THE WORKING PEOPLE’S DAY OF ACTION:
FEBRUARY 24th  #ItsAboutFreedom

BY CAROL JOYNER, DIRECTOR, LABOR PROJECT FOR WORKING FAMILIES

When the Supreme Court hears arguments in the case Janus v. AFSCME on February 26th, it will essentially consider “right to work” legislation for public sector workers across the nation. At question is whether those who choose not to join their workplace union should pay a “fair share” fee for the work the union still carries out on their behalf: collective bargaining, contract administration, and managing grievances, among other things. The Supreme Court unanimously upheld payment of “fair share” fees 41 years ago in Abood v. Detroit Board of Education. The decision affirmed that public sector union shops are legal and that workers should pay their “fair share” of the costs associated with a union representing their financial interests.

Decades later, “right to work” proponents continue their attack on the freedom of working people to organize. The original plaintiff in the Janus case, Governor Bruce Rauner (IL), took aim at public employees by challenging fair share in the federal courts. A U.S. District Court judge ruled against Rauner as he had no standing to bring the suit. The real money and force behind the case, the National Right to Work Committee and the Liberty Justice Center, organizations known for anti-worker policies, sought other plaintiffs for their orchestrated lawsuits. When they found Mark Janus, they asked the lower courts to rule against them, creating a fast track to the Supreme Court.

This case is the result of an “$80 million campaign […] to defund and defang unions,” according to a 10-page fundraising letter released by the State Policy Network and reported on by the Guardian. A weaker labor movement reduces worker power on the job and shrinks progressive funding in politics. Even though dues aren’t used for political purposes, with targeted funding and organizing infrastructure, unions still wield their power in both issue-based and electoral arenas.

The attack on labor is an attack on our very freedom to thrive in this economy. Unions have played a critical role in building and protecting the middle class. Although private sector wages have been stagnant for 4 decades, union earnings are 13.9 percent higher than those of non-union workers with comparable work, education and experience. Union members are also more likely to have a defined pension plan, employer-sponsored family healthcare and job security. Union women experience greater pay equity than their non-union counterparts. The gender wage gap is half that of non-union women.

Trade unionists are also more likely to have access to paid sick days, paid family leave, and increased access to the legal tools that fight discrimination and sexual harassment on the job.

These modest workplace standards are just too much for the wealthiest business owners and corporations, and they’ve been on a tear to end unionization for decades. Despite it all, unions are moving policies at the bargaining table and in political arenas that benefit entire communities. According to an Economic Policy Institute report, “Non-union workers benefit from a strong union presence in the labor market.” We see how union leadership reaches beyond the workplace to policy wins that benefit everyone. The union-driven Fight for $15 campaign will result in 17% of Americans living in a jurisdiction with a $15 per hour minimum wage by 2021. Nearly 43 million workers will have access to paid sick days and paid family and medical leave due to local wins supported by advocates, community groups, and unions. Collective bargaining wins have reduced class size for teachers, created safer nurse staffing levels in hospitals and maintained strong building codes in construction. Unions bargain for the common good to lift up and improve our society. It is for these reasons that Janus is a tremendous threat to our way of life, whether you belong to a union or not.

REFERENCES
Another Attack on Democracy

By Ellen Bravo, Family Values @ Work

Watch out for corporate lobbyists who promise a shiny new incentive to companies to enact ‘flexible’ policies: the right to place themselves above the law.

The 27 state coalitions in the Family Values @ Work network vowed to fight HR 4219, a bill introduced by Representative Mimi Walters that would undermine paid sick days protections and the democratic process. The bill would create an escape clause for big corporations that replaces the right for employees to earn and use paid sick days when needed with an optional process that gives final say to the boss on whether, for what reasons and at what cost workers could take the time. Companies that meet the vague and slippery threshold in this bill could evade state and local sick days laws that are already improving conditions in 9 states and 32 localities. The bill would also harm significant new legal protections on predictable scheduling.

“The activists in our coalitions have worked hard along with lawmakers, labor, business leaders, and workers to pass paid sick days policies so that no one has to choose between their health and a paycheck or a job,” said Wendy Chun Hoon, co-director of Family Values @ Work.

“Walmart calls itself offering flexible PTO,” said Donna Kennedy, a Walmart worker in a New Jersey town that has not yet won paid sick days, and member of OUR Walmart. “But managers say you have to give advance notice to use the time. Kids’ ear infections and stomach flus don’t give advance notice, and we wind up with absence points that can add up and lead to termination.”

Like the attack on voting rights, HR 4219 would curb the democratic process by pretending to solve a problem that doesn’t exist. Multi-city and multi-state employers already deal with different rules in different locations and have to keep paperwork for local authorities. The answer is not to flout local laws but to create a company standard that incorporates the most inclusive feature of each law.

“HR 4219 undermines the voters and elected representatives who are best suited to decide what their communities and workers need,” added Chun-Hoon. “The effort to override local solutions is one part of an unfolding agenda that rigs the system in favor of big corporations.”

Family Values @ Work is calling on Congress to reject this sham flexibility measure that would make life less flexible and less secure for working people. Lawmakers instead should support the federal paid sick days policy, the Healthy Families Act, and set a strong national baseline while allowing cities and states to do better.

Paid Sick Day Wins

40* Wins Total!

Paid Sick Days Laws Expands in Subsequent Years

*Three (3) other locations – Milwaukee, WI, Eugene, OR, and Orange County, FL, also passed paid sick days but had those wins taken away by their state legislatures.
Pregnancy, childbirth and securing childcare is a special challenge for women in the trades. For the most part, construction workers don’t get paid time off. Yet, in California, we pay into the state Paid Family Leave Program, which is fully funded by employee contributions similar to the state disability program. This program provides up to six weeks of paid leave for a wide range of family care needs.

In preparation for President Obama’s 2014 White House Summit on Working Families, Brigid O’Farrell, a labor historian who’s active with the tradeswomen movement, began to ask who has used this program. At the Women Build California and Nations Conference, she started collecting stories about tradeswomen and tradesmen who were using the program.

Soon, with support from IBEW 617 in San Mateo, electricians Krista and Johnathan Brooks presented at the WH Summit. Both utilized PFL after the birth of their first child and were able to take time off, secure partial wage replacement, return to work, and maintain other benefits. This made a huge difference for their new family. We then met Marc Ruhmann, IBEW 413, who was able to care for his mother when she was diagnosed with cancer and the number of stories grew to include Eric Rice, IBEW 413, and Gregg McDaniel, IBEW 440.

In developing this brochure, we felt that telling the stories of men would resonate more with the bulk of our membership (which is still 97% male), but that tradeswomen would see the obvious implications for themselves. While, we only had stories of electricians and there are 13 other crafts, we hoped that members of all crafts could see themselves in these stories.

We distributed more than 3,500 brochures to locals across the state, and several unions mailed copies to their members. With NJ, RI, NY and now WA states passing paid leave laws, we’re hoping to hear more stories from tradesmen and women!

For the full brochure, go to: http://www.sbctc.org/doc.asp?id=4523&parentid=7

Debra Chaplan, Director of Special Programs State Building and Construction Trades Council of California

DID YOU KNOW?

- **PAID LEAVE PROPOSALS SHOULD HAVE A TRIPLE A RATING:** At the very least leave should be **ACCESSIBLE** - cover all workers for all kinds of care in all kinds of families; **AFFORDABLE** - providing enough wages for all workers, from a sustainable source; and offer an **ADEQUATE** number of weeks to bond, heal or provide care.

The following proposals fail to meet these minimum standards:

- A tax credit for employers. Even conservative economists agree this would mainly subsidize those who already offer the time or would have done so on their own.
- Pay for 6 weeks leave by borrowing against future Social Security. We can afford paid leave and a reliable retirement.
- States pay up to 6 weeks for parents of a new child through state unemployment funds (provision in the administration’s budget). States would have to come up with the money by cutting already under-funded benefits or raising fees on employers.

Each of these would provide too little time and money to too few people from an unreliable source. Support the FAMILY Act, which does have a Triple A Rating! Go to www.Familyvaluesatwork to learn more!

HEY SHOP STEWARDS!

- **HAVE YOU SEEN THE SHOP STEWARD’S GUIDE TO COUNSELING AND REPRESENTING PREGNANT WORKERS?** It includes basic “Know Your Rights” information, tips on counseling pregnant workers, grievance filing examples and more.

Find the full guide, our Contract Database and other Resources at http://familyvaluesatwork.org/docs/Shop-Manual-FINAL-LPWF.pdf
Each year, Family Values@Work recognizes champions that are advancing the work and family agenda with the Game Changer Awards. The 2017 awardees are: Congresswoman Maxine Waters (CA); Filmmaker Ky Dickens; Labor Champion, UFCW; Business Champion, Molly Moon Neitzel; Community Partner, Mi Familia Vota; and Worker Activist, Barbara Tunstall.

Ready For Change?

In recognition of the 25th anniversary of the Family Medical Leave Act (FMLA), I checked in with one of its stewards. When the law passed in 2003, Fred Feinstein was on the staff of the Senate Health, Education, Labor and Pension (HELP) committee and helped move the FMLA for more than 8 years. He later became NLRB General Counsel under President Clinton, consultant to many unions, and currently he is at the University of Maryland - always the chief cheerleader and champion of working families. According to Feinstein, “We can’t get so mired down in all that we are witnessing, that we fail to recognize that political realities can change very quickly and when change happens, the window of opportunity is often brief.” Enacting FMLA was a great example. By 2003, national policy advocates had worked closely with the HELP Committee staff for nearly a decade. Labor’s strategic thinking and political lift helped wrangled the votes. And state activists built the momentum and won over doubters with passage of FMLA bills across the nation. Therefore, the stars were aligned when President Clinton got elected, creating the conditions for the FMLA to be the first bill he signed into law. The same preparedness almost resulted in the Employee Free Choice Act. In 2009, many felt that conflicting policy priorities and then the unfortunate loss of Senator Kennedy kept us from delivering needed labor law reform, but we came close. Are we ready right now? Does our paid family and medical leave bill, the Family and Medical Insurance Leave Act, go far enough? What does it mean for us to champion bills that carve out segments of the population as seen in the Healthy Families Act, which proposes paid sick days for those working for employers with 15 or more staff, and unpaid time for those working for smaller employers? I’d ask the same about fair scheduling, full-employment and a host of other bills that seek to improve economic outcomes for working people. If the proposals are ready to go, are we building the strategic and political infrastructure to win for families, defeat harmful proposals and see these laws through to passage? These are the questions.

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