...A fix for America's broken labor law

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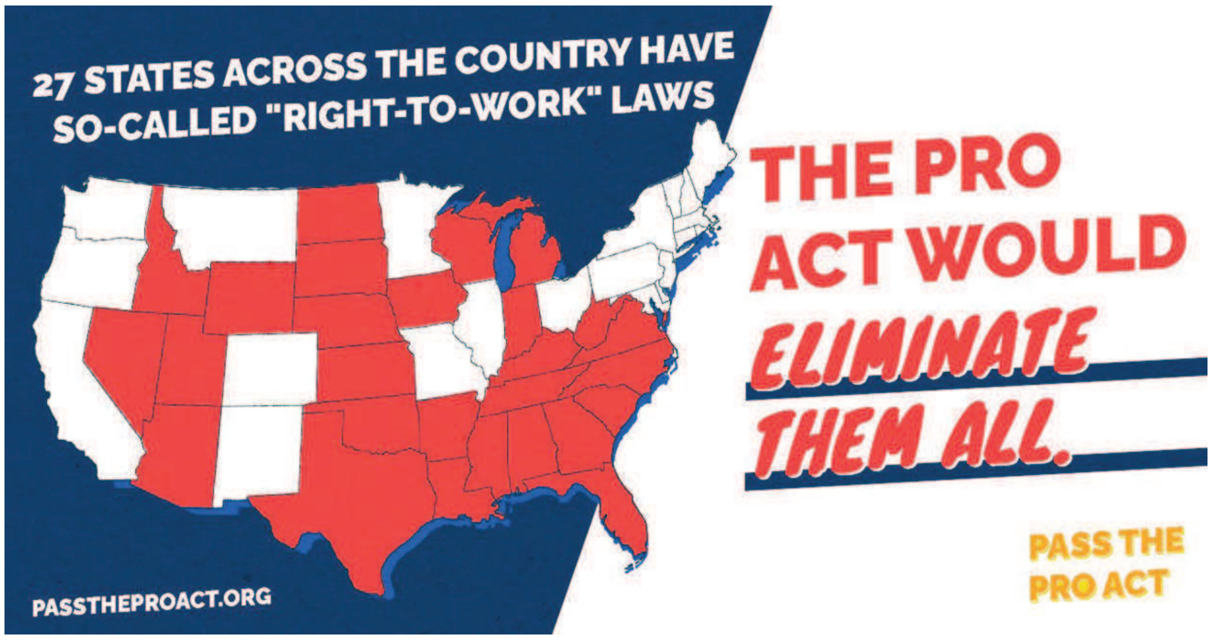
cisions. Employers gained the right to run antiunion campaigns, hold mandatory antiunion meetings, and permanently replace strikers. States especially in the South, passed "right to work" laws to weaken unions by starving them of financial resources. Their rights thus weakened, workers and their unions gradually lost power over the next 70 years.



International Union of Painters and Allied Trades (IUPAT) has been campaigning since Nov. 30, 2020, to mobilize the labor movement to put pressure on Congress to pass the PRO Act. At left is one of many messages the campaign has put together to spread on social media. The campaign has gotten the support of 180 unions and 50 state labor federations and building trades councils. Individual union members can also get more information and sign up to help the campaign at PassTheProAct.org

What the Protect the right to organize (PRO) Act would do

- **Restore the right to strike, and re-legalize solidarity** You'd have to be over 90 years old to remember it, but when American workers first won the right to strike in 1935, they used it to support each other's struggles. They refused to deliver or handle goods produced by scabs at another company. They boycotted businesses that bought or sold scab-made products. If a factory was on strike, workers at its suppliers and customers might take action too. All that was outlawed in 1947. And even before that, in 1938, the Supreme Court ruled that employers had the right to "permanently replace" strikers (except in strikes to protest labor law violations). What does a right to strike even mean if your employer also has the right to permanently replace you if you strike? The PRO Act would ban employer use of permanent striker replacements, make it clear that "intermittent" strikes count as strikes, and make sympathy and solidarity strikes legal again, restoring the incredible potential power of workers acting in solidarity.
- **No more employer interference in union campaigns** If it's supposed to be up to workers whether they want to unionize or not, why does the law give employers so much power to stop them? The PRO Act would remove employers from having any part in the process, and bar employers from requiring workers to attend anti union meetings, which is a standard practice today. Companies would also be required to disclose if they hire union busting consultants and how much they pay them; currently, a loophole exempts most of those disclosures.
- **No more toothless penalties** Under current law, penalties for so-called "unfair labor practices" are a joke. Most often, all that an employer caught breaking the law must do is post a notice saying they won't do it again. And there's no real penalty for firing a worker for supporting a union—only a "remedy" which consists of reinstating the worker with back pay. Incredibly, any wages a worker makes after they're illegally fired get subtracted from the back pay that the lawbreaking employer later owes them. The PRO Act would make employers start to think twice before breaking the law. It would establish meaningful monetary penalties for each violation, and make corporate directors and officers who participate in violations of workers' rights or have knowledge of and fail to prevent such violations personally liable. It requires the NLRB to immediately seek an injunction to reinstate a fired union supporter while their case is pending. It gives the NLRB the power to enforce its own rulings like other federal agencies, instead of waiting for a decision from the Court of Appeals. It would allow workers to seek justice in court when an employer disciplines them for supporting union, just like in civil rights cases. And it would make it clear that workers have these rights regardless of their immigration status.
- **No more 'right-to-work' laws** Right now many states have laws saying employers may not sign any union contract that requires workers to pay fees that cover the unions costs of bargaining and administering the contract. The PRO Act would strike those laws down.
- **No more fake bargaining** Right now, employers are required to meet and bargain with unions in "good faith," but they're also allowed to say no to every union proposal for a year and then walk away for good. It's so bad that nearly half the time workers win a union, they never get a first union contract. The PRO Act would make employers get serious about reaching a fair deal: If the two sides fail to reach agreement, the first contract would be decided by a neutral arbitrator.
- **No more misclassification** The PRO Act would end the practice of employers misclassifying workers as independent contractors to void their union rights.
- **Inform workers of their rights**. Right now employers must post all kinds of notices about the minimum wage and overtime, for example. The PRO Act would require employers to post notices explaining that workers have union rights too.

...Unions, developers, contractors ally to stop layoffs of building inspectors

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proper electrical work.

BDS has accumulated $64.3 million in reserves, but that's not enough to get to the end of a two-to-three-year construction downturn, which is what some economists are predicting for the local market. Permit applications for new commercial construction have dropped to near zero, and overall permit revenue has dropped about one-third. The bureau has been drawing down reserves at about $2.1 million a month since the pandemic began.

So far, 13 nonunion employees of BDS have been notified that they'll be laid off March 1. That's out of 358 total full-time equivalent employees at the agency. But another 30-40 layoffs could come later in the spring, unless City Council steps up to support the bureau with one-time funds.

AFSCME Local 189 represents most BDS employees, and its president, Rob Martineau, says union members are working with management to come up with cost saving measures.

Local 189 Secretary Treasurer John Duran is the lead accountant at BDS. Duran says when he started in 2015—five years after the official end of the great recession—BDS was still working through its permit backlog. Projects that normally would have taken a year to get permits and approval were taking two and more years.

Hoping to avoid a repeat of that, last month Duran helped put together a presentation that city unions and their business and union allies took to the mayor and all four city commissioners.

The pitch is for $10.4 million in one-time money— enough to avert 25 to 30 layoffs and keep BDS in a state of readiness for when construction demand resumes.

Portland Mayor Ted Wheeler, responding to an overall revenue downturn, has asked all bureaus to draft budgets based on a 5% across-the-board cut.

But the *ad hoc* coalition of BDS supporters, at least 15 organizations in all, is asking members of City Council to consider BDS a priority now in order to speed the eventual recovery later.

"Portland cannot afford to get in the way of our own recovery," wrote eight prominent business groups in a Jan. 8 letter to City Council, "especially when it comes to the housing market, where we're starting from behind."

"Significant BDS layoffs threaten to touch off a downward spiral, reducing service levels and increasing permitting timelines, both of which create uncertainty that can hamper recovery in the housing and office development and construction industries," the groups said.

BDS staff and supporters point to one other reason City Council should give the bureau special consideration: BDS' budget has been unfairly hobbled by a city policy known as "rent equalization."

BDS operates mainly out of a building at 1900 SW 4th Ave. that was purchased with a bond that the bureau paid off with its permit revenue. When the bond was retired in 2019, some at BDS might have expected not to have to pay rent beyond maintenance expense, except for some overflow office space leased for $32 and $35 per square foot per year. Instead, BDS' rent increased by $3.2 million a year. That's because the city's central administration, trying to pay down the expense of remodeling the Portland Building, is charging all bureaus equal rent based on the square footage they use, regardless of whether the city owns or rents the building. That rent is set at $44.28 per square foot per year, far above what's typical for Class A office space downtown, and it totals $5.1 million a year for BDS.

Looked at that way, BDS backers are asking the city to give the agency the equivalent of two years of rent relief in order to avoid a repeat of the slow recovery of construction after the last recession.

Portland City Council will begin discussing bureau budget requests in March. Mayor Wheeler will release his proposed budget April 29, and City Council is expected to adopt a final budget by mid-June.