

Ten Blows to the Labor Movement

Over the course of the last three years, labor has suffered greatly at the hands of anti-union and anti-worker appointments of judges, labor board members and deeply funded special interest groups. Here are some recent rulings that will hurt workers all across the United States, not just Union members. Please continue to read the egregious assaults on working men and women.

Wage theft lawsuit.

On May 21st, 2018 the supreme court ruled that employees who have signed an arbitration agreement cannot join together in a class action lawsuit against their employer over unpaid wages. This ruling prevents workers (typically low wage earners) from being able to band together under a class action lawsuit regarding minimum wage issues, wage misclassification, sexual assault and other issues. These workers typically don't have the luxury of being able to afford an attorney on their own. In one study conducted, it was found that amongst 2.4 million employees in 10 states, nearly \$15 billion was lost in minimum wage violations.

Janus vs. AFSCME

On June 27th, 2018 the supreme court ruled in a 5-4 decision that public sector Unions could not require non-members to pay fair share fees. Those fees are collected for the purpose of bargaining better wages, benefits and working conditions as well as the cost of representation and resolution of that members' grievance(s). The court sided with big money special interest groups citing a violation of the freedom of speech in the first amendment. One justice recognized the fact that this would put a huge financial burden on the Unions, requiring them to spend large amounts of money negotiating and defending non-members, but ruled against the Unions anyway.

Johnson Controls

On July 3rd, 2019 the NLRB ruled 3-1, that an employer can withdraw recognition of the Union representing its workforce within 90 days of the contract expiring. This ruling, forces the Union to run an election within 45 days just to maintain representation of its own members.

Wal-Mart

On December 16th, 2019 the NLRB ruled 3-1, that an employer can limit the size of the Union insignia (logos, buttons, hat embroidery etc.) worn by its employees. This was done in an effort to squash open dialogue amongst employees who wish to discuss organizing or workplace issues.

Anti-labor appointees made to the Department of Labor

In February of 2020, newly appointed Secretary of Labor, Eugene Scalia hires two Union busters to oversee the Unions at the Department of Labor. Rusty Brown was previously a Union avoidance consultant where he worked to decertify Unions and brought pressure on a workers' center who was vocal in expressing safety concerns in the construction industry. Trey Kovacs was a special assistant to the office of labor-management standards (OLMS) where he worked to treat worker centers like labor Unions, requiring extreme scrutiny on financial reports and oversight.

Representation and election process delays.

On December 18th, 2019 the NLRB issued a new rule (one which was to go into effect April 16th 2020 but took effect May 31st 2020) which greatly extends every aspect of the Union representation election process. This rule changed the timeframe for an election to occur from 21 calendar days to at least 45 working days, thus giving the employer a much greater time to hire Union busting lawyers, to pressure, intimidate and coerce its employees. This rule also grants more lax restrictions for the company on challenges to eligibility and makes it easier to add delays in the pre-election hearing process. It adds to the timelines for the company while requiring more clerical work on behalf of the Unions.

45-day decertification.

On April 1st, 2020 in the midst of the coronavirus pandemic, the NLRB proposed a rule (one which took effect on May 31st 2020) that eliminated the Union's "blocking charge" and also allowed a decertification campaign to begin in as little as 45 days after an election was held. The decertification campaign could be started with as little as 30% of the workers supporting a decertification without giving the Union a chance to begin negotiations on behalf of its members.

Pro-Union talk or organizing talk now punishable.

On June 5th, 2020, the NLRB overturned a previous rule that had allowed for minimal conversation amongst coworkers regarding Union activity or organizing during work hours. It is now lawful for an employer to discipline an employee(s) for having Union related conversation during working hours, even if there is no disruption to the work.

Employers now have the right to search your devices, property and vehicles.

On June 24th, 2020 the NLRB sided with Verizon Wireless in a decision that now permits employers to closely monitor and even search its employee's property. The ruling allows the company to inspect, monitor and record the use of all company provided communication devices, company vehicle and facilities with or without notice. It also ruled that the company can search personal property including vehicles when on company property.

Back pay for members who lose a grievance.

After multiple attempts in the lower court system, on June 30th, 2020 the NLRB General Counsel, Peter Robb instructed lawyers at the NLRB to begin pursuing lawsuit against Unions in cases where the NLRB decides that a member of a Union wasn't fairly represented. This overturns a 22-year-old standard adopted by the NLRB. This would mean that even if the Union fights whole heartedly on behalf of the member, but loses the grievance, they can be sued for backpay citing failure to represent that member. The purpose of this ruling is to hold up the case in litigation costing the Union and its members greatly financially and in time.