rights under our nation’s health and safety, anti-discrimination and wage and hour laws.¹⁰



THEN: Democrats and Republicans Once Agreed Strong Unions Were Vital to a Strong Economy

In the 1950s and 1960s, both parties' political platforms expressed strong support for the role of labor unions.¹¹

In a 1952 speech to the American Federation of Labor, Republican President Dwight D. Eisenhower told the audience that “unions have a secure place in our industrial life. Only a handful of unreconstructed reactionaries harbor the ugly thought of breaking unions. Only a fool would try to deprive working men and women the right to join the union of their choice.”¹²

The Republican Party Platform of 1968 stated:

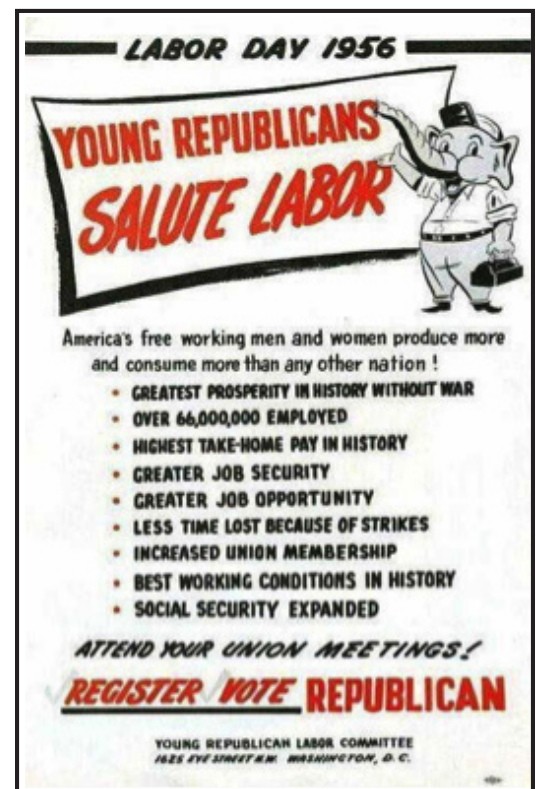
Organized labor has contributed greatly to the economic strength of our country and the well-being of its members. The Republican Party vigorously endorses its key role in our national life. We support an equitable minimum wage for American workers—one providing fair wages without unduly increasing unemployment among those on the lowest rung of the economic ladder—and will improve the Fair Labor Standards Act, with its important protections for employees. The forty-hour week adopted 30 years ago needs re-examination to determine whether or not a shorter work week, without loss of wages, would produce more jobs, increase productivity and stabilize prices.

[...] We will be vigilant to prevent any administrative agency entrusted with labor-law enforcement from defying the letter and spirit of these laws.¹³

Nearly thirty years later, Ronald Reagan pointed “with some pride” to the fact that he was the “first President of the United States to hold a lifetime membership in an AFL-CIO union.”¹⁴ Reagan served as a president of the film actor’s union, the Screen Actors Guild (SAG), and led a successful strike in 1960. That strike resulted in unionized film actors receiving compensation for repeated screenings of their work. When briefing his membership on the terms of the deal ending the strike, Ronald Reagan speculated that the residual payments he negotiated on behalf of the union would mean that “the benefits down through the years to performers will be actually greater than all of the previous contracts we have negotiated put together.”¹⁵

“ Only a fool would try to deprive working men and women the right to join the union of their choice.”

—President Dwight D. Eisenhower



Source: Cornell University Library, Collection of Political Americana, Division of Rare and Manuscript Collections, 1956.

NOW: Partisan Attacks on Unions by Federal and State Lawmakers are Now Commonplace

This once-bipartisan support for the role of unions in a strong and thriving economy has disappeared. Some lawmakers wear their hostility toward unions as a badge of honor.

- The same Ronald Reagan who led a landmark union strike later ended the air traffic controller's strike for better wages and working conditions by firing more than 11,000 air traffic controllers and banning them from federal service for life after they ignored his order to return to work.¹⁶
- Former Speaker of the House, Newt Gingrich, proclaimed that the "union movement as it stands today has become an obstacle to America's economic growth."¹⁷ Gingrich even suggested that schools should "get rid of unionized janitors" and replace them with children.¹⁸
- In her 2015 State of the State address, South Carolina's Governor, Nikki Haley, said, "[w]e have a reputation – internationally – for being a state that doesn't want unions because we don't need unions. And it is a reputation that matters."¹⁹
- New Jersey's Governor, Chris Christie, said the national teachers' unions deserve a "political punch in the face."²⁰
- Wisconsin's Governor, Scott Walker, proudly declared that, "we took on the unions and won."²¹ He also said, "collective bargaining is not a right. It is an expensive entitlement."²² Governor Walker proposed eliminating the National Labor Relations Board and called for a nationwide expansion of so-called right-to-work laws.²³

The Republican-led U.S. House of Representatives and half of the states have pursued a clear anti-union agenda:

- In 2011, Congressman Tom Price of Georgia offered an amendment to eliminate funding for the National Labor Relations Board (NLRB). While the amendment was defeated, 176 Republican Members – nearly 75 percent of the Republican caucus – voted for it.²⁴
- Twenty-five states have enacted so-called "right to work" laws and similar legislation has been introduced in many more states.²⁵ In states with right to work laws, and in workplaces where employees have chosen union representation, the union cannot require employees to pay their fair share of dues although it still must represent everyone. By allowing for free-riders these laws weaken labor unions and drive down wages. Indeed, the typical worker in states with a right to work law makes \$5,971 less annually than workers in states without a right to work law, controlling for other factors.²⁶

“ Collective bargaining is not a right. It is an expensive entitlement.”

–Wisconsin Gov.
Scott Walker

The Washington Post

By Valerie Strauss, February 27, 2015

Yes, Scott Walker really did link terrorists with protesting teachers and other unionists

His spokesman tried to walk it back, and he denied making the comparison, but Wisconsin Gov. Scott Walker, in an attempt to show just what a tough guy he is, really did say that his strength in taking on protesting union members qualified him for confronting radical Islamic terrorist groups, such as the Islamic State.

Restoring the middle class and renewing the American dream requires a thriving labor movement. But today, too many in the Majority Party in Congress would rather attack unions than protect the rights of workers to organize and bargain collectively. This hasn't always been the case.

Today, employer hostility toward union activity has become commonplace. An analysis of illegal employer conduct during union organizing campaigns found that 47 percent of employers threaten cuts in benefits or wages if their employees join the union; 57 percent threaten to close the facility; and 34 percent fire at least one employee in retaliation for organizing.²⁷

Nine out of ten employers require employees to attend captive audience meetings during work time.²⁸ Captive audience meetings are mandatory gatherings of employees in the workplace held during a union organizing campaign at which the employer warns employees not to unionize. At these mandatory meetings, employers frequently threaten that the business will suffer and jobs will be cut if the workers choose a union. For example, in Target's anti-union video that was leaked to the press in 2014, "Think Hard Protect Your Signature," the question is posed, "If Target faced rigid union contracts like some of our competitors, our ability to serve our guests could suffer dramatically. And with fewer guests, what happens to our team?"²⁹

Republicans have called hearings or markups in the Education and the Workforce Committee that focused on policies and legislation attacking workers' ability to organize twenty-two times since taking over the majority in 2011:

1. H.R. 3459, Protecting Local Business Opportunity Act. Tuesday, September 29, 2015.
2. Redefining "Employer" and the Impact on Georgia's Workers and Small Business Owners, Savannah, Georgia. Thursday, August 27, 2015.
3. Redefining "Employer" and the Impact on Alabama's Workers and Small Business Owners, Mobile, Alabama. Tuesday, August 25, 2015.
4. Markup on H.R. 511, Tribal Labor Sovereignty Act of 2015. Wednesday, July 22, 2015.
5. Legislative Hearing on H.R. 511, Tribal Labor Sovereignty Act of 2015. Tuesday, June 16, 2015.
6. Compulsory Unionization through Grievance Fees: The NLRB's Assault on Right-to-Work. Wednesday, June 3, 2015.
7. H.J. Res. 29, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures. Wednesday, March 4, 2015.
8. What Should Workers and Employers Expect Next From the National Labor Relations Board? Tuesday, June 24, 2014.
9. Big Labor on College Campuses: Examining the Consequences of Unionizing Student Athletes. Thursday, May 8, 2014.
10. Markup of H.R. 4320, "Workforce Democracy and Fairness Act." Wednesday, April 9, 2014.
11. Culture of Union Favoritism: The Return of the NLRB's Ambush Election Rule. Wednesday, March 5, 2014.
12. Markup of H.R. 1120, "The Preventing Greater Uncertainty in Labor-Management Relations Act." Wednesday, March 20, 2013.
13. The Future of the NLRB: What Noel Canning vs. NLRB Means for Workers, Employers and Unions. Wednesday, February 13, 2013.
14. Expanding the Power of Big Labor: The NLRB's Growing Intrusion into Higher Education. Wednesday, September 12, 2012.
15. Examining Proposals to Strengthen the National Labor Relations Act. Wednesday, July 25, 2012.
16. The NLRB Recess Appointments: Implications for America's Workers and Employers. February 7, 2012.
17. Markup of H.R. 3094, "Workforce Democracy and Fairness Act." Wednesday, October 26, 2011.
18. Culture of Union Favoritism: Recent Actions of the National Labor Relations Board. Thursday, September 22, 2011.
19. Rushing Union Elections: Protecting the Interests of Big Labor at the Expense of Workers' Free Choice. Thursday, July 7, 2011.
20. Corporate Campaigns and the NLRB: The Impact of Union Pressure on Job Creation. Thursday, May 26, 2011.
21. The Future of Union Transparency and Accountability. Thursday, March 31, 2011.
22. Emerging Trends at the National Labor Relations Board. Friday, February 11, 2011.

WORKER STORY



“When we presented the cards to the owner, he told us the union was no good for workers. He said the union was crap. And then the retaliation started. He threatened to call immigration and have us deported. He cut the hours of the most outspoken worker in half, took away his breaks, and made him clean the hole every week.”

José Hernández*

Retail, Wholesale, Department Store Union, New York, New York

My job at the car wash wasn't safe. We worked with so many chemicals but we never got any training in how to handle them. We never got gloves, masks, or any other protective gear. My hands were always red with rashes.

Once a month we had to climb down a ladder to clean the hole at the bottom of the car wash. That's where all the chemical residue from cleaning the cars landed. After that, I always had a rash for three days. And the conveyor belt at the car wash went so fast – we were always having accidents. We asked the owner to slow it down but he ignored us. He yelled at me and my coworkers all the time for no reason. And our hours were just too long. We worked 60 to 70 hours, seven days a week. We had no time to help our kids with their homework, or to go to their school activities. And our wages were so low – I was making \$3.25 an hour and I've worked there since 2001.

My co-workers and I wanted a union because we wanted to ask the owner to make some changes for the better. We wanted to be able to ask for safer working conditions and more reasonable hours without risking our jobs. Working with the union, we were able to get union recognition cards signed. When we presented the cards to the owner, he told us the union was no good for workers. He said the union was crap. And then the retaliation started. He threatened to call immigration and have people deported. He cut the hours of the most outspoken

worker in half, took away his breaks, and made him clean the hole every week.

Even though we knew we were doing the right thing, it was still very difficult. The retaliation was hard. But it was all worth it. Now we have a voice at work and we can make changes to improve our situation. At the encouragement of the union, the employer now provides safety glasses, gloves, and other protective gear for workers to use during the day. And when someone needs to clean the hole, he gets special gear, including a breathing mask. We don't get yelled at any more and we are treated with respect. We have guaranteed hours, and he raised our pay to \$8.75 an hour, and started paying overtime. We also get bonuses and holiday pay. And we can only be fired for just cause. Before, we were so afraid to speak out because we knew we could be fired at the drop of a hat.

Now that I make more money, I can work fewer hours and spend more time with my family. And I don't have to worry so much about my health. Of course, there are health and safety and wage and hour laws on the books that should protect us. But without a union, we were too afraid to stand up for our rights. With the union behind us, now we can make sure the owner holds up his end of the deal.

***(Note: This worker's name has been changed to protect his anonymity.)**

Captive audience meetings are very successful at derailing organizing campaigns. In union elections without captive audience meetings, unions won the election 73 percent of the time, however when employers require mandatory meetings, unions win only 47 percent of the time.³⁰ And, while the law permits employers to require employees to attend these meetings, the law also currently permits employers to bar unions from communicating with employees during work time or on company property.³¹ This creates a profound imbalance in the information that workers receive during a union organizing drive.

Human Rights Watch has warned that a culture of near impunity has seized much of U.S. labor law and practice. The only monetary remedies under the National Labor Relations Act are compensatory back pay awards, reduced by workers' interim earnings. According to Human Rights Watch, “[m]any employers have come to view remedies like back pay for workers fired because of union activity as a routine cost of doing business, well worth it to get rid of organizing leaders and derail workers’ organizing efforts.”³²

The “union avoidance industry,” which is comprised of anti-union consultants and law firms that assist clients with defeating union organizing drives or decertifying existing unions, is hugely profitable and worth “several hundred million dollars per year.”³³ Seventy-five percent of employers use anti-union consultants during union organizing campaigns.³⁴

Here is how one union avoidance firm describes its services:

“PeopleWorks provides our clients with a clear, proven road map to ‘union-proof’ their organization by building an engaged, high-performance team of associates that renders a labor union irrelevant.”

– PeopleWorks International website

“ Many employers have come to view remedies like back pay for workers fired because of union activity as a routine cost of doing business, well worth it to get rid of organizing leaders and derail workers’ organizing efforts.”

–Human Rights Watch

The anti-union campaigns being waged by numerous lawmakers and employers stand in stark contrast to the public's increasing support for unions. According to an August 2015 Gallup poll, public approval of labor unions jumped five percentage points to 58 percent in the past year and is now at its highest point since 2008.³⁵ The percentage of Americans saying they would like labor unions to have more influence in the country is on the rise, and now stands at 37 percent, up from 25 percent in 2009.³⁶

This support reflects the reality that unions remain the key to unlocking the door to the middle class for millions of workers. Too many Americans are working in low-wage jobs that are often characterized by unpredictable and unstable schedules, lack of paid sick days, family leave, retirement security, or any other benefits, and where their health and safety are all too often at risk.

Unions could help these workers bargain for a better deal. But for too long, Republican lawmakers have been trying to kill off unions by weakening the protections available under the law for workers' organizing efforts. And all too often, employers manipulate the law and engage in illegal tactics that make it extremely difficult for workers to form a union.

Despite these obstacles, as this report documents through data analysis and workers' own accounts, joining a union and bargaining for better wages and working conditions has been and remains among the best ways to raise wages, reduce inequality, and restore the link between productivity and prosperity. The workers who share their views on the critical importance of unions in this report make a powerful case for strengthening protections for workers' fundamental right to choose a union.

Lastly, there are steps Congress can take to restore workers' ability to bargain for their fair share. This report offers important recommendations toward that end.

“ According to an August 2015 Gallup poll, public approval of labor unions jumped five percentage points to 58 percent in the past year and is now at its highest point since 2008.”

The Union Advantage

Workers who are able to raise their voices by joining a union experience a significant boost in wages and benefits. They are also more likely to be able to enforce their rights in the workplace.³⁷ But it is not just union members who benefit from unions. Unions have a significant positive impact on wages and working conditions for non-union members, business productivity and the broader economy.

In areas with significant union density, non-unionized employers raise wages to be able to recruit and retain workers. And the impact of unionization is intergenerational. Children of union members have a better chance of climbing the economic ladder. Unionized businesses also experience significant benefits to their bottom lines in the form of increased worker retention, training and productivity. The broader economy benefits from unionization because when workers have more money in their pockets, they spend more on goods and services, which in turn leads to job creation. In addition to these benefits, states with higher union density are more likely to have stronger workplace protections for all workers.

The Union Advantage for Union Members

Being a member of a union makes a big difference in workers' paychecks and in the benefits they receive.

WORKER STORY



Laverne Wrenn

United Food and Commercial Workers Union
Newport News, Virginia

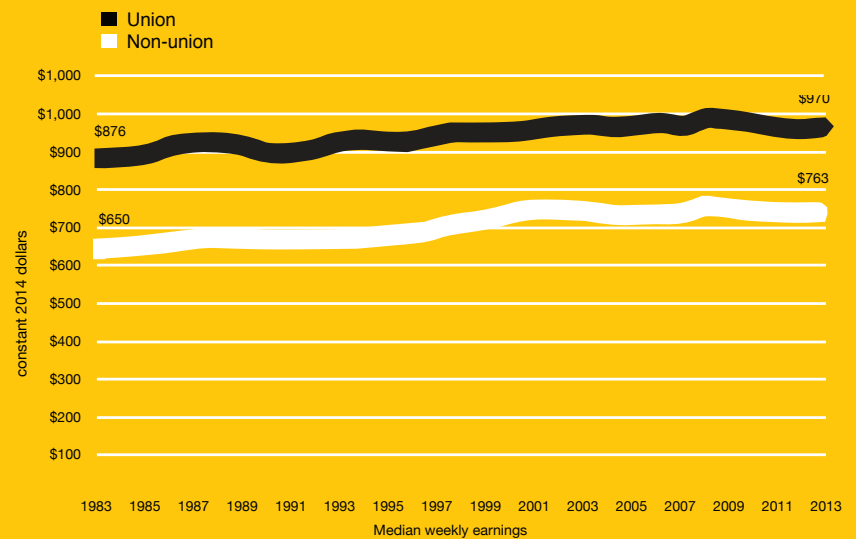
"I used to work at Walmart as a cashier. The whole time I never got a raise, and I was only scheduled for 15 or 20 hours each week. About 15 years ago, I started working at Kroger. Now I'm a member of the United Food and Commercial Workers Union. At Kroger, I get annual raises that my union has negotiated and I get an additional bump in pay for my good performance. Now I'm making \$15.80 an hour, which is about ten dollars more than I made at my old job. And I'm guaranteed 40 hours each week. The extra pay helps a lot. I don't have kids of my own, but I'm raising my niece and nephew. I can buy school supplies, shoes, and the other little things they need, and I'm still able to pay my rent. My union also helped negotiate health insurance which I didn't have at Walmart. It used to be that no matter how hard I worked, I had no chance of moving up. Now I know if I work hard, it will pay off. And the best thing about the union is that I can't get fired any more for some arbitrary reason since my contract requires Kroger to have "just cause" for firing an employee. I can sleep at night because I know if I do my job, I will be able to count on a steady paycheck. It makes a big difference being a member of a union."

Union members earn significantly higher wages than their non-union counterparts. That was true thirty years ago and it is still true today. In 1983, full-time workers who were union members earned a median weekly wage of \$876 per week, compared to only \$650 per week for non-union workers.³⁸ And in 2014, union members who worked full-time earned a median weekly wage of \$970 per week, while non-union members earned only \$763.³⁹

Both men and women in unions earn significantly more than their non-union counterparts and workers of color experience the most significant boost in pay.

- Among full-time workers (ages 16 and older), men who are union members typically earn \$175 more per week than their non-union counterparts.⁴⁰ For Latino and African American men, the union advantage in wages is even more pronounced. Latinos who belong to a union typically earn \$264 more per week than their non-union counterparts.⁴¹ And African American men earn \$187 per week more than their non-union counterparts.⁴²
- Overall, unionized women experience an even larger boost in pay than men. Specifically, unionized women earn an average of \$217 more per week than those women who work in non-union jobs.⁴³ Latina, African American and Asian women who are represented by a labor union all earn higher wages than their non-union counterparts. Like Latino men, Latina union workers' median weekly earnings are 31 percent more than their non-union Latina counterparts.⁴⁴
- The wage gap between women and men in unions is almost half the size of the wage gap overall.⁴⁵ Women who belong to a union

Full-time union workers have higher median weekly earnings than full-time, non-union workers



Note: Earnings are median usual weekly earnings of full-time wage and salary workers and have been converted to constant dollars using the Consumer Price Index research series (CPI-U-RS).

Source: Bureau of Labor Statistics Current Population Survey (CPS), annual averages.

“ And in 2014, union members who worked full-time earned a median weekly wage of \$970 per week, while non-union members earned only \$763.”

earn nearly 89 cents for every dollar men in unions earn.⁴⁶ In contrast, women overall earn only 78 cents for every dollar earned by men.⁴⁷

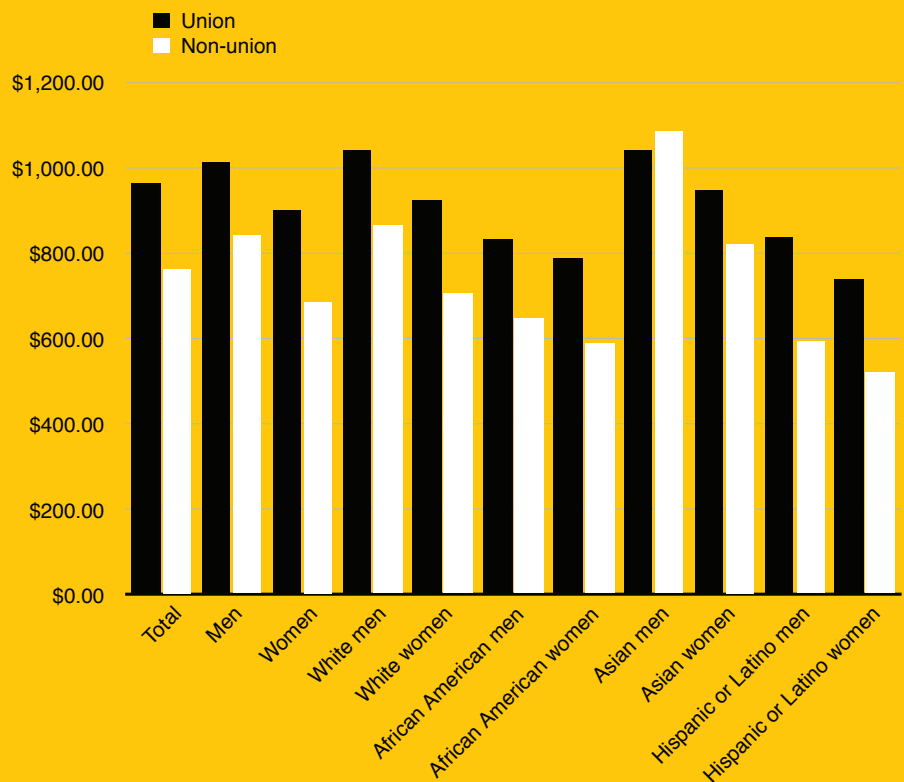
The union wage advantage also persists across many major occupational groups. For example, in transportation and material moving occupations, unionized workers earn \$242 more per week than non-union workers. In construction and extraction occupations, union members earn \$398 more per week than their non-union counterparts.⁴⁸

As the chart on the following page demonstrates, the wage advantage among workers in blue-collar jobs is more pronounced than the wage advantage among workers in white-collar jobs. Unions are so successful at reducing income inequality, in part, because of the more significant wage effect that unionization has on workers in lower-paid jobs.⁴⁹

And despite the constant attacks on unions, union workers continue to negotiate and win wage increases through their union contracts.

- According to a data analysis compiled by Bloomberg BNA of 322 negotiated contracts covering more than 440,000 workers, the average first-year contract wage increases in the first half of 2015 were higher than increases reported during the same period in 2014.⁵⁰
- The average first-year wage increase under contracts negotiated in 2015 was 2.7 percent, compared with 1.9 percent reported in the first half of 2014.⁵¹ Those who work in non-construction private sector jobs saw even greater gains with first year increases that averaged 3.4 percent in 2015, compared with 2.2 percent in 2014.⁵²

Median weekly earnings of full-time wage and salary workers by union representation



Note: People of Hispanic or Latino ethnicity can be of any race.

Source: Bureau of Labor Statistics, Current Population Survey.

Median weekly earnings of full-time wage and salary workers by union representation and occupation



Source: Bureau of Labor Statistics, Current Population Survey.

Examples of Contracts Negotiated in 2014 and 2015

Company Name/Location	Number of Union Workers	Contract/Wage Increases
AT&T (Midwest)	12,000 CWA members	2.5% raise annually for 3 years
PG&E (California)	11,200 IBEW and IFPTE workers	2.75% raise in 2015
Boeing (St. Louis, MO)	2,400 IAMAW workers	1-2% semiannual raise and \$8000 signing bonus
AMR (California)	1,800 ambulance drivers (AFSCME)	2% raise & lump-sum

Source: Center for Strategic Research, AFL-CIO.

Union members are far more likely to have benefits than non-union members.

Workers who belong to a union also have greater access to paid sick leave, paid medical and retirement benefits, life insurance, and paid holidays than their non-union counterparts.

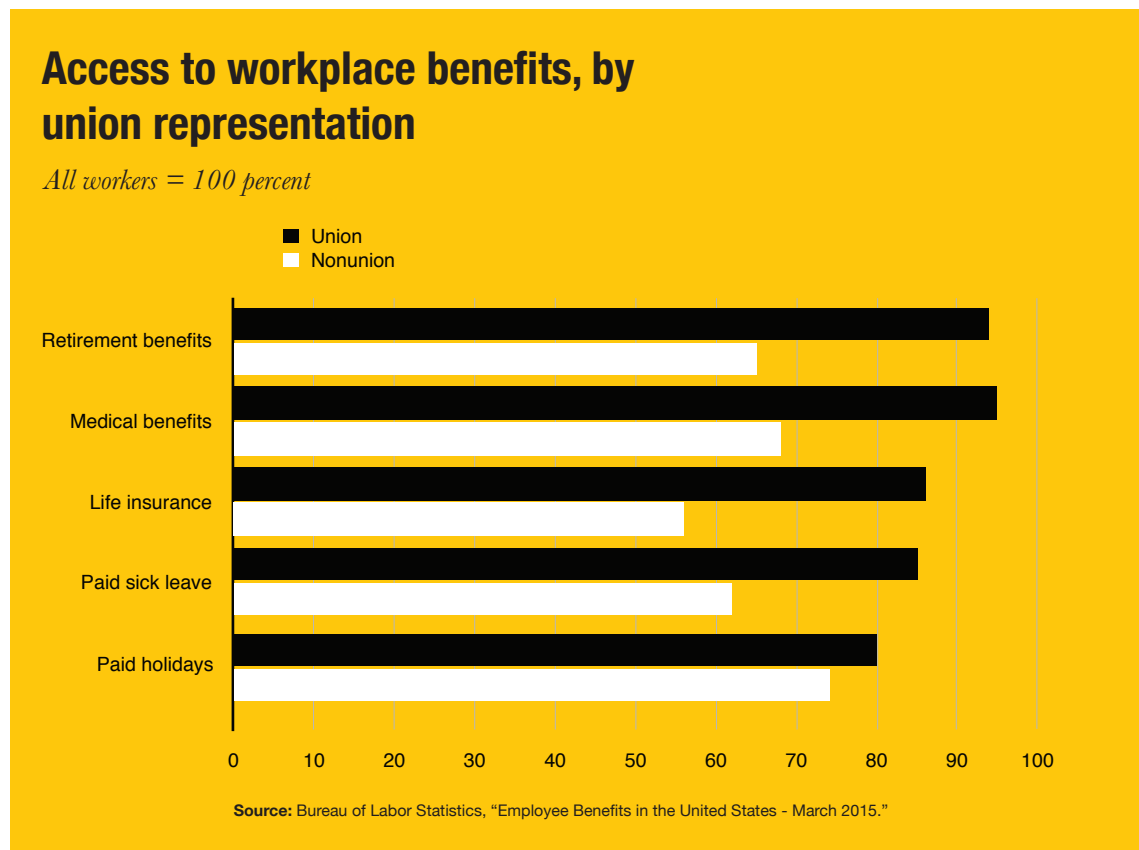
- Paid sick leave (85 percent compared to 62 percent)⁵³
- Medical benefits (95 percent compared to 68 percent)⁵⁴
- Retirement benefits (94 percent compared to 65 percent).⁵⁵

Unions also frequently win fair scheduling through their collective bargaining agreements. For example, some unions' collective bargaining agreements have required employers to provide several weeks' advance notice of employee schedules, a minimum number of guaranteed hours that employees will be scheduled

to work, extra pay for on-call shifts, and mechanisms for ensuring that extra work hours will be assigned to those employees who want them, rather than employees for whom they are a burden.⁵⁶

Union members are better able to enforce their rights to a safe and healthy workplace.

Workplace safety and health has historically been a top priority for unions.⁵⁷ Unions fought a long battle to win the safety and health protections guaranteed by the Occupational Safety and Health Act which became law in 1970, and unions have played an equally vital role in its enforcement.⁵⁸ Union contracts routinely include provisions



to ensure the safety of their members on the job. A comprehensive study of 744 private-sector collective bargaining agreements showed that more than half of those agreements – representing 1.8 million workers - contained safety- and health-related provisions.⁵⁹

- The presence of a union is critical to the identification of workplace hazards. Unionized workplaces are significantly more likely to be inspected by OSHA inspection, and receive higher penalties for violating health and safety laws.⁶⁰
- A study on workplace hazards found that unions “could reduce job stress by giving workers the voice to cope effectively with job hazards.”⁶¹
- In a study of coal mine workers, unionization was associated with a 13 to 30 percent drop in traumatic injuries, and a 29 to 83 percent drop in fatalities.⁶²
- Not only do workers benefit from safer and healthier workplaces, the evidence suggests that consumers also benefit. For example, hospitals with unionized registered nurses have a 5.5 percent lower heart-attack mortality rate than hospitals without unionized registered nurses, after controlling for other hospital and patient characteristics.⁶³
- Unionized workers also report being less stressed and more satisfied with their lives, two important indicators of overall well-being. This holds true across income levels, gender, and levels of education.⁶⁴
- One study found that “union membership is positively and significantly associated with marriage for men.”⁶⁵ This is “largely explained by the increased income, regularity and stability of employment and fringe benefits that come with union membership.”⁶⁶

WORKER STORY



Herbert Porter

Shipfitter at Newport News Shipyard and Member, United Steelworkers Local 8888

“About seven years ago, I was delivering pizzas, making about five dollars an hour, plus tips. I couldn’t afford to go to college. I didn’t know how I was going to ever make enough money to have my own place or have a family. But then things changed. I got accepted into an apprenticeship program at the shipbuilding apprentice school. And when I graduated, I started working at the shipyard and I joined the union. My union makes sure that we get paid fairly for our work. I’m a shipfitter and I make twenty-six dollars an hour. The union negotiates our benefits, too. Now, my wife and my kids have health insurance, including dental. The union also negotiated for a just cause provision in our contracts, in addition to a transparent and fair grievance process. Now that I have job security, I can sleep better at night. I am so glad I can afford what my family needs. And I’m proud to be a member of Steelworkers Local 8888.”

The Union Advantage for All Businesses, Communities, and the Economy

The benefits of union membership extend far beyond union members. Unions provide a more stable workforce for their employers, stronger wages and workplace protections for communities with higher union density and a more robust economy.

In areas with high union density, wages are higher overall. When union density is high, unions help establish the standard for fair pay, benefits and working conditions that benefits non-union workers as well. In one analysis, non-union workers in an industry with 25 percent union density had wages 7.5 percent higher because of the union presence.⁶⁷ This is often referred to as the “spillover effect” of unionization. But this “spillover” is not limited to increased earnings for non-union workers. As Eric Liu, former policy advisor to President Bill Clinton, explained, “the fact is that when unions are stronger the economy as a whole does better. Unions restore demand to an economy by raising wages for their members and putting more purchasing power to work, enabling more hiring.”⁶⁸

Children of Union Members Are More Likely to Climb The Ladder to the Middle Class. American workers born at the bottom rungs of the economic ladder are far less likely than their European counterparts to move upward.⁶⁹ And upward mobility is particularly difficult to achieve for low-wage workers. One study that examined mobility patterns among Americans noted a noticeable decline in mobility in the 1990s. About 53 percent of the families that began the decade in the bottom fifth of income earners were still there 10 years later.⁷⁰ The study noted that, “[c]ompared to 30 years ago, families at the bottom are poorer relative to families at the top and also a bit more stuck there.”⁷¹

In a country marked by increasing economic immobility, new research shows that being the child of parents who are union members may be among the best ways to achieve upward mobility. Parents’ union membership has a substantial positive impact on their children’s future economic well-being.⁷²

- Children born to fathers who are not college-educated earn 28 percent more if their fathers were union members.⁷³
- Among children whose parents do not graduate college, the average difference in income between children of union members and those who are not is \$6,300 annually.⁷⁴

States with higher union density have better workplace laws. States with higher levels of union density are far more likely to have minimum wage laws that are above the federal minimum wage of \$7.25 an hour, as well as paid sick days, and paid family and medical leave laws.⁷⁵ This may be because unions are among the strongest advocates for these laws. Nearly 26 percent of workers are represented by a union in:

- Seven of the ten states with either a state or local sick days law;
- All four of the states with paid family and medical leave laws; and,
- 15 out of the 26 states with state minimum wage laws that are higher than the federal minimum wage.

In contrast, only three of the states with the lowest levels of unionization have higher minimum wages than the federal minimum wage. And none of the states with low or moderate levels of union density have paid leave laws.

Businesses experience significant benefits from unionization. Union workers are less likely to quit their jobs than non-union workers.⁷⁶ This leads to longer job tenure for unionized employees. And as employees gain more experience on the job, their skills increase. Employers also have more incentives to train workers who are union members because the workforce is more stable. Perhaps for all of these reasons, unionized workplaces have been shown to have greater productivity than non-unionized workplaces.⁷⁷

- One study noted that, “[i]n terms of productivity, the increase in job tenure and reduction in quits can be expected to raise the efficiency of organized establishments by lowering the costs of turnover in the form of hiring and training expenses.”⁷⁸
- Another meta-analysis indicated that “[m]anufacturing in the United States is characterized by a positive association between unions and productivity.”⁷⁹

New Forms of Low-Wage Worker Organizing

Today, the jobs in our economy are increasingly concentrated more heavily in the service sector, a sector which has historically had low union density and significant numbers of low-wage jobs.⁸⁰ At the same time, there has been a general deterioration in the wages and working conditions in low-wage jobs, where wage and hour and other workplace violations have become commonplace.⁸¹ These jobs often provide only part-time work and tend to offer unstable schedules, and variable hours.⁸² And companies increasingly outsource the responsibility to hire employees to temporary agencies and employee leasing firms, making it more complex for employees to bargain with their employers or hold them responsible for labor and employment violations.⁸³

The shift toward a more fissured workplace in which workers have shorter job tenure, more precarious work schedules, and an attenuated relationship with their employer would seem to pose significant obstacles to organizing these workers.⁸⁴ Despite these challenges, new forms of worker organizing have been very successful at mobilizing low-wage workers – a group that makes up roughly one-quarter of our nation’s workforce.⁸⁵ Often referred to as worker centers or worker organizations, these groups frequently organize at the industry-level or community-level.⁸⁶ While twenty years ago scholars in this area counted only a handful of these organizations, today they count more than two hundred.⁸⁷

Worker centers organized at the industry-level hail from a wide range of industries – including restaurant, fast food, home care, garment work, agriculture, nail salons and domestic work, to name a few.⁸⁸ Many are predominantly made up of women and workers of color – reflecting the low-wage workforce itself, which is two-thirds female and where workers of color make up a disproportionate share.⁸⁹

By organizing in particular industries or communities, worker centers have been able to secure both community change and industry-wide change. These organizations have also frequently pursued legislative campaigns at the federal, state, and local level. Some examples of the successes of worker centers include:

- Restaurant Opportunities Center United (ROC United), which has branches nationwide, has been a leader in the effort to raise the minimum wage and abolish the tipped minimum wage, which has a huge impact on restaurant

workers. ROC United has also used other tactics to win change at the firm level – including suing employers for discrimination and wage theft, and picketing outside restaurants that it believes engage in unfair treatment of workers.⁹⁰ By one account, the organization won more than \$6 million in back wages and penalties over the course of a decade.⁹¹ In addition to these strategies, ROC United cultivates high-road employers that provide good wages and benefits to their employees, and has developed an app that provides a National Diners Guide to Ethical Eating so consumers can choose high-road restaurants when eating out.⁹²

- The Retail Action Project's Just Hours campaign has led campaigns in New York City and New York State to end wage theft and achieve fair scheduling. Retail Action Project's strategies include seeking change from individual employers through in-person and on-line campaigns, in addition to pursuing legislation. Retail Action Project engaged in high-profile campaigns to urge Abercrombie & Fitch and Victoria's Secret to improve their scheduling practices. And in the summer of 2015, the retailers announced that they would stop assigning on-call shifts, where employees have only a couple of hours of notice that they must report to work.⁹³
- The National Domestic Workers Alliance was instrumental in securing federal minimum wage and overtime protections for home care workers.⁹⁴ At the state level, National Domestic Workers Alliance has won or is pursuing a Domestic Workers Bill of Rights to extend basic labor protections to home care workers in seven states.⁹⁵
- Jobs with Justice, a national organization with many local affiliates, has supported many worker campaigns to improve wages and working conditions.⁹⁶ Jobs with Justice played a leading role in securing the Retail Workers Bill of Rights in San Francisco. This ordinance provides workers in large retail stores and fast food restaurants with more predictable and stable schedules. It also provides incumbent part-time workers with the right of first refusal when an employer has additional hours to assign workers, before the employer hires new workers to fill those hours.⁹⁷

It is important to note that these new forms of worker organizing are protected under the National Labor Relations Act, which protects two or more workers who come together to negotiate for better wages and working conditions.⁹⁸ The Fight for \$15 is a high-profile example of a new worker organizing effort that has filed unfair labor practice charges concerning employer conduct during its organizing campaign.⁹⁹

WORKER STORY



“Before joining a union, I always felt like decisions were made for me. I didn’t vote and I rarely got involved with workplace issues. After I joined my union, everything changed. I feel like I can speak up at work, and I can speak out in my community. I can’t walk into the Governor’s office and ask for a raise – but if I get together with my coworkers and ask for higher wages and better benefits, then we have a much better chance of being heard.”

Kindalay Cummings-Akers

SEIU Local 1199, Springfield, Massachusetts

I care for an elderly couple who live here in Springfield. I drive them to appointments and I listen to their doctors. I make sure I know everything I can about their diets and medications. I run errands and grocery shop. I read every food label to make sure they follow their diet. Their pharmacist knows me by name. I am the one who makes sure their health care plan is followed every day.

I take my job very seriously because if I can keep my clients healthy and on track, they can stay in their home. This is what they want, so I work hard to keep them safe and sound. They don’t have family anywhere close so whatever they need, I’m the one who takes care of it. A few times one of them has been hospitalized. When that happens, I continue to visit them every day so they don’t forget me – even though I do it on my own time. I also go to their house every day to feed their cat – even though I don’t get paid a dime for it.

Being a member of SEIU Local 1199 helps me give my all at my job. And it helps me feel like I have a say at work

and in my community. Before joining a union, I always felt like decisions were made for me. I didn’t vote and I rarely got involved with workplace issues. After I joined my union, everything changed. I feel like I can speak up at work, and I can speak out in my community. I can’t walk into the Governor’s office and ask for a raise – but if I get together with my coworkers and ask for higher wages and better benefits, then we have a much better chance of being heard. Since my coworkers and I joined the union, we’ve won paid sick days in Massachusetts. This is such a relief. It means if I’m sick, I don’t have to go to work and risk getting my clients sick. Or stay home, and risk losing my job.

We also fought for paid orientation and voluntary skills training and certification as Certified Nursing Assistants so we could move into better-paying jobs. Now if you want to go to school, the union will help you do that. And we won a path to a pay raise to \$15 an hour by July of 2018. I never thought any of this would be possible, but that’s what I was able to get because I joined a union.

Protecting and Restoring Workers' Right to Organize

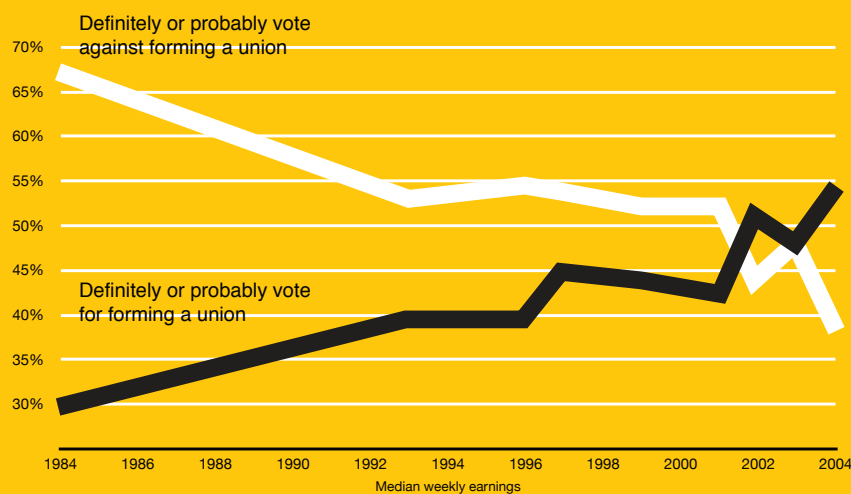
More than half of workers who are not in a union say they would vote for a union if they could.¹⁰⁰ This is not surprising given the significant boost in wages and benefits that accompanies union membership. Despite workers' support for unions, union membership in the private sector currently stands at a meager 6.6 percent.¹⁰¹

What explains the gulf between worker support for unions and union membership rates?

Employers' interference with workers' right to organize and the failure of existing laws to protect workers from this interference are significantly to blame. For too long, employers have had an unfair advantage in union elections, injecting delay into the election process and then using the extra time to discourage employees from joining a union through both lawful and unlawful intimidation tactics.

Even before employees petition for an election, employers often begin an aggressive intimidation campaign.¹⁰² And during the period between the workers' petition for an election and the election itself, an intensive anti-union campaign waged by the employer and high-priced consultants steadily diminish support for the union.

Non-union worker likely vote in a union representation election, Hart polls, 1984-2004



Source: Hart Research Associates, various polls, except 1984. That year's data are from Harris TK.

A Chicago Study of Employers' Union Avoidance Tactics

In a study of 62 campaigns launched in Chicago in 2002, in 91 percent of cases in which unions petitioned the Board for an election, at least 50 percent of workers had either signed cards showing their support for a union or signed a petition.¹⁰³ Yet unions still lost nearly half of the elections where a majority of workers had indicated their support.

Employers used a wide range of tactics to discourage workers' support for the union prior to the election. These included threatening job loss if employees joined a union; threatening to close if employees joined a union; coercive questioning of employees about whether they supported the union; making promises to employees intended to diminish union support; and transferring, terminating or assigning more difficult tasks to employees involved in efforts to unionize. Nearly half of the employers studied threatened to close if employees chose a union. Thirty percent terminated employees for union activity. And 82 percent of the campaigns used an outside consultant to advise them on union avoidance strategies.

More than 80 percent of the employers used more than five anti-union tactics over the course of the campaign. The tactics used in combination had a cumulative negative effect that was worse than the effect of any one, single tactic. While 73 percent of union representation elections were successful in the cases where employers employed between one and five anti-union tactics, where employers employed 11 or more union tactics, only 17 percent were successful.

Strengthening Worker Protections under the National Labor Relations Act (NLRA)

The National Labor Relations Act (NLRA) states that it “is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.”¹⁰⁴ Unfortunately, the law has been manipulated in ways that make it very difficult to achieve that goal.

Lawmakers should put teeth into the NLRA. The NLRA is supposed to guarantee workers’ right to organize and form a union, but its remedies are woefully inadequate. Perhaps the worst violation of the law an employer can commit is to fire a worker for trying to organize a union. That offense is devastating to the employee and the organizing effort, but the penalty is minimal. Many employers simply view it as a cost of doing business, and well worth the price for killing the organizing effort. Under the NLRA, the most employees can get if they are illegally terminated or retaliated against for exercising their rights under the Act is back pay minus deductions for any pay they may have earned at a new job in the meantime. In contrast, under other workplace laws, employees who are fired have the right to compensatory and punitive damages. Further, under the NLRA, employees are unable to go to court to enforce their rights, and may only take their claims to the Board. Delivering on the promise of the NLRA for American workers requires strengthening its protections and blocking partisan efforts to roll back existing Board law and regulations.

The best way to deter employers from firing workers or engaging in other illegal activity when employees try to unionize is to ensure that there are real economic consequences for employers who violate the Act. The Workplace Action for a Growing Economy (WAGE) Act, which was introduced in September of 2015 by House Education and Workforce Committee Ranking Member, Robert C. “Bobby” Scott,

“ Delivering on the promise of the NLRA for American workers requires strengthening its protections and blocking partisan efforts to roll back existing Board law and regulations.”

WORKER STORY



“Nobody wants to say anything because they don’t want to be fired. After I wore my Fight for \$15 shirt to work, my supervisor told me I wasn’t allowed to talk about the union.”

Dawn Oneal

Fight for \$15, Atlanta, Georgia

I work in the three-year-old classroom at a child care center. I teach the children their letters and numbers, I read to them, and I make sure they learn how to use the potty. The most important part of my job is making sure the children are safe and happy. I usually work nine hour days. It’s tough working long hours because I have grandkids of my own to take care of. I wish I could give my grandkids the life that my grandparents gave me, but on \$8.50 an hour, I can’t afford to.

I love my job and the kids at my center. But I get so stressed about money. Some months I have to choose between paying for my medications and paying my rent. It makes it hard to come to work with a smile on my face for the kids. I see it in the parents too – they have the same worries. They want to do the best they can for their children, but some of them are working two and three jobs and it’s still not enough. I joined the Fight for \$15 be-

cause we all deserve better than this – me, my grandkids, the kids at the center, their parents. Trying to get by on our low pay just doesn’t work.

Many of my co-workers are hesitant to talk about the union, but they share my concerns. Nobody wants to say anything because they don’t want to be fired. After I wore my Fight for \$15 shirt to work, my supervisor told me I wasn’t allowed to talk about the union. I’m still talking to my co-workers anyway but they’re so afraid, even though they need the money.

One of my co-workers can’t afford health insurance because it is too expensive. She gets paid \$8.50 an hour which is too much to qualify for Medicaid. Now she is five months pregnant and she doesn’t have any health insurance. I keep telling my coworkers it doesn’t have to be this way—that we’re stronger together.

and Senate Health, Education, Labor, and Pensions (HELP) Committee Ranking Member Patty Murray, achieves that goal.¹⁰⁵ The WAGE Act would give workers a right to pursue claims for violations of the Act in court, receive triple back pay for illegal terminations or other forms of retaliation regardless of immigration status, be reinstated quickly if they have been illegally discharged, and receive civil penalties of up to \$50,000 for violations resulting in serious economic harm. In the case of employees who work for a temporary agency, a leasing agency or another labor supplier, the Act gives employees the right to hold the work site employer jointly and severally liable when an unfair labor practice is committed.

The WAGE Act requires the Board to issue a bargaining order when employer interference prevented a fair election if a majority of workers have designated the union as their representative in the past twelve months. The WAGE Act also establishes a 30-day time limit for employers to challenge a Board decision, after which the decision becomes final, and can be enforced in district court, thus streamlining the NLRB's enforcement process. In addition, the legislation requires notice and posting of employees' rights under the Act.

Lawmakers should allow for first contract arbitration when employers bargain in bad faith. Even when workers prevail in a hard fought campaign to be represented by a union, employers often thwart the will of the workers by refusing to bargain with the union. The penalty for this violation is merely an order to bargain in good faith. When employers inject delay and bargain in bad faith over the first contract, these stalling tactics can cause worker support for the union to wane. Workers may become concerned that their union will be unable to achieve any real success on their behalf because the union is unable to bargain to a first contract. In the year following a Board-certified election, only 38 percent achieve a first contract and only 56 percent ever achieve a first contract.¹⁰⁶ Employers' bad faith bargaining can ultimately kill off a new union. This is because after a year of bargaining without reaching a contract, the employees can move to decertify the union or the employer may refuse to recognize the union if lack of majority support is shown.

First-contract arbitration, a key provision of the Employee Free Choice Act, which was introduced in the 110th and 111th Congresses, provides that if bargaining has been inconclusive after 120 days either party may petition for binding arbitration. The backstop of binding arbitration incentivizes employers to bargain in good faith and makes it far more likely they will do so.¹⁰⁷ First-contract arbitration is used in Ontario, which in one year saw only nine applications for first-contract arbitration, eight of which were withdrawn or settled.¹⁰⁸ Similarly, in British Columbia, which also has first-contract arbitration, in one year

there were only 16 applications for first-contract arbitration, 15 of which were withdrawn or settled. This form of binding arbitration is also employed in the public sector in the United States.

Lawmakers should make it possible for workers to choose majority sign up. Another key provision in the Employee Free Choice Act allows workers to choose to unionize through a simple majority sign up process. Currently, that choice is only available to employers. The majority sign up process would provide an avenue for workers to circumvent the delay employers often inject into the election process, and the accompanying union-busting tactics. In 2007, this measure almost became law when the Employee Free Choice Act passed the House and received majority support in the Senate, but it did not receive enough votes to break a filibuster.¹⁰⁹

Blocking Republican Attempts to Roll Back Worker Protections

Partisan attempts to eviscerate the NLRB's protections must be defeated.

Lawmakers should protect the streamlined union election rule. The NLRB recently issued a final rule to streamline union elections. Demonstrating just how important the ability to manipulate the timing of elections is to union avoidance, the Republican Majority in the House and Senate swiftly introduced and passed legislation to block implementation of this new rule which was then vetoed by President Obama.¹¹⁰

The streamlined union election rule is extremely important to giving workers who support a union the right to a free and fair election. All too often, employers use excessive and unnecessary litigation to inject delay into the timing for an election which provides more time for the employer to engage in illegal anti-union activity.¹¹¹

Indeed, in those instances when employers refuse to agree to an election and request a hearing, the election is estimated to occur 124 days after the petition is filed.¹¹² And research shows that the longer the delay between the union's petition for an election and the election itself, the more likely it is that the NLRB will issue complaints alleging unfair labor practices.¹¹³

The streamlined union election rule addresses the problem of employer manipulation of the timing of an election by narrowing the scope of issues on which an employer may call for a pre-election hearing to those which the Board must resolve to determine if an election is appropriate.¹¹⁴ The rule further streamlines the election process by modernizing procedures to allow for electronic filing of documents and information for pre-election hearings. Most critically, the rule requires that hearings generally be held eight days after notice

is served on the parties.¹¹⁵ Members of Congress who want to ensure free and fair union elections must continue to fight back against ongoing efforts to pass legislation that would repeal the streamlined union election rule. Two Republican bills to undo the streamlined union election rule are currently pending.¹¹⁶

Lawmakers should preserve the joint employer standard articulated in Browning-Ferris. In August of 2015, the NLRB issued a long-awaited decision in Browning-Ferris Industries, which made clear that the NLRB would continue to enforce employees' rights to bargain with their employers, regardless of whether those employers individually or jointly control employees' terms and conditions of employment.¹¹⁷ The Board's decision returns to common law principles of whether a business has the ability to control another's employees in order to determine whether a joint employer relationship exists. The Reagan-era standard the Board had been applying prior to *Browning-Ferris Industries* had narrowed the test for determining when a joint employment relationship exists in ways that allowed many businesses to shirk their obligations to engage in collective bargaining.

WORKER STORY



Allysha Almada

R.N. organizing with the California Nurses Association

I'm a Registered Nurse. Until the hospital fired me last August, I worked in the intensive care unit. My unit treats people who are very sick or injured, including patients with medical complications and patients recovering from open-heart surgery. I was born in the same hospital where I worked, and my mother works there too. I feel like it's my calling to help people who are sick get healthy. A couple of years ago my hospital started implementing cost-cutting measures that made it very hard to deliver the quality care our patients deserve. They were being stingy with equipment and supplies that we needed to treat our patients. I decided that I wanted a say in these changes to protect our patients. It's my hospital too and they are my patients. That's when I started working with my coworkers to try to get a union -- so we could all have a voice. Right away, the hospital started holding mandatory meetings we all had to attend, spreading lies and fear about the union. I decided to go to union rallies and speak out. The story of our efforts to get a union and our photos were printed in several local newspapers. My photo was even on a bus ad that ran throughout Los Angeles for a month! As part of that effort, I spoke at a union rally in July and was the only Huntington nurse quoted in the local newspaper. Less than a week later, I got suspended from the hospital! A couple of weeks after that, I was fired along with another co-worker who supported the union. Now we're both out of a job. We filed an unfair labor practice charge but we're still waiting for the outcome. The results of our April union election were inconclusive. It is still under review by the National Labor Relations Board. So my co-workers and I still don't have the protections afforded by a union. This isn't right, and I'm continuing to do all I can to fight for our union so we can speak out for the care our patients deserve.

This decision is very important to employees' ability to meaningfully bargain with their employers because the workplace is increasingly more fissured, with temporary employment relationships, employee leasing, contractor relationships, and other forms of contingent employment on the rise.¹¹⁸ Unless these contingent workers have the ability to bring all of the entities that control the terms and conditions of their employment to the table, they lack meaningful collective bargaining rights. For that reason, the Board's rejection of the narrowed joint employer test adopted by the Reagan-era Board and return to the traditional test is critically important. Less than two weeks after the Board's decision, Republicans introduced legislation to revert to the Reagan-era standard.¹¹⁹ It is crucial to defeat attempts to pass this legislation.

Lawmakers should defeat attempts to exempt certain employees from NLRA protections. The Tribal Labor Sovereignty Act is another attempt to eviscerate the protections available to workers under the NLRA.¹²⁰ This bill seeks to carve Indian tribes out of the NLRA's scope of coverage for the purported purpose of protecting native tribes' right to tribal sovereignty. But it makes no provision for an alternative structure for employees to engage in collective action. Both employees who are members of the tribes and those who are not would be stripped of their rights to organize with no guarantee of an alternative means of bargaining, if this legislation is enacted. It is critically important to oppose this legislation. Rather than attempting to deny the NLRA's protections to certain groups of employees, Congress should be taking steps to expand the number of employees who benefit from the NLRA's protections.

Lifting Up Model Employer Conduct During Organizing Campaigns

Instead of picking up the telephone to call a union avoidance consultant as soon as they learn of an organizing campaign, employers can take steps to allow for a fair election so that employees can freely choose whether to form a union.

Employers should adopt neutrality agreements. Union-busting tactics are the norm in today's workplace, and that fact alone is

“ I spoke at a union rally in July and was the only Huntington nurse quoted in the local newspaper. Less than a week later, I got suspended from the hospital! A couple of weeks after that, I was fired along with another co-worker who supported the union.”

*– Allysha Almada
R.N. organizing with
the California Nurses
Association*

likely to significantly diminish employees' willingness to organize and form a union. Employers can make clear to their employees that they will remain neutral in union organizing campaigns to eliminate the fear of retaliation that many workers rightly have.

There have been recent high-profile examples of employers issuing statements of neutrality in union organizing campaigns. For example, in 2000, Cingular Wireless announced that it would remain neutral in the successful campaign for union representation by Communications Workers of America.¹²¹ And subsequently 39,000 workers or 85 percent of its workforce were able to gain representation.¹²² More recently, at the outset of Gawker Media's successful organizing campaign, Gawker leadership immediately declared neutrality. Executive Editor Tommy Craggs said, "We are united in our belief that writers should decide for themselves whether to organize to protect their own rights through collective bargaining and we hope the labor drive at Gawker Media, culminating in the June 3 election, can serve as a new model for cooperation in digital media."¹²³

Employers should endorse principles for a fair election. Likewise, the UAW has proposed principles for a fair union election and has called on employers to endorse the principles.¹²⁴ Employers can make clear that they do not intend to engage in union-busting tactics by adopting a set of principles for a fair election at the outset of a union organizing campaign. The principles can acknowledge the right to form a union as a fundamental right and commit to not engaging in coercive or threatening tactics during the course of an organizing campaign.

“ We are united in our belief that writers should decide for themselves whether to organize to protect their own rights through collective bargaining and we hope the labor drive at Gawker Media, culminating in the June 3 election, can serve as a new model for cooperation in digital media.”

*–Tommy Craggs,
Executive Editor,
Gawker*

The UAW Principles For Fair Union Elections

A fundamental human right

1. The right to organize a free trade union is a fundamental, human right recognized and respected in a democracy.

No coercion, intimidation or threats

2. Employees must be free to exercise the right to join a union or refrain from joining a union in an atmosphere free of fear, coercion, intimidation or threats. There is no free choice if a worker is afraid of losing a job or losing benefits as a result of his or her choice, or is intimidated into making a choice not of one's own making.

No repercussions from management or the union

3. Management must clearly articulate that if workers choose to unionize, there will be no negative repercussions from the company. The UAW must clearly articulate that if workers choose not to unionize, there will be no negative repercussions from the union. [...]

No wage or benefit promises from management or the union

4. Management will clearly articulate that it does not promise increases in pay or benefits if workers choose not to unionize. The UAW will clearly articulate that it does not promise increases in pay or benefits if workers choose to unionize.

Equal access to the electorate

5. During the course of a union representational campaign, employees will have the opportunity to hear equally from both the union and management regarding this issue. [...]

Disavow any threats from community allies

6. Management will explicitly disavow, reject and discourage messages from corporate and community groups that send the message that a union would jeopardize jobs. Likewise, the UAW will explicitly disavow, reject and discourage messages from community groups that send the message that the company is not operating in a socially responsible way.

No disparaging the other party

7. Both the UAW and management should acknowledge that the other party is acting in good faith with good intentions. [...]

Immediate Resolution

8. Any disagreements between the UAW and management about the conduct of the organizing campaign, including allegations of discriminatory treatment or discipline relating to the union campaign, will be resolved immediately through an impartial, third party.

Secret ballot election

9. The democratic right of workers to freely and collectively choose if they want to form their UAW local union is the workers' First Amendment right. A secret ballot election incorporating these principles is an acceptable method of determining union representation if principles two through six have been adhered to, and if there is no history of anti-union activities. The parties may select an alternative method on a case-by-case basis that reflects the best process for demonstrating employee wishes. If the parties cannot agree on specifics of the procedure, an arbitrator may decide.

Bargaining

10. If employees choose to unionize, the employer and union will engage in collective bargaining to achieve an agreement as soon as possible. [...] If no agreement is reached within six months of recognition, the parties may mutually agree to mediation and/or interest arbitration to resolve any outstanding issues.

Partnership in the mission of the employer

11. The UAW pledges that if the workers choose union representation, the union as an institution will be committed to the success of the employer and will encourage our members to engage in the employer's successful achievement of its mission. [...]

Conclusion

The American labor movement is largely responsible for creating a middle class in this country. Many of the rights we now take for granted would not have been possible without the hard work and support of the labor movement. The minimum wage, overtime pay, Social Security and Medicare are examples of laws that the labor movement helped pass. These laws and the voice in the workplace that workers gained through collective bargaining made the American Dream possible for millions of workers.

President Eisenhower once said “Workers have a right to organize into unions and to bargain collectively with their employers. And a strong, free labor movement is an invigorating and necessary part of our industrial society.” For many years there was bipartisan support for this notion. And as the number of union members grew, our economy expanded and productivity and wages grew together. But today many Republicans have pushed for policies that make it harder for workers to exercise their rights to organize. Employers too have increasingly engaged in aggressive anti-union efforts, and a whole “union avoidance” industry has been created to prevent workers from having a voice in the workplace.

As a consequence of this anti-union movement, the percentage of workers in unions has declined and wages have remained almost stagnant, while productivity continues to increase. Workers no longer share in the growth of our economy, and income and wealth inequality is one of the greatest problems facing our nation. The middle class is declining, and the American Dream is slipping away. We can address this problem by recognizing, as Eisenhower did, that “a free labor movement is an invigorating and necessary part of our industrial society.” The Democrats on the Education and the Workforce Committee support an agenda that will strengthen the ability of workers to come together to bargain for their fair share.

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