

Resolution #79A-23-02

Building Worker Power by Fighting for Pro-Worker and Pro-Union Laws in the States

Workers all across the country are standing up to demand power in their workplaces, but current labor laws in the United States are not up to the task of protecting the right to organize, bargain, and strike.

At the national level, the National Labor Relations Act was intended to protect private sector workers' rights, but it has been undermined since its passage in ways that make it ineffectual. The 1947 passage of the Taft-Hartley Act by corporate-backed politicians made solidarity strikes and secondary boycotts illegal, established a "free speech clause" so that employers can force workers to attend anti-union propaganda sessions on work time, and allowed states to pass so-called "right-to-work" laws that allow workers to enjoy the benefits of a union without contributing dues. Subsequent regulatory and legal efforts by pro-corporate appointees to the National Labor Relations Board and the Supreme Court have watered down protections for workers even further.

Federal law does not provide any protections for the right of state, local and municipal workers to organize and bargain. As a result, in a number of states, public sector workers have limited or no rights to organize. Pro-corporate judges made things even worse by adopting a ruling in *Janus vs. AFSCME* which had no basis in the Constitution or precedent that established a so-called "right-to-work" law for all public sector workers who have bargaining rights.

CWA has long been a leader in addressing this lack of protections at the federal level, including by fighting for the Protecting the Right to Organize (PRO) Act and the Public Service Freedom to Negotiate Act. We have made important progress in that effort, as we have secured passage of the PRO Act through the House of Representatives twice and have established an understanding among candidates and elected officials that they need to support both bills in order to be considered a friend of labor. However, we have run into challenges in actually seeing these provisions enacted into law due to the anti-democratic, anti-civil rights, anti-worker filibuster rule in the Senate that requires a supermajority to pass most pro-labor policies.

While we remain fully committed to enacting labor law reform at the federal level, the urgency of establishing a legal framework that meets the demands of workers today cannot wait until we have a pro-worker majority in the House and a pro-worker supermajority in the Senate.

State and local governments have substantial power to enact policies that can strengthen workers' right to organize, bargain, and strike. Some of the most promising areas are:

- Improving Public Sector Collective Bargaining Rights

Even in states that nominally provide collective bargaining rights for public sector workers, severe limitations, such as tight restrictions on which terms and

conditions of employment are subject to bargaining, the lack of a right to strike, or onerous conditions for workers to maintain their unions mean that workers can't effectively protect their rights

- Ending “Captive Audience” Meetings

Many employers force workers to attend not only “captive audience” anti-union propaganda meetings, but a wide range of meetings on other political and religious topics. States have the ability to protect the free speech rights of workers by ensuring that workers do not have to attend these meetings and cannot be punished for choosing not to attend.

- Protecting Striking Workers

States can provide important protections for workers who go on strike. States can prevent employers from starving workers back to work even while employers fail to address their concerns by ensuring that strikers are eligible for unemployment benefits. States can also provide important certainty for workers on strike by establishing legal protections to avoid nuisance lawsuits by corporations upset that strikes are interfering with their profits.

- Bringing Fairness to the Tax Code

States should allow workers to deduct their union dues from their taxes in order to encourage workers to exercise their right to join unions. They should also eliminate the ability of companies to deduct the costs of anti-union campaigns from their taxes.

- Repealing So-Called “Right-to-Work”

States are permitted to pass fair share laws to repeal so-called “right-to-work” laws for private sector workers. This is a key tool to strengthen worker solidarity and stop companies from pitting workers against each other.

- Ensuring Safe Workplaces

States should also enable workers to keep themselves safe on the job. Laws like New York's HERO Act require employers to establish joint worker-management safety committees and ensure that the worker representatives on those committees are chosen by workers, not by management.

- Banning Mandatory Overtime

Companies often use mandatory overtime as a way of shrinking the workforce, even while mandatory overtime harms workers' work-life balance and can result in lower quality work for customers. States and localities should enact policies to ban mandatory overtime.

- Stopping Worker Misclassification

Companies in many industries misclassify workers as independent contractors, which limits their rights. Properly classifying employees under state laws and regulations can protect workers' wage and hour protections, anti-discrimination protections, workers' compensation and unemployment benefits.

By taking action on these policies, state and local governments have the opportunity to genuinely protect workers' right to organize, bargain and strike. We have the opportunity to make a huge difference in providing a legal framework that supports the demands of the working class for fair pay and benefits and respect on the job.

Resolved: CWA commits to prioritizing state level advocacy and legislative efforts to repeal bans on collective bargaining and enact laws which would strengthen organizing and collective bargaining protections and build worker power for CWA members at the state and local level.

Resolved: CWA will educate and mobilize members, policymakers and the general public, and work to elect pro-labor candidates for state and local office, to help us enact pro-labor policies at the state and local level.

Resolved: CWA will continue our efforts to educate, mobilize and advocate for passage of the PRO Act and the Public Service Freedom to Negotiate Act to ensure that all workers across the country, regardless of where they live or in what industry they work, will have their rights to organize, bargain and strike protected.