

...U.S. House passes labor law reform

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An identical bill, S. 1306, was introduced in the Senate last May by U.S. Sen. Patty Murray (D-Wash.) and has 40 cosponsors.

The bill is an attempt to roll back decades of laws and court decisions that weakened workers' union rights, and thereby restore the power and rights that workers had when the National Labor Relations Act (NLRA) was first passed in 1935.

To understand what the PRO Act does, it helps to know what the law says now, and why it's so weak.

The NLRA is the basic labor law that addresses the union rights of most private sector workers. It says that workers have a right to form unions, and it makes it illegal for employers to interfere with that right by disciplining, surveilling, or coercing workers. A stand-alone agency, the NLRB, administers elections to determine if unions have majority support in a workplace. When they do, the law requires an employer to recognize the union as the workers' representative and negotiate in good faith.

But the NLRA was always weak, because it provides no

HOW YOUR MEMBER OF CONGRESS VOTED (ON THE MOST IMPORTANT LABOR LAW REFORM IN 80 YEARS)

FOR

Earl Blumenauer (D-Ore.)
Suzanne Bonamici (D-Ore.)
Peter DeFazio (D-Ore.)

AGAINST

Jaime Herrera-Beutler (R-Wash.)
Kurt Schrader (D-Ore.)
Greg Walden (R-Ore.)

penalties. When employers break the law, they're required to post a notice saying they won't do it again. If they fire workers for supporting a union, at worst they must reinstate them and pay back wages they missed (minus wages the worker earned since being fired!)

Court cases and subsequent laws weakened the law further. In the 1938 *Mackay Radio* case, the U.S. Supreme Court said workers have the right to strike, but employers also have the right to permanently replace them if they do! And then Congress passed the anti-union Taft-Hartley law in 1947, which weakened union rights severely.

The union movement has tried ever since to improve the law. In 1965, a bill to repeal Taft-Hartley's "right-to-work" provision passed the House 221-182. In 1978, a pro-union labor law reform bill passed the House 257-163. A bill banning striker replacement passed the House 247-182 in 1991 and again by 239-190 in 1993. In 2010 a labor law reform bill called the Employee Free

The 7 anti-union Democrats

Henry Cuellar (Tex.)
Joe Cunningham (S.C.)
Kendra S. Horn (Okla.)
Ben McAdams (Utah)
Lucy McBath (Ga.)
Stephanie Murphy (Fla.)
Kurt Schrader (Ore.)

The 5 pro-union Republicans

Brian Fitzpatrick (Penn.)
John Katko (N.Y.)
Chris Smith (N.J.)
Jeff Van Drew (N.J.)
Don Young (Alaska)

Choice Act passed the House 241 to 185. In every single case, supporters couldn't get enough support to overcome the Senate's undemocratic filibuster rule, in which three-fifths of senators must agree to end debate and allow a vote on a bill.

The PRO Act goes well beyond each of those previous proposed labor law reforms. It's a total reset. If it ever becomes law, it would profoundly change the balance of power by putting workers and employers on more equal footing.

WHAT THE 'PROTECT THE RIGHT TO ORGANIZE ACT' WOULD DO

Real penalties when employers fire workers for supporting a union

Today, employers face no penalty when they illegally fire workers for supporting a union. At worst, they must pay back the wages fired workers lost—minus the wages they went on to earn elsewhere! That's no deterrent. The PRO Act allows civil penalties of up to \$50,000 per violation plus actual damages, gives wronged workers themselves the right to sue, and provides for swift temporary reinstatement of fired workers (while their cases are being adjudicated). And if an employer's unlawful conduct changed the outcome where a union previously had majority support, the PRO Act requires the employer to recognize and bargain with the union.

Ban captive audience meetings Today a standard feature of the employer anti-union campaign is the "captive audience" meeting, in which workers are required to attend demoralizing hours-long meetings where managers and consultants berate the union and intimidate its supporters. The PRO Act bans those, bringing America into line with the labor standards of most of the rest of the world.

End employers' ability to delay union elections with legal maneuvers Anti-union employers want as much time as possible to use their power in the workplace to talk workers out of unions. The PRO Act would restore an Obama-era rule change that says employers' legal and procedural challenges can be dealt with AFTER workers vote.

Codify 21st century contact information For more than 60 years, the law has required an employer to provide a union workers' names and addresses before a scheduled union election. In 2014, the NLRB updated that to include job

classifications, telephone numbers, and email addresses. The PRO Act locks in that new rule.

Strengthen workers right to strike The PRO Act makes it clear that if workers have the right to strike, that means they're allowed to strike intermittently, and can't be permanently replaced by an employer.

Legalize solidarity Current law says union workers can only put pressure on their direct employer, not another company—even if that other company holds real sway over their employer and could help settle the dispute. The PRO Act would lift the ban on so-called "secondary boycotts."

First contract mediation/arbitration More than half the time, workers who vote to unionize still don't have a collective bargaining agreement a year later. To end employer stalling tactics and help workers get a first contract, the PRO Act would allow either side to initiate mediation and binding arbitration, in which the contract is decided by neutral arbitrator if the two sides can't agree.

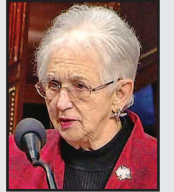
Invalidate "right to work" Federal labor law requires private sector unions to represent all workers in a bargaining unit, but 27 states have passed laws saying that the one thing they can't negotiate in a union contract is a requirement that all represented workers to share union's costs to negotiate and enforce the contract. These so-called "right-to-work" laws are meant to keep unions poorly funded and weak. The PRO Act would strike them down.

Union rights for more workers Employers routinely classify workers as independent contractors, temps, or supervisors to deprive them of their union rights. The PRO Act would stop that.

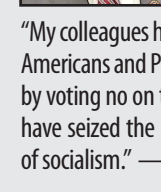
A debate in Congress

For hours leading up to the vote on the Protect the Right to Organize (PRO) Act, members of Congress alternated speaking for and against. It wasn't a real debate: There was no audience in the chamber, not even fellow Congresspeople, and no minds changed. But it was a way to take sides on the record.

"Democrats are trying to claim, falsely, that the economy isn't working for average Americans, and the only way to fix it is to expand forced unionism through coercive socialist schemes like the PRO Act... the PRO Act is all about serving the interest of union bosses at the expense of workers and business owners."
—Virginia Foxx (R-N.C.)



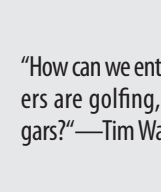
"The lesson from the last 40 years is clear: It is our current labor laws that are too weak to protect workers rights to join a union and collectively bargain with their employer... Democracy in the workplace should be a right, not a fight."
—Bobby Scott (D-Virg.)



"My colleagues have a choice before them: They can stand with Americans and President Trump to keep America great and free by voting no on the PRO Act, or they can join the radicals who have seized the Democratic Party and put America on a path of socialism."
—Rick Allen (R-Ga.)



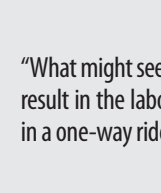
"More workers would join a union if given the choice, but many fear retaliation for supporting or engaging in organizing efforts. Under current law tactics to intimidate, coerce or fire workers involved in organizing a union are illegal but the penalties aren't strong enough to deter employers... Under this bill employers who break the rules will finally be held accountable."
—Suzanne Bonamici (D-Ore.)



"How can we entertain overhaul of labor laws when union leaders are golfing, drinking top shelf liquor and smoking cigars?"
—Tim Walberg (R-Mich.)



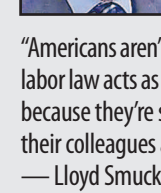
"Unions are the backbone of our economy and for too long congress has watched as unions are trampled on in the name of shareholder value. For far too long, the Democratic Party has treated unions as if they were fully owned subsidiaries talking to them only during time of elections. For too long, the Democratic Party sat on the sidelines."
—Max Rose (D-N.Y.)



"What might seem like an insignificant change would actually result in the labor union mafia taking our booming economy in a one-way ride."
—Mark Walker (R-N.C.)



"The bill essentially debugs all the outdated gaps and loopholes which a cottage industry of unscrupulous lawyers and consultants have exploited over the last 50 years to delay and deny Americans the right to organize for a better standard of living."
—Joe Courtney (D-Conn.)



"Americans aren't rejecting union membership because current labor law acts as a barrier forming one; they're declining to join because they're sick of seeing union leaders harass and coerce their colleagues and line their own pockets with dues."
—Lloyd Smucker (R-Penn.)



"All of this talk about union bosses disgusts me. Unions are organizations that workers build themselves to advocate for their interests. They are nonprofits. They are not businesses. In an economy where the real bosses are making 300 and 400 times what the regular workers make, that is something that would be an obscenity to the people in the manufacturing sector, to CEOs in the manufacturing sector, decades ago."
—Andy Levin (D-Mich.)