89 out of 100 workers don’t have collective bargaining.

Why that should matter to you!
Bargaining Rights and Movement Building

This issue of the CWA News connects our core work of bargaining and organizing with the crucial need for a broad movement of 50 million people who will fight for economic justice and democracy for all. In the best of times, this would be a big battle for workers. It’s far from the best of times.

The collapse of the National Labor Relations Board, caused by the failure of the Senate to adopt rules that would allow real debate and democracy on the Senate floor, means that some 80 million workers, both union-represented and non-union, have no path to workplace justice. At last count, 87 companies were challenging decisions issued by the NLRB and its regional offices. These include McDonalds and Starbucks, as well as CWA employees like CNN, Cablevision and West Penn Printing.

It all goes back to the Senate’s failure earlier this year to reform its rules. Not only are nominations to agencies and judgeships being blocked by the Republican minority, but some 80 million workers, both union-represented and non-union, have no path to workplace justice. At last count, 87 companies were challenging decisions issued by the NLRB and its regional offices. These include McDonalds and Starbucks, as well as CWA employees like CNN, Cablevision and West Penn Printing.

If we don’t overcome the real barriers to democracy that we face, CWA members won’t make any gains. Each round of bargaining will get tougher and tougher, as employers pit non-union workers against union members, or take advantage of immigrant workers, or shift more good jobs overseas.

This isn’t the future we want for ourselves and our children.

So we join with allies to fix the Senate rules, to get corporate money out of politics, to increase voting rights and to make certain that immigrants, hard-working men and women and their children, have a path to citizenship.

About 100 groups so far have joined the Democracy Initiative, launched by CWA, Sierra Club, NAACP and Greenpeace, because we all realized that we can’t win on our own. We have to be there for each other’s fights.

We must not only work for a 21st-century democracy, but also build political organizations at the state and federal levels that link economic justice to democracy. We’ve connected the dots between immigrant rights, voting rights, Senate rules and election finance reform. We’re going to fight unfair home foreclosures as much as we’re going to fight for bargaining rights. We’re going to fight for climate change just as much as we’re going to fight to break the stranglehold of corporate America on our democracy.

The U.S. Chamber of Commerce has spent four decades scheming to strip workers of their bargaining rights. They’ve come a long way toward that goal. The result is the bargaining climate we face today. Working Americans, whether union members or not, will find justice on the job only as part of a bigger movement, a movement of 50 million Americans demanding democracy and economic justice.
89 Out of 100 Workers Don’t Have Collective Bargaining

Working people face a harsh reality. The destruction of bargaining rights has resulted in staggering and growing inequality in this country.

This didn’t happen by accident. It’s the result of a decades-long, well-orchestrated, relentless campaign by corporations, the U.S. Chamber of Commerce and their front groups to strip away workers’ organizing rights and the power to bargain for better wages and working conditions. It started with private sector workers back in the early 1980s and the growth of the union-busting industry. The campaign moved to the states, with right-wing support groups like ALEC — the American Legislative Exchange Council — drafting legislation to strip away public worker bargaining rights. Indiana and Michigan recently became the first states in more than a decade to pass right-to-work (for less) laws, another way to weaken workers’ bargaining power.

Today, fewer than 7 out of 100 private sector workers and only 36 out of 100 public sector workers have bargaining rights.

Without bargaining rights, workers have no way to improve their wages and conditions and meet the power of their employers. And the decline in union membership means that bargaining is even tougher. It’s as though every non-union competitor is sitting across the table from our bargaining teams.

The decline in collective bargaining is not happening in other countries. The global economy doesn’t have to mean stagnant real wages, no bargaining rights and no voice on the job. Workers in both established democracies and newer democracies in South America and Asia all have seen an increase in the percentage of workers with bargaining coverage, while U.S. workers have seen their bargaining coverage decline.

Nations like Brazil, Germany and others maintain higher collective bargaining coverage despite the pressures of a global economy.

Other Voices

…If wages are to rise, the only alternative to giving the government wage-setting authority is giving employees the power to bargain. Today, that power has just about vanished. With union membership down to just 6.6 percent of the private-sector workforce, the overwhelming majority of U.S. workers have no power to bargain for their share of company revenue, and those few who do have a weak hand. Reforming labor laws so that workers could join unions or workers’ associations without fear of firing might ultimately compel chief executives to invest some of that $1.7 trillion on hand to training and rewarding their workers, even if it means they can’t buy back as many of their own shares.

How do we move forward on the issues we care about — good jobs, retirement security, health care and bargaining rights? By standing together with other activists and being there for each other’s fights. Together with faith groups, community organizations, civil rights groups, students and others, CWA is pushing for progressive change to benefit working families. We’re building a wide-ranging movement for social and economic justice, and that’s how we’re fighting back. The only time there has been change in the U.S. is when a movement of the majority rose up and demanded it.

**50 Million People Can Change**

**Here’s How We’re Building Our Majority Move**

**Stand Up for Ohio**

Stand Up for Ohio is a new kind of community-labor organization, engaging tens of thousands of people across the state to create “a people’s economy,” one that works for everyone. The coalition’s ongoing campaign calls for an economy that “provides one good job for every Ohioan,” defends workers’ collective bargaining rights and fights to protect voting rights, among other campaigns.

“The idea was not only to mobilize union members but to have union, community and faith based activists come together,” said Anita Andrews, Local 4322.

The coalition includes CWA, NAACP, Center for Community Change, Ohio Organizing Collaborative, Ohio Student Association, United Food and Commercial Workers and more.

The coalition played a major role in the 2012 election, beating back legislation taking away collective bargaining rights from public sector workers.

**‘I Want to See Texas a Blue State’**

Local 6215 has been partnering with the Sierra Club, and this past fall worked together on two key races in North Texas. Local 6215’s Herb Keener: “We’ve started to partner with the Texas Organizing Project. I want to see Texas blue, and one of the ways to do it is through coalition building. We all get together, we get our issues resolved and we find a way to turn this state around.”

CWA also has been working with the Sierra Club, Citizens Trade Campaign and others to focus attention on the Trans-Pacific Partnership, the trade deal sometimes called “NAFTA on steroids.” CWA can’t stop a bad trade deal alone. With our allies, at every U.S. round of talks, activists are fighting to put strong, enforceable labor, health and environmental protections in the deal and to end the secret negotiations that now allow only business lobbyists to review and comment on the entire document. The Trans-Pacific Partnership currently covers the U.S., Australia, Brunei, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam, and more countries can be added.

**United We Are Stronger**

CWA and community organizations are working together to help workers in the U.S. gain rights. New York Community for Change, New Jersey Citizens United, NY Make the Case, Ohio Organizing Collaborative, United Food and Commercial Workers and more.

It’s part of a broader campaign that focuses on abuses in the U.S. financial sector and the fact that the financial industry is the least unionized in the U.S. That’s a shock from South America to Europe, where bank workers are heavily unionized. Internationally, others point to poor conditions in the U.S. as justification for cutting costs.

CWA is working in partnership with the Bank Workers Union of Sao Paulo and Sector Workers (ContraF-CUT). Through their unions, Banco do Brasil workers in Sao Paulo secured a bargaining agreement; a global framework guarantees the bank’s workers through...
People of the Americas

CWA and Allies Take on New Jersey Governor

In New Jersey, CWA has built a strong coalition with Garden State Equality, NAACP, Latino Action Network, One Nation NJ, NJ Citizen Action, Working Families Alliance, Food and Water Watch, Communities United, AARP, Black Issues Convention, Next Step, Planned Parenthood, SEIU, NJ Education Association and AFL-CIO. The coalition is fighting back against the proposed privatization of vital public services and the assault on public workers, as well as campaigns to expand voting rights and for tax fairness. A major fight has been to keep facilities for developmentally disabled open.

CWA Local 1040 President Carolyn Wade: “In New Jersey we have a continuous fight to keep our state institutions open. We know that we’re all in this today, and we’re reaching out to other organizations because people are powerful and we’re pulling our power together.”

T-Mobile USA Workers’ Message is Global

The worldwide union movement continues to put pressure on T-Mobile USA and parent company Deutsche Telekom to treat U.S. workers with the same respect it provides to those in Germany, who have a union and collective bargaining. CWA and the German union ver.di formed TU, a union for workers on both sides of the Atlantic. Members of ver.di have adopted U.S. call centers and have made sure that U.S. workers know “we have your back.” The head of the global union movement, Sharan Burrow, joined a “speakout” in Charleston, S.C., along with Rep. James Clyburn, a Democratic House leader, and other community leaders, to raise awareness of the fear and intimidation that T-Mobile USA workers face on the job everyday.

Advocating for Fair Election Financing in New York

The Supreme Court’s Citizens United decision, which opened the floodgates to unlimited campaign contributions from corporations and wealthy individuals, and the outbreak of Super PACs, truly threaten our democratic election process.

CWA President Larry Cohen, NAACP President Ben Jealous, Greenpeace Executive Director Phil Radford and leaders of many other progressive organizations are supporting a public financing system for elections in New York State. The coalition’s goal is to make New York a model for expanding public financing on the national level, and Gov. Andrew Cuomo has already made campaign finance reform a key issue of his administration.

How would it work? A public financing system would provide candidates with matching funds for small donations, and the system would encourage small donations. It would level the playing field, incentivizing candidates to raise money from ordinary citizens, rather than relying on a handful of rich benefactors.

For the past 20 years, New York City has already proven this system to be truly transformative. The city has witnessed increased donor participation, supercharged grassroots fundraising and candidates that are more responsive to their constituents.

Uniting Against Hyatt

CWA activists have joined picket lines across the country as UNITE HERE members continue to protest working conditions at the Hyatt Hotel chain. We stood shoulder-to-shoulder with Hyatt workers and allies last summer as they launched a global boycott of the hotel chain to raise awareness about the abuse of housekeepers and other hotel employees.

Hyatt has replaced many longtime employees with minimum-wage temporary workers, and the hotel has imposed dangerous workloads on the remaining staff, many of whom suffered injuries while lifting mattresses and scrambling to meet the inhumane number of rooms they must clean per shift. Many housekeepers are on pain medication and some have been permanently disabled.

We’re standing with our brothers and sisters to say, “Hyatt Hurts!”

Make Sure Your Voice is Heard as CWA Builds a Movement for Justice and Democracy

Check out the latest videos and audio messages on CWA’s movement building website, www.CWAVoices.org. You can download resources and learn more about our fight for economic justice and democracy. Just as important, you can share your story that will be posted on the interactive map and will inspire more activists to join in.

It’s easy to do. Just click on the “Share Your Story” button and follow the instructions to make your own message.
Will Corporate America Succeed in Killing Workers’ Rights and the NLRB?

The National Labor Relations Board (NLRB) was established in 1935. It is the enforcement agency for the National Labor Relations Act, the principal labor law regulating private sector employment. The Board has five members nominated by the President, and confirmed by the U.S. Senate. Currently there is only one confirmed NLRB member, but the Board needs at least three to make decisions.

How We Got Here

From January 2008 to March 2010, Will Corporate America succeed in killing the President’s nominees because Republicans blocked the President’s nominations by refusing to permit the Senate to vote to approve the nominees. The Board members issued hundreds of decisions on cases where they could agree; other cases were set aside. In June 2010, the U.S. Supreme Court ruled that the two-member Board did not have the authority to decide cases and said three was the minimum required for a functioning Board.

Senate Republicans continued to block a vote on the Presidential nominations to the NLRB. Their silent filibuster was effective in preventing Senate action on these nominees. As a result, on Jan. 4, 2012, President Obama made three recess appointments to the NLRB: Sharon Block (D), Richard Griffin (D) and Terence Flynn (R). These three members joined Chairman Mark Pearce (D), whose term expires in August 2013, and Brian Hayes (R), who left the Board in December 2012.

Senate Republicans argued that the Senate had not formally recessed, but stayed in “pro forma” session even though no business took place. Every President has made recess appointments; more than 300 such appointments were made by Presidents Reagan, Clinton, Bush 41 and Bush 43 and Obama.

On Jan. 25, 2013, a three judge panel of the US Court of Appeals for the District of Columbia Circuit ruled that President Obama’s recess appointments were invalid. The three-judge panel — all appointed by Republicans — issued a radical, sweeping ruling that virtually eliminated the ability of a president to make recess appointments. Ironically there are four vacancies on the Circuit Court because Republicans have filibustered the confirmation of these judges as well.

What it Means

The appeals court ruling leaves just one confirmed member on the Board, and the Supreme Court has ruled that three members are required for the Board to function. This means that the law that is supposed to protect workers’ rights to organize, collectively bargain, and engage in collective actions is not enforceable.

This leaves American workers without any legal protections provided under law.

The only way to have a functioning NLRB is for the Senate to confirm the President’s nominations. That’s unlikely, given the determination of Senate Republicans to filibuster just about every nomination, especially those to the NLRB, to judgements and to the new consumer financial protection bureau.

Workers are left with no redress for workplace injustices, creating a “wild west” situation where employers can do whatever they want.

For example, in 2008, a NLRB administrative law judge issued a scathing decision against CNN, finding that the network created a phony reorganization solely to get rid of workers because they had union representation. The judge ordered CNN to reinstate 110 workers, restore the economic losses of all 250 workers and recognize and bargain with NABET-CWA. Those technicians still don’t have their jobs, their back pay or their union. And with the NLRB in limbo, as it is today, they see no path to justice.

Employers now are challenging decisions made by the NLRB, arguing that since the recess appointments were ruled invalid, those decisions should be vacated.

The Next Steps

President Obama must submit to the Senate a full package of NLRB nominees — three Democrats, two Republicans and a general counsel. The Senate Democratic Majority then must move the nominations through the HELP Committee as soon as possible.

The nominations are then moved to the Senate floor for a vote. If, as expected, Senate Republicans abuse the Senate rules and filibuster the nominees, Senate Majority Leader Reid must be ready to take necessary action to overcome the filibuster.

That means putting together a package of nominations for judgeships, the Consumer Financial Protection Bureau (CFPB) and the six nominees to the NLRB, and moving their confirmations. He would have two choices: (1) keep the Senate in session around the clock while the Republicans filibuster the nominees; or (2) Utilize extraordinary parliamentary procedures which would permit confirmation with a majority vote.

Majority Leader Bill Frist (R) took this exact action in 2005 to get President Bush’s judicial nominees confirmed. The Republican Policy Committee labeled this the “constitutional” option at the time although it has been come to be known as the “nuclear” option.

Social Media and the Workplace

Workers’ right to use social media to discuss work is just one of the hundreds of NLRB decisions that could be revoked. In a series of recent rulings, the NLRB has said employees have a right to discuss workplace conditions freely and without fear of retribution on Facebook, over Twitter or using any other online forum. It’s reinstated a number of workers who’ve been fired for airing their (often negative) opinions of their employers on social networks. But if Republicans and Big Business get their way, these vital protections that help workers communicate with one another to better improve wages, benefits and work conditions could disappear.

On Jan. 30, Cablevision illegally locked out and fired 22 technicians who were simply trying to use the company’s much vaunted “open-door” policy to discuss contract negotiations with management.

The illegal firings, issued without any warning or instruction to return to work, were just the most recent and draconian example of Cablevision’s stance against union organizing in New York. But it’s also points out the danger to workers when we don’t have a functioning National Labor Relations Board.

A group of technicians used “open-door” policy to demand that the company stop stalling at the bargaining table. They requested five minutes of management’s time to send that message. They waited 20 minutes, then management shuttled them into a conference room where they waited 20 more. Finally a vice president walked in and informed everyone that they were being “permanently replaced.”

CWA filed charges with the NLRB seeking an injunction to reinstate the workers. Workers have rallied community leaders, clergy and New York City elected officials to their cause.

“We are not giving up. We will fight back against this corporate terror. We will last one day longer than management,” said Jerome Thompson, one of the fired workers.
The CNN Case: A Decade of Injustice

This timeline shows the incredible injustice that workers at CNN have suffered. Now, with the NLRB out of commission because of the Republican abuse of the Senate rules, workers have no path to justice.

December 2003
CNN terminated a more than 20-year contract with Team Video Services, which employed union camera operators, broadcast engineers and other technicians. Some 250 workers lost their bargaining rights and union contract and suffered big cuts in wages, benefits and working conditions. And 110 of them were fired.

April 2007
The NLRB general counsel called for an order that would restore the union contract and reinstate the fired workers.

November 2008
The NLRB administrative law judge finally issued a strong decision that called CNN’s action a “sham” that was used to get rid of workers and their unions. He found that CNN committed substantial violations of the National Labor Relations Act and also found that CNN discriminated against TVS employees who tried to get work at other CNN bureaus.

The judge ordered CNN to reinstate all 110 fired employees, and restore working conditions, loss of earnings and other benefits to all 250 employees. The judge also ordered CNN to recognize and bargain with NABET-CWA.

October 2010
CWA filed a motion calling for the full NLRB to immediately hear the case and take action against CNN for the harm its illegal action caused to all 250 technicians.

January 2013
The U.S. Court of Appeals for the District of Columbia Circuit declared that President Obama’s recess appointments to the NLRB were not valid. Companies began lining up to challenge decisions made by the Board and its regional offices.

January 2013
Without real reform of the Senate rules, Senate Republicans will continue to filibuster President Obama’s nominations to the NLRB, and workers will have no redress for workplace injustices.

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Since the Appeals Court Decision Invalidating NLRB Recess Appointments:

| Number of companies challenging decisions issued by the NLRB and regional directors; more are doing so everyday. | 87 |
| Number of companies challenging NLRB decisions that affect CWA members, so far. They are CNN, Cablevision and West Penn Printing. | 3 |
| Number of NLRB decisions that management lawyers think should be thrown out. | 600 |
| Number of workers, union represented and non-union, who have lost the protections of the NLRB. | 90 million |

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Other Voices

The (appeals court) decision matters because it is a huge gift to the contemporary Republican Party—especially to Republican senators. Senate Republicans have engaged in an unprecedented level of obstruction of President Obama’s nominations—to executive-branch positions, to independent agencies, and especially to federal judgeships. Recess appointments have given Obama a small degree of leverage to fight back. Characteristically, he hasn’t used this power much, especially compared with his predecessors; Obama has tried to negotiate his way out of the problem, with little to show for it. But the D.C. Circuit decision, if it stands, essentially gives veto power to Senate Republicans. If they simply refuse to act on Obama’s appointments, he is now powerless to respond.

Jeffrey Toobin, excerpt from the New Yorker, Jan. 29, 2013

The law we have is essentially hallowed out. The largest management group in this country and the management’s attorneys are all telling their clients you don’t have to obey anything, you don’t have to subject yourself to the National Labor Relations Act. Because right now it’s not functioning. And they like that it’s not functioning. And of course with the Senate rules the way they are, it’s not going to function.

The Senate Republicans and the Chamber of Commerce are determined that there will not be a Democratic majority on the NLRB for the entire four years. We’re asking the White House and Senate Democrats, “Well, what are you going to do about this?”

CWA President Larry Cohen on the Ed Schultz radio show, March 13, 2013
In 2009, after consultation with faith and community leaders, the labor movement came together in support of a framework for immigration reform that reflects our shared values: dignity, fairness, opportunity, voice and justice.

The framework is based on the simple idea that working people are strongest when we work together and the labor movement is strongest when we are open to all workers, regardless of where they come from. It advocates for keeping families together, creating a road map to citizenship and halting the race to the bottom in wages and worker standards by employers who are taking advantage of our failures in immigration policy.

The framework proposes a data-driven approach to immigration that would determine future visas based on labor market needs as well as the improvement, not expansion, of guest worker visa programs that too often deny basic civil rights to immigrant workers.

In November, American voters soundly rejected the pro-corporate and anti-immigrant agenda advanced by those who have stood in the way of comprehensive reform. President Obama enters his second term with a mandate to fight for and pass immigration reform. Members of our unions, like the rest of the American public, strongly support reform that includes a road map to citizenship for aspiring Americans who love this country and call it home.

CW A remains committed to working together with one voice, along with our community partners, including civil rights, human rights and immigrant rights organizations, to pass fundamental reform that encompasses these principles. The time is now.

We need to tell each other, this is not about legal and illegal only. It’s about hard-working women and men. It’s about people who share The Dream with us. It’s about our children and our children to come.

Are we going to demand that people who work here get the same pay? Are we going to say to the recruitment agencies, “You are the real criminals. You are the ones who should be locked up. Not the immigrants who come here fighting poverty.”

Larry Cohen, CW A President at the Arizona Immigration Rights Rally

LATINO, BLACK, AND ASIAN UNION MEMBERSHIP

+156,000 new Latino members
+82,000 new Black members
+45,000 new Asian members

In 2012, unions gained 156,000 new Latino members, 82,000 new Black members, and 45,000 new Asian members.

THE UNION DIFFERENCE

UNIONIZED BLACK MEN
+20% increase over average wages for Black men

UNIONIZED LATINO MEN
+29.3% increase over average wages for Latino men

Unions have helped all workers move into the middle class.

How Did California Grow Its Union Membership?

Last year, most states saw a drop in collective bargaining rights. But California bucked the national trend by adding more than 100,000 new workers to collective bargaining unions. How? Latino workers.

The Los Angeles Times reports, “After working hard to get here, many Latino immigrants demand respect in the workplace and are more willing to join unions in a tough economic environment.”

And this isn’t a fluke. California’s success story is buoyed by forecasts that the US Latino population will likely double over the next two decades.