

NLRB again postpones requirement for displaying employee rights poster

For the second time, the National Labor Relations Board (NLRB) has postponed the implementation date for its new rule requiring all private-sector employers to display an 11-by-17-inch poster informing workers of their rights under the National Labor Relations Act, including the right to unionize.

The rule originally was set to take effect on Nov. 14, 2011. However, the NLRB pushed it back to Jan. 31, 2012, "in order to allow for enhanced education and outreach to employers, particularly small and medium sized businesses."

Late last month the NLRB set a new implementation date of April 30, 2012. This time, the federal agency said in a statement that "postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule."

As reported in the Sept. 2 Labor Day edition of the Northwest Labor Press, the business world flipped out after the NLRB issued the proposal, claiming the federal agency was unfairly promoting unionization. The U.S. Chamber of Commerce went so far as to file a lawsuit seeking to block it, maintaining the rule violates federal labor and regulatory laws, as well as First Amendment Rights.

The posters, which would be distributed free of charge, are similar to ones the U.S. Department of Labor requires thousands of federal contractors to post.

"Just as employers are required to

notify their employees of their rights around health and safety, wages and discrimination on the job, this rule gives clear information to employees about their rights under this fundamental labor law so that workers are better equipped to exercise and enforce them," said AFL-CIO President Richard Trumka.

Since establishing the new regulation, NLRB Chairwoman Wilma Liebman departed after her term expired in August, and Craig Becker's recess appointment expired at the end of 2011. A Senate GOP filibuster blocked a permanent seat for Becker, who was general counsel for the Service Employees International Union.

Another seat has been vacant for several years, as Senate Republicans have threatened to block all nominees presented by President Barack Obama.

The two holdovers on the NLRB are Republican Brian Hayes and Chairman Mark Pearce, a Democrat.

At full strength, the Board is supposed to have five members. It needs at least three to conduct any business.

Obama's latest nominees are Operating Engineers General Counsel Richard Griffin and Labor Department official Sharon Black. Black, now deputy assistant labor secretary for congressional affairs, was labor counsel from 2005-09 for the late Senate Labor Committee Chairman Edward M. Kennedy (D-Mass.), after seven years in top staff attorney posts at the NLRB. Griffin joined the Operating

Engineers' legal department in 1983, and has been its general counsel for the last 17 years. He too was an NLRB staff attorney, from 1981-83.

U.S. Sen. Lindsay Graham (R-S.C.), said he will place "an indefinite hold" on Black and Griffin.

Graham alleges the NLRB collaborated with the Machinists Union in the recent, now-ended, labor law-breaking complaint the agency filed against Boeing. The agency's acting general counsel had to bring the charge after Boeing execs openly said they moved 787 production to anti-union South Carolina to retaliate against the Machinists for standing up for their rights. Such retaliation breaks U.S. labor law.

Many union officials believe Republicans are purposely refusing to confirm anyone put before them in order to render the NLRB inoperable.

Graham confirmed that theory, stating that "Given its recent actions, the NLRB as inoperable could be considered progress."

According to the group American Rights at Work, Congressional Republicans have made nearly 50 separate assaults on the NLRB since January 2011 by holding hearings, issuing subpoenas, and proposing bills to gut the agency's funding.

In November, House Republicans approved a bill that gives employers new tools to combat and delay elections by workers who try to form unions. It has not been taken up by the Senate.



John Walsh (center wearing baseball cap) was part of a Witness for Peace delegation that toured Colombia last November following passage of the Colombia Free Trade Agreement with the United States. Above he listens to stories from labor activists and their families at a demonstration.

Labor rights in Colombia — rhetoric vs. reality

By JOHN WALSH

Before the U.S. Congress passed the free trade agreement with Colombia, U.S. President Barack Obama and Colombian President Juan Manuel Santos announced their "labor action plan" to mitigate some of the worst abuses of labor rights in the Latin American nation that consistently experiences more murders of unionists than anyplace else in the world. What is the reality today?

As part of a delegation conducted by Witness for Peace, three activists from Portland, myself included, met with Colombian workers in the automotive, sugar, and port sectors. We spoke with officials of established unions and with leaders of groups of workers seeking to form unions.

The AFL-CIO Solidarity Center's representative in Colombia shared his perspective with us. Colombian human rights groups and representatives of the indigenous and Afro-Colombian populations told us of their experiences.

Workers continue to suffer indirect and contingent employment. Cosmetic changes have occurred in some cases as a facade of compliance with the labor action plan — the structures used to subcontract hiring have changed their names — but workers still lack job security, health and retirement benefits, and organizing rights. Those who suffer occupational injury or illness are cast aside without compensation or support. Threats against the lives of labor leaders continue, and happened while we were in Colombia. Employers continue to use sham "collective pacts" to pre-empt genuine unions.

More specifically:

- 164 auto workers injured on the job and dumped by GM have maintained an encampment occupying the curb across the street from the U.S. embassy for 125 days (as of Dec. 1), seeking recognition of their injuries and their union; the company coerces injured workers into quitting, withholds their medical documentation, and uses a col-

lective pact to block workers from organizing.

- Sugar cane cutters who struck in 2008 still await a verdict in the trial of their leaders on dubious charges made against them by management informants, including an informant already discredited by the Colombian Supreme Court when he made similar allegations against a sitting senator; meanwhile the cane cutters petition the Minister of Labor for official recognition of their union.

- Workers in the thriving port sector live in poverty and make around \$10 a day without job security; since Colombian ports were privatized, development benefits wealthy insiders rather than the public.

Notwithstanding the obstacles and threats, Colombian social movements know how to organize. University students, through mass marches and occupations nationwide, succeeded in compelling the government to withdraw legislation that would have encouraged the privatization of higher education. The unarmed indigenous guard protects the rights of their communities against the advanced weaponry of both the army and the guerrillas.

We can help working people in Colombia win more fights by insisting, at a minimum, that the commitments of the labor action plan be honored not only in word but in deed before the free trade agreement goes into effect.

In a globalized economy ruled by transnational corporations, if we fail to stop the abuses Colombian workers experience today, we can expect to suffer the same treatment ourselves in the future.

(Editor's Note: John Walsh is a member of Teamsters Local 767M, Graphic Communications Conference, in Portland.)

The Oregon AFL-CIO Executive Board on Dec. 16 voted to send a letter of support to sugar cane workers on trial for leading a strike in 2008.)



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