

# AFL-CIO TO CONGRESS: Pass the Protecting the Right to Organize (PRO) Act

By Richard Trumka  
President AFL-CIO

On behalf of the 12.5 million members and 55 unions of the AFL-CIO, thank you for inviting me to testify today.

I want to thank House Education and Labor Committee Chairman Bobby Scott and his colleagues for the foresight they have demonstrated in crafting this important legislation.

Gallup recently put the popularity of unions at 62 percent—a 15-year high.

The Wall Street Journal reported that 2018 was the biggest year for collective action in three decades. Teachers from West Virginia to Arizona. Google employees. Workers in every sector and every region are embracing the transformational power that comes from joining together in common cause.

MIT found that half of non-union workers would vote to join a union today if given the chance. That's more than 60 million Americans.

So why haven't we seen a rise in union membership commensurate with this surge in approval, recognition and desire? The answer is clear: Our woefully outdated labor laws no longer serve as an effective means for working people to have our voices heard.

The stated purpose of the National Labor Relations Act is to encourage collective bargaining. Yet in the more than 80 years since its passage, every amendment to the law has made it harder for workers to form unions.

Today, union-busting consultants are paid tens of millions of dollars to deny workers a voice on the job. And once a union election is won, these same bad actors do everything in their power to undermine the collective bargaining process.

Workers are forced to sit in meetings where the only item on the agenda is bashing the



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union. Pro-union workers are fired. Employers refuse to bargain in good faith. Some refuse to bargain at all. And far too often, the financial consequences for breaking federal law are virtually nonexistent.

This must change. The Protecting the Right to Organize Act will change it.

Imagine if, when running for office, your opponent could force the electorate to listen to speeches urging them to vote against you. Imagine your opponent had the power to punish these voters if they supported you. Imagine that Congress refused to recognize your rightful election. And then imagine that once you were finally seated, you were denied the basic rights and responsibilities that come with the office.

This is the grim reality for a huge number of workers seeking to form a union today. Misinformation. Reprisal. Delays.

And even after all of those obstacles are overcome, an outright refusal to recognize the election results. I've included several such examples in my written testimony.

That's why half of non-union workers want to join a union today, yet less than 12% actually have one.

Why does this matter? Simply put, workers in unions bargain for higher wages and are much more likely to have health care and a pension. The union advantage is even greater for people of color and those without a college degree. Unionized workers have a real say in critical workplace issues like time off to care for a loved one, the deployment of technology and protection from discrimination.

A happier, healthier, more upwardly mobile workforce is good for our economy as consumers have additional money to spend. Local tax revenues increase, and education funding is bolstered. Inequality shrinks. It's a virtuous cycle.

The union movement and all working people are hungry for pro-worker reforms to our existing labor laws. The PRO Act would do many important things, chief among them provide more substantial relief for workers whose rights have been violated...ensure a process for reaching a first contract once a union is recognized...and create a true deterrent, so employers think twice before violating the law.

Something is happening in America. Workers are embracing collective action with a fervor I haven't seen in a generation. It is time for our laws to catch up. It is time to make the PRO Act the law of the land.

AFL-CIO President Richard Trumka delivered this statement before the House Education and Labor Subcommittee on Health, Employment, Labor and Pensions in support of the Protecting the Right to Organize (PRO) Act on July 10.

## ...Troll on the hill

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"We didn't want to say something if there was any chance we were wrong, because the stakes were high in this," Miller recalls. Miller wrote up an article about what he'd found, but didn't publish it, yet.

Then the trolling escalated. The accounts started posting anti-union memes, hashtags like #AFSCMEHypocrisy, and spreadsheets with phony numbers trying to make the case that union dues were regressive. "Vragina" began trolling the union's Facebook account as well. After Vragina criticized union bargaining team member Jennifer Barker by name, the union social media team banned him from the Facebook page. Then the McFadden and Vragina accounts changed their Twitter display names to "Progress Values 1" and "Luke Warm" and followed a bunch of Local 328 members. [On Twitter, accounts have both a permanent user name, or handle — which comes after the @ sign — and a display name, which they can change.]

Miller and the others decided it was time to go public with what they'd found. But first,

they'd call Dan Forbes, OHSU's vice president of human resources — to give him a courtesy heads up, but also because they had suspicions about another fake account with the name Peter Pumpkin Eater.

Since April, Peter Pumpkin Eater had pretended to be a Local 328 member at OHSU's West Campus (and complained the union had been ignoring West Campus). Recently "Peter" had started interacting with the Frengle-linked accounts, and held what seemed like a coordinated back-and-forth discussion about how Local 328's dues are regressive and harmful to lower-wage workers. Peter Pumpkin Eater chose for his avatar a picture of iconic socialist union leader Eugene Debs, who ran for president in 1918 from a prison cell for opposing World War I.

Members of the union social media team studied the account closely to see if it had links to any other member of the bargaining team. One of the account's few early activities had been entering a contest for concert tickets for an obscure band — a band that HR director Dan Forbes happened to like. Forbes' middle name is Peter. Could one of



OHSU's top executives be posing as a union member to troll the union he was sitting across from at the bargaining table?

When an Oregon AFSCME staff person called Forbes to tell him about the trolling, Forbes was surprisingly silent. He didn't ask which member of the bargaining team they had fingered as the culprit. And while the conversation was under way or immediately after, the Peter Pumpkin Eater account was deleted.

On its blog, Local 328 went public and outed Frengle for his trolling. *Willamette Week* and other news outlets picked up the story. Within 24 hours, OHSU is-

sued an apology on Twitter: "We're deeply disappointed to learn about this inappropriate conduct on social media. We are sorry. We can confirm that this individual has been removed from our bargaining team, effective immediately, and is prohibited from participating in any future negotiations."

The union then shared what it knew about Peter Pumpkin Eater with another OHSU executive. The next day, OHSU announced Forbes' resignation, adding that he won't take part in bargaining, but will continue other duties until November.

If any union member had done what Frengle and Forbes did, they'd be walked out by security and terminated, Miller says.

"The irony of all this was none of the trolling was well done," Miller says. "None of it was effective. None of it reached many people."

It may also have violated Oregon law.

Oregon's public employee collective bargaining law, like the federal labor law that covers private sector workers, requires unionized employers to bargain in good faith. That doesn't mean employers like OHSU have to agree with union proposals, but it does mean they have to deal honestly and respectfully with the union.

Showing up at a union meeting in disguise — pretending to be a member, and then abusing union volunteers, spreading disinformation, and trying to cause dissension — is not good faith. That's what Frengle and Forbes did, only instead of a union meeting it was union social media.

An attorney for Oregon AFSCME emailed OHSU management asking that it not destroy any evidence, and on Aug. 9, the union filed an unfair labor practice charge against OHSU with the Oregon Employment Relations Board. The union could end up withdrawing the charge as a peace offering if members ratify a new contract.

At a marathon 21 hour negotiation session Aug. 13, OHSU dropped proposals that had been angering members for months, including a health insurance take-back, a two-tier arrangement that would have treated new hires differently, and an unpopular paid time off (PTO) policy that would have incentivized members to work while sick in order to save vacation days. With those obstacles out of the way, the two sides reached tentative agreement on a new three-year contract that will raise wages 9.25% and make other improvements. Members will vote on the agreement in early September.