

Nearly 2,000 Oregon jobs lost to trade in 2012

The U.S. Department of Labor determined that 1,911 Oregon workers lost their jobs to offshoring or foreign competition last year, according to data compiled by the Oregon Fair Trade Coalition (OFTC), a union-backed group that is critical of NAFTA-style trade agreements.

The number represents permanently laid off workers who were certified for participation in a federal government program of benefits for displaced workers where trade is determined to be a factor. OFTC has been tallying the Trade Adjustment Assistance (TAA) certifications each year, and says 55,085 laid off Oregon workers have been certified for the benefits since NAFTA (North American Free Trade Agreement) took effect in 1994.

“We can talk about American productivity all we want, but it’s extremely difficult for Oregon employers to compete with what is by comparison almost free labor,” said OFTC Director Elizabeth Swager in a conference call announcing the job loss tally. “That labor isn’t free because of the free market; labor costs are low because workers are brutally exploited and their basic rights denied to them by repressive governments. Trade can’t be free when human beings aren’t free.”

Swager said the true number of workers who lost jobs to trade could be double that 1,911 figure, or more. The Labor Department’s TAA program applies only to workers in manufacturing,

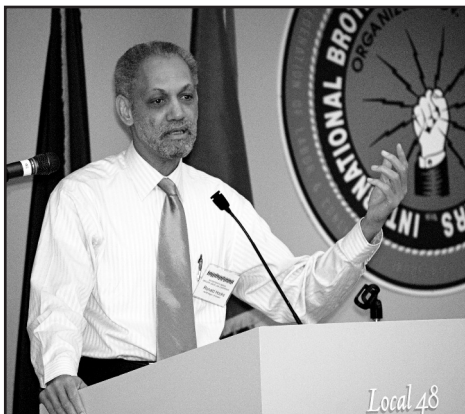
and doesn’t include their suppliers, or workers in service sector jobs like call centers or computer programming. Under the 2009 stimulus act, the TAA program was temporarily expanded to cover service sector workers, and during that time, Swager said, 42 percent of the workers certified for TAA benefits nationwide (and 51 percent in Oregon) were service sector workers whose job loss was brought about by trade.

For those who get it, TAA pays for job training, job search and relocation allowances, income support, and assistance with health care premium costs.

The Oregon workplaces certified as having trade-related layoffs in 2012 included ATI (Albany), Aosom (Lake Oswego), Agro Group (Portland), Boise (St Helens), CenturyLink (Medford), Cognizant Technology Solutions (Beaverton), Consolidated Pine (Prineville), Cooper Bussman/Sure Power Industries (Tualatin), FT Material Solutions (Fairview), Fashion Tech (Portland), Hewlett-Packard (Corvallis), IdaTech (Bend), Jeld-Wen (Bend), Kelly Services (Albany), Lattice Semiconductor (Hillsboro), Lumber Products (Tualatin), Maxim Integrated Products (Hillsboro), Peak Sun Silicon (Albany), SIC Processing USA (Portland), Siltronic (Portland), Simple Way (McMinnville), Solaicx (Portland), T-Mobile (Redmond), TE Connectivity (Wilsonville) and Yahoo (Hillsboro).



CAPACITY CROWD ATTENDS LABOR LAW CONFERENCE



Another capacity crowd attended the 17th annual Labor Law Conference Feb. 1 at the International Brotherhood of Electrical Workers Local 48 hall in Northeast Portland. The goal of the daylong conference is to help union officers and staff serve their members better, be better equipped to organize, and get training on how to avoid legal liability. Among the many speakers at this year’s gathering were Ronald Hooks, regional director of the National Labor Relations Board (left), Oregon Labor Commissioner Brad Avakian, and management attorney Richard Liebman. Among union members in attendance were officers of Bakery, Confectionery, Tobacco Workers and Grain Millers Local 114 (photo above). From left to right are Financial Secretary-Treasurer Terry Lansing, Business Representative Shad Clark, and local President Georgene Barragan. The Labor Law Conference was founded in 1996 by Norm Malbin, general counsel for Local 48. It is co-sponsored by the Oregon AFL-CIO, Center for Worker Rights, Northwest Oregon Labor Council, Labor Education and Research Center (LERC) at the University of Oregon, and the Columbia Pacific and Oregon State Building & Construction Trades councils.

‘Do as we say,’ Congress says, then does what it wants

Congress exempts itself from a number of laws that apply to the private sector and the Executive Branch

By THEODORIC MEYER

When CBS News reported in 2011 that members of Congress weren’t prohibited from insider trading, Congress moved swiftly. President Obama signed a law banning it within six months of the broadcast.

But Congress is still exempt from portions of a number of federal laws, including provisions that protect workers in the private sector but don’t apply to the legislative branch’s approximately 30,000 employees.

Here’s a rundown of measures Congress exempts itself from:

• **Whistleblower Protections:** Congress passed the Whistleblower Protection Act in 1989, which protects workers in the executive branch from retaliation for reporting waste, mismanagement or lawbreaking. The Sarbanes-Oxley Act gives similar protections to private-sector workers. But legislative-branch workers — a cate-

gory that includes Congressional staffers as well as employees of the Library of Congress, the Architect of the Capitol and other offices — don’t get the same protections.

• **Subpoenas for Health and Safety Probes:** The Occupational Health and Safety Act empowers the U.S. Department of Labor to investigate health and safety violations in private-sector workplaces. If an employer doesn’t cooperate, the agency can subpoena the records it needs. The Office of Compliance, the independent agency that investigates such violations in the legislative branch, doesn’t have the power to issue those subpoenas.

• **Keeping Workplace Records:** A number of workplace-rights laws — the Age Discrimination in Employment Act, the Americans with Disabilities Act and others — require employers to retain personnel records for a certain period of time. But as a recent report on the Congressional workplace notes, “Congress has exempted itself from all of these requirements.” Congress is also exempt from keeping records of injuries and illness the way private-sector employers are.

• **Prosecution for Retaliating Against Employees:** If a private-sector

employer retaliates against a worker for reporting health or safety hazards, the Department of Labor can investigate and, if necessary, sue the employer. Congress’ Office of Compliance doesn’t have that power — legislative-branch employees must file suit personally and pay their own legal fees.

• **Posting Notices of Workers’ Rights:** Workplace-rights laws require employers to post notices of those rights, which often appear in office lunchrooms. Congress is exempt from this requirement, though this has little real-world impact. The Office of Compliance sends legislative employees the same information each year, formatted “in a manner suitable for posting.”

• **Anti-Discrimination and Anti-Retaliation Training:** The No Fear Act requires agencies in the executive branch to provide such training to employees, but the legislative branch is exempt.

• **The Freedom of Information Act:** The public can request information from federal agencies, but Congress, the federal courts and some parts of the Executive Office of the President are exempt.

In addition to sparing itself from complying with measures it has made

mandatory for others, Congress is violating some of the laws that do apply to it, according to a recent report from the Office of Compliance. (The pint-sized agency, created by Congress in 1995, is responsible for enforcing a number of workplace-rights laws in the legislative branch.) The sidewalks surrounding the three House office buildings, the report noted, don’t comply with the Americans with Disabilities Act. Neither do the restrooms in the House and Senate office buildings and the Library of Congress’ James Madison Building.

The Office of Compliance cites certain Congressional exemptions as particularly problematic. The agency’s inability to subpoena information regarding some legislative workers’ complaints about health and safety often means the office must negotiate with Congressional offices to gather the facts it needs.

“It can tie our hands sometimes,” said Barbara J. Sapin, the office’s executive director.

The Office of Compliance has urged Congress to apply the laws listed above to itself — except the Freedom of Information Act — with little result. Eleanor Holmes Norton, the non-vot-

ing delegate who represents the District of Columbia, introduced a bill in 2011 to do this, but it died in committee.

The number of complaints of discrimination and harassment filed by legislative-branch workers with the Office of Compliance has nearly doubled in the last two years, from 102 in the 2009 fiscal year to 196 in the 2011 fiscal year. Workers’ complaints about retaliation or intimidation have risen even more sharply, from 36 in fiscal year 2009 to 108 in fiscal year 2011.

Even so, Debra Katz, a Washington lawyer who specializes in workplace-rights law, said some Capitol Hill employees might be holding back from filing complaints. House and Senate staffers, she said, are often reluctant to speak up about harassment or discrimination for fear of jeopardizing their careers.

“People are very loath to burn bridges by filing a complaint or going to the Office of Compliance,” she said. “They don’t want to go forward with bringing a claim, even when it’s covered under the law.”

(Editor’s Note: Theodoric Meyer is a reporter for ProPublica, <http://www.propublica.org>.)