



The Workplace Action for a Growing Economy Act of 2017

America's working people are more productive than ever, but they are not receiving their fair share of the wealth they create. When the National Labor Relations Act (NLRA) was enacted in 1935, it empowered workers with the freedom to join together in unions and negotiate with their employers over wages and other terms and conditions of employment. However, the NLRA lacks penalties when employers violate workers' rights. This weakness has failed to deter employers from engaging in unlawful conduct, or from creating delays to avoid reaching a first contract. It has also eroded union density, which decreased from 33.2 percent in 1956 to 10.7 percent in 2016.

Research shows that the decline in union density has contributed to wage stagnation. Although workers' wages and productivity increased in lockstep by over 90 percent between the end of World War II and 1973, wages have only grown by 12.3 percent since 1973 adjusting for inflation, while workers' productivity increased by 73.7 percent. The freedom to join a union is critical to reversing this trend and boosting stagnant wages.

Unions grow the economy from the middle out. Today, union-represented workers earn 25.2 percent more than those who are not represented, and are 40 percent more likely to be offered health insurance through work. Women in unions earn 32 percent more than those in non-union workplaces. **The Workplace Action for a Growing Economy (WAGE) Act** protects the freedom to join a union by providing prompt and fair remedies to deter unfair labor practices.

The WAGE Act:

- **Increases transparency by requiring employers to post notices of workers' rights under the NLRA.** The WAGE Act directs the National Labor Relations Board (NLRB) to develop a notice similar to the notice employers must post regarding workers' rights under other laws, such as Title VII of the Civil Rights Act.
- **Creates penalties to prevent violations of workers' rights to join unions or engage in collective action.** The WAGE Act guarantees penalties equal to twice the amount of an employee's backpay, plus fines up to \$50,000, for each violation resulting in discharge or serious economic harm.
- **Strengthens remedies for workers who suffer retaliation for exercising their rights under the NLRA.** When a worker is fired or retaliated against for exercising their rights, the NLRB will petition the district court to grant an injunction for temporary reinstatement while that worker's case is pending. NLRB orders will be self-enforcing—in parity with orders of other federal agencies. The WAGE Act also guarantees working people a right to seek relief in federal court, similar to rights granted under other civil rights and employment laws.
- **Expands coverage of the NLRA to prevent workers from being denied their legal recourse.** The WAGE Act prevents employers from misclassifying their employees as supervisors or independent contractors, and prevents workers from being denied backpay on the basis of their immigration status. An employer shall be jointly and severally liable with respect to violations affecting temporary or subcontracted employees acting within the employer's usual course of business.
- **Streamlines the process for workers to organize a union and negotiate a first contract.** The NLRB will issue a bargaining order when an employer's unlawful conduct prevents a fair representation election and if a majority of workers have designated the union as their representative in writing. For newly-certified unions, the WAGE Act facilitates mediation and arbitration procedures to help parties reach a first contract.