

## Resolution to Support Organized Labor

WHEREAS the National Labor Relations Act of 1935 (i.e. the NLRA) signed into law by President Franklin D. Roosevelt granted private sector workers the right to (1) organize into unions, (2) enter into collective bargaining agreements, (3) participate in strikes, and established the National Labor Relations Board (NLRB) to oversee and certify union elections and enforce compliance of labor laws defined by the NLRA protecting private-sector workers, employers and unions from abuses; and

WHEREAS the NLRA provisions coincided with increased union membership to 35% among non-agricultural workforce, also increased wages by 65% and reduced unemployment to less than 1%; and

WHEREAS the Fair Labor Standards Act of 1938 (i.e. the FLSA) established the right of any individual employed by an employer engaged in interstate commerce to (1) a minimum wage (2) overtime pay as "time and a half" and required to be paid within the time period worked (3) protections of children in the workforce (4) establishment of an 8-hour day and (5) establishment of a 40-hour work week protected workers from abuse and overwork; and

WHEREAS amendments to the FLSA included expanded coverage to retail and service workers (1955), making it illegal to pay different wages because of gender (1963), making it illegal to discriminate against employees aged 40 and older (1967), offering protections to migrant and seasonal agricultural workers (1983), an incremental plan to increase the minimum wage by 2009 (2007), introduction of paid "breaktime for nursing mothers" (Affordable Care Act, 2010) thereby increasing workers' protections; and

WHEREAS the Labor Management Relations Act of 1947 (aka Taft-Hartley), despite the veto of President Harry S. Truman sought to limit a union's right to strike especially in the form of "sympathy strikes" (resulting in a reduction of solidarity between unions) and allowing the executive branch to obtain injunctions if a strike threatened national health and safety. Taft- Hartley also allowed states to ban agency fees and required union leaders to sign affidavits denying support of the Communist Party thereby weakening unions and fomenting public mistrust of unions; and

WHEREAS amendments to the Fair Labor Standards Act (FLSA) of 1938 which chose to take away workers' protections such as paid time off in lieu of overtime pay (1985), allowing employers to pay less than minimum wage to workers impaired by age, physical or mental deficiency or injury (1986), repealing of the 8-hour daily overtime requirement for all federal employees (1989), detachment of tipped employees from future minimum wage increases (1996), changing of rules of exemption from overtime pay (2004) thereby negatively impacting wages; and

WHEREAS in the 2018 Supreme Court decision in Janus v. AFSCME that collection of fees for union representation from non-union members (known as "fair share") in public unions as a violation of those individuals' 1st Amendment rights. Those same public unions, by law, must continue to represent non-members has put undue financial burden on those public unions; and

WHEREAS the Pennsylvania General Assembly created such legislation as Act 88 (1992) which changes the rules governing school-union negotiations and puts limits on teachers' strikes and Act 111(1968) which reduces the rights of public workers' collective bargaining rights through forced binding arbitration. Act 88 directly effected previous rights established by the Public Employee Relations Act of 1970; both Act 88 and Act 111 further eroded general public workers' rights; and

WHEREAS President Obama and Labor Secretary Tom Perez sought to increase white-collar workers' right to overtime pay from those earning \$23,000/year to expand the threshold to those earning \$47,000/year. That increase was met with a lawsuit filed by 21 states in 2016 and ultimately struck down by a federal judge in 2017. This would have expanded overtime pay to 4 million workers; and

WHEREAS it has become apparent that laws to protect workers that were put into place over 80 years ago are being systematically dismantled both through legislation and court decisions at both the federal and state levels; and

WHEREAS for the last few decades organized labor has been painted as the "bad guy" in the court of public opinion; and

WHEREAS while public confidence and union membership has eroded so has the American Middle Class, wages and pensions; and

WHEREAS the assertion of President Franklin D. Roosevelt that the, "...fundamental...right of a worker to associate himself with other workers and to bargain collectively with his employer is now beyond partisan controversy" is no longer true since all union-busting efforts stem from Republican or Libertarian sources;

THEREFORE BE IT RESOLVED that the Pennsylvania Democratic Committee condemn all legislation and judicial decisions curtailing or limiting the rights of workers to collectively bargain, join unions or strike; and

BE IT FURTHER RESOLVED that the Pennsylvania Democratic Committee urge members of the General Assembly of the Commonwealth of Pennsylvania to put forth legislation which promotes card-check recognition making it easier for workers who want to organize to do so; and

BE IT FURTHER RESOLVED that the Pennsylvania Democratic Committee urge members of the General Assembly of the Commonwealth of Pennsylvania to put forth legislation protecting workers' rights as set forth in the National Labor Relations Act (1935), the Fair Labor Standards Act (1938) and all relevant amendments to the Fair Labor Standards Act in furtherance of workers' rights and protections; and

BE IT FINALLY RESOLVED that the Pennsylvania Democratic Committee support education of all Democratic candidates in the history and importance of organized labor.

Laura Quick  
Member, Pennsylvania Democratic Committee  
Representing Lebanon County

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