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## Protecting Workers' Rights Is Critical For California's Economic Recovery

*by Martin J. Bennett*

We are now in the deepest and most severe economic crisis since the Great Depression of the 1930s. The unemployment rate in California surged to 10% in January, which is the highest jobless rate in twenty-five years. One in three families in California are 'working poor' and do not earn sufficient wages and income to meet their basic needs.

While the Obama Administration and Congress have taken steps to attempt to revive our economy, more must be done - not for Wall Street, but for workers. The Employee Free Choice Act, legislation that will restore the right of American workers to organize unions, was recently introduced to Congress. Approval of this legislation is crucial for an early and robust economic recovery.

A new study released by the Center for American Progress, an independent and progressive think tank, reveals that during the first several decades after World War II productivity gains and worker pay increased together. Between 1947 and 1974 both productivity and median family income roughly doubled. This also was a period when unions were relatively strong. In the mid-1950s nearly 40 percent of California workers were union members.

Beginning in the late 1970s and accelerating during the 1980s, workers experienced a 'great disconnect' between productivity and wages. In California the report demonstrates that between 1980 and 2007 worker productivity grew by 70 percent while inflation adjusted wages increased by just 21 percent. Simultaneously, by 2007 union

membership in the state slipped to only 18 percent of the work force. The report indicates that if California workers were compensated for 100 percent of their productivity gains since 1980, the average wage would be more than 30 dollars an hour, or 40 percent higher than the average real wage in 2007.

Clearly productivity gains have not been widely shared.

This is one of the main reasons why labor, environmental, civil rights, and religious organizations across the nation have joined together to support the Employee Free Choice Act, a bill that will help rebuild the middle class by removing the major barriers to union organizing and membership that currently exist.

According to the Economic Policy Institute, unions raise wages by 28 percent on average. Moreover, union workers are much more likely to receive comprehensive medical and retirement benefits. The total union advantage for wages and benefits combined is 44 percent more than nonunion.

A Peter Hart poll in 2006 indicated that nearly three out of five nonmanagerial workers would join a union if given the opportunity. Studies by Cornell University professor Kate Bronfenbrenner and other academic researchers demonstrate that American employers are unique amongst democratic nations in North America and Europe for their attempts, both legal and illegal, to prevent unionization. Here are the startling facts:

- +Employers legally force workers to attend 'closed door' one-on-one anti-union meetings with their supervisors during 78 percent of union organizing campaigns. A worker who refuses to attend can be fired or disciplined.

- +Seventy-five percent of employers hire anti-union consultants to help them fight union organizing drives. Union busting is a multi-billion dollar industry in America today.

- +Employers threaten to close an office or plant during 51 percent of

all organizing drives. This is legal when the employer's threat is framed as a prediction.

+Twenty-five percent of employers illegally discharge at least one worker for union activity during an organizing campaign. An employer may eventually be ordered to reinstate an employee, but usually only after the organizing drive has failed. Each year more than 10,000 workers are illegally fired for supporting union organizing campaigns.

+Due to legal challenges and employer's refusal to bargain in good faith, 44 percent of successful organizing campaigns are followed by the failure of the union to win a first contract.

In effect, the National Labor Relations Act passed in 1935, and intended to protect the constitutional right of free association, is not enforced and provides few protections for the right of workers to organize. In 2000 Human Rights Watch reported, "worker's freedom of association is failing its responsibility under human rights standards to deter such attacks and protect worker's rights."

The process for representational elections held under the current National Labor Relations Board (NLRB) has been hijacked and is dominated by employers in America today. It is neither fair nor free.

The Employee Free Choice Act will establish the option of a majority sign-up certification process for workers seeking union recognition as an alternative to the company dominated NLRB election, strengthen remedies for illegal employer intimidation and discharge of employees during an organizing drive, and mandate mediation and arbitration if a first contract is not settled in three months.

The Employee Free Choice Act will halt the war of attrition against American workers seeking to organize---and increased unionization will raise incomes for working families and help to jump start the economy.

President Obama has consistently supported the legislation and recently stated, "we know you cannot have a strong middle class

without a strong labor movement." Polling indicates that the public overwhelmingly favors the legislation. Congress should act now to reform labor law so that the fundamental right of workers to organize is protected.

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