

# **Workers’ Rights, Communities’ Fights: Jobs with Justice Workers’ Rights Boards Build Power for the Right to Organize**

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Jobs with Justice National Workers' Rights Board  
Hearing on the Right to Organize

**September 9, 2001 - Cleveland, Ohio**

**Agenda**

**Overview of Jobs with Justice Workers' Rights Boards**

Rev. Calvin Morris, Community Renewal Society, Chicago, IL

Jo Ann Bowman, Oregon House of Representatives, Portland, OR

Rev. Bob Strommen, United Church of Christ, Cleveland, OH

**Panel 1 "The Struggle in Our Workplaces"**

Jamie Daniel, Assistant Professor of English, University of Illinois at Chicago - "Organizing Rights Are Human Rights"

Louis Williams, HERE Local 27 - "Organizing at Interpark"

Maxinino Rodea, IBT Local 703 - "Fighting for a First Contract at V & V Supremo"

Bob King, Organizing Director, UAW - "Why We Must Organize"

**Panel 2 "The Coalition Fight Back"**

Georges Exceus, Director, Unite For Dignity - "Workers' Rights, Community Fights"

Jevera Temsky, Lead Organizer, Jews United for Justice - "Building Religious Support for the Right to Organize"

Mario Sifuentez, Student, University of Oregon, "Student Support for Workers Rights"

Njoki Njorge Njehu, Executive Director, The 50 Years Is Enough Network - "The Global Attack on Workers' Rights"

**Call To Action**

Larry Cohen, Executive Vice-President, CWA

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**Listing of Panelists**

Jo Ann Bowman - Oregon House of Representatives, Portland, OR

Sherrod Brown - United States House of Representatives, Ohio

Diana Burdett - Justice and Peace Action Network Field Organizer, United Church of Christ, Rhode Island

Father John Celichowski - Pastor, St. Benedict the Moor Church, Milwaukee, WI

Charles Cobb - Director, Western New York Peace Center, Buffalo, NY

Katie Fitzgerald - President, D.C. ACORN

Marcia Fudge - Mayor, Warrensville Heights, OH

Hon. Merle Gordon - Councilwoman, Cleveland City Council

Rev. Bob Holmes - Member, Montana Workers' Rights Board

Minsun Ji - Director, Denver American Friends Service Committee

Frank Kromkowski - Chair, Montana Workers' Rights Board

Dennis Lowder, Labor Committee Chair, Milwaukee Innerscity Congregations Allied for Hope (MICAH)

Peter Monod - Director, Office of Social Concerns, Arch Diocese of San Antonio, TX

Rev. Calvin Morris - Executive Director, Community Renewal Society, Chicago, IL

Guillermo Quinteros - Executive Director, Chelsea Commission on Hispanic Affairs, MA

Sonia Silva - Illinois State House of Representatives

Rev. Willie Simmons - Senior Pastor, Central Baptist Church, Denver, CO

Rev. Bob Strommen - Retired Minister, United Church of Christ, Cleveland, OH

James Thindwa - Organizing Director, Metro Seniors in Action, IL

Rev. Evan Timbo, Chair, Liberian Community Association of Rhode Island

Stephanie Tubbs-Jones - 11th District Representative, United States House of Representatives, Ohio

Karen Uhlich - Co-Executive Director, Primavera Foundation, Tucson, AZ

Rabbi Arthur Waskow - Director, Shalom Center, Philadelphia, PA

Corinn Williams - Director, Community Economic Development Center, Boston, MA

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**Panelists Bio's**

JO ANN BOWMAN, a former State Legislator, is also the First Vice President of the Portland Branch of the NAACP, and Chief Petitioner for the Police Accountability Campaign scheduled for the fall election season. Bowman currently runs a community involvement consulting firm.

DIANA D. BURDETT is Justice and Peace Action Network Field Organizer for the United Church of Christ in Saunderstown, Rhode Island. She sits on the Boards of Directors of numerous religious and community organizations, including the Rhode Island Coalition for the Homeless and South Providence Neighborhood Ministries. She also is an advisor on the Governor's Committee on Race and Police/Community Relations.

FATHER JOHN CELICHOWSKI is pastor at St. Benedict the Moor Church in Milwaukee, and has been active in faith and labor struggles for ten years. He coordinated religious community support for the right of O'Hare airport concession workers to organize, supported home healthcare worker organizing campaigns, and has promoted Labor in the Pulpits. He is a member of the Faith Community for Worker Justice in Milwaukee.

JAMIE OWEN DANIEL is Assistant Professor of English at the University of Illinois at Chicago and Co-Chair, with Robert Bruno, of the Chicago Center for Working-Class Studies. She has been active in struggles over public housing, the right to organize, and academic unionization. Her proudest moment as a Workers' Rights Board member was debating the supposed success of Illinois' welfare-to-work program with the Director of the Illinois Department of Human Services on public radio.

MARCIA FUDGE is the first African American and first woman to serve as Mayor of the city Warrensville Heights, Ohio. The Honorable Ms. Fudge earned a Bachelor of Science in Business Administration from the Ohio State University in 1975 and a JD from Cleveland Marshall College of Law in 1983. She also served as Chief of Staff for U.S. Congresswoman Stephanie Tubbs-Jones.

MERLE GORDON has been a Cleveland City Councilwoman since 1997. She chairs the city's Public Health Committee, and initiated the formation of a Lead Task Force to protect Cleveland residents and employees from lead poisoning. She is also an active member of the AIDS Funding Collaborative.

FRANK KROMKOWSKI has been a peace and justice activist for 40 years and currently chairs the Montana Workers' Rights Board of the Montana Community Labor Alliance (Montana's Jobs with Justice affiliate). He has worked as a college teacher and a program manager in the state's family services and community development programs. He is also active in the Colombia Support Network, the Montana Hunger Coalition, Montana WEEL (Working for Equality and Economic Liberation), and the Helena Service for Peace and Justice.

REV. CALVIN MORRIS is Executive Director of the Community Renewal Society in Chicago, where he also serves as Religious Co-Chair of Chicago Jobs with Justice. Dr. Morris worked with Dr. Martin Luther King, Jr. as a staff member with the SCLC, and was Associate Director, with the Rev. Jesse Jackson, of Operation Breadbasket. He also served as Executive Director of the Martin Luther King, Jr., Center for Social Change in Atlanta, Georgia.

GUILLERMO QUINTEROS is Executive Director of the Chelsea Commission on Hispanic Affairs in Chelsea, Massachusetts. He has been a long-time advocate for workers' rights, especially as they are complicated by immigration and discrimination issues. He has recently joined the Boston Workers' Rights Board and is looking forward to his first Workers' Rights Board hearing.

SONIA SILVA was the first Latina to serve in the Illinois General Assembly. There she represented the First District, where many residents are immigrants from Mexico, Poland, and Eastern Europe. She has been a life-long advocate for the Spanish-speaking community in Chicago, co-founding Latino Youth, Inc., and El Hogar del Nino, and working with many other organizations. As a State Representative, Silva supported the living wage campaign, legislation to restore food stamp benefits, and the inclusion of immigrant children in a state child health program, and chaired the Day Labor Task Force.

REV. WILLIE D. SIMMONS has been senior pastor at Central Baptist Church in Denver, Colorado, for more than 11 years. A long-time community activist and leader whose work has been publicly honored, he has contributed to many community action initiatives for greater equality in Louisiana and Colorado. According to Rev. Simmons, "the best thing about the Workers' Rights Board is that we get the facts out to the public about the shocking conditions under which many people work."

JAMES THINDWA is the Organizing Director of Metro Seniors in Action, a community-based activist organization addressing issues impacting on and important to seniors in Chicago. He has been active in economic justice work for many years, and has served for several years as Community Co-Chair of Chicago Jobs with Justice.

STEPHANIE TUBBS-JONES is a Congresswoman representing Ohio's 11th Congressional District. She is a former Cuyahoga Co, prosecutor and judge. She is committed to supporting a stronger education system, a Patient's Bill of Rights, care for seniors, Social Security, and a livable minimum wage. She has also initiated protection programs for abused children.

KARIN UHLICH has served since 1993 as Co-Director of the Primavera Foundation in Tucson, AZ, whose mission is to "build a future in which all people are assured basic human rights, a livable income, and safe, affordable housing." She has worked as an advocate and community organizer in the anti-poverty movement, coordinated state-wide efforts to stop worker exploitation in the day labor industry, and is a member of the Southern Arizona Workers' Rights Board. Her favorite experience as a WRB member was marching with community activists and workers protesting the effects of a toxic beryllium plant.

RABBI ARTHUR WASKOW founded and directs The Shalom Center in Philadelphia. He has been an activist for social justice since the 1960s, when he engaged in non-violent action against the Vietnam War and racism and helped found the Institute for Policy Studies. In the 1980s, he won a lawsuit against the FBI for illegal harassment suffered under the COINTELPRO program. He continues to advocate for non-violent resistance to injustice, and is active in attempts to bring a peaceful solution to the current crisis in the Middle East.

CORINN WILLIAMS is Director of the Community Economic Development Center of Southeastern Massachusetts, located in New Bedford. Her extensive work with the Central American immigrant community there has exposed widespread mistreatment and exploitation of undocumented workers in New Bedford's seafood processing industry.

**Human Rights Watch report finds that US labor  
law falls well below international standards:  
“Human rights cannot flourish where workers’ rights are not enforced”**

Many people in the US assume that they enjoy the world’s most extensive legal protection of workers’ rights, including the right to freedom of association at the workplace and the right to organize into unions. They assume this in part because of the existence of the National Labor Relations Board, or NLRB, the federal body established in 1935, supposedly to advocate for workers who brought complaints against employers interfering with their rights on the job.

However, a book-length report published by Human Rights Watch provides considerable and disturbing evidence to the contrary. *Unfair Advantage: Workers’ Freedom of Association in the United States Under International Human Rights Standards* confirms what trade unionists and other economic justice advocates have long known - that the NLRB has not only failed to do the job it was mandated to do, but has in fact increasingly functioned to defer, delay, and even block, rather than safeguard, the ability of women and men working in the US to exercise their legal rights at the workplace. US practice actually falls woefully behind the most basic international standards for labor and human rights.

As the many case studies examined in the report point out, this failure has impacted most consistently and most destructively on the most vulnerable people in the contemporary US work force, such as migrant farm workers, household domestic workers, sweatshop workers, nursing home and other healthcare workers, recent immigrants and undocumented workers, and employees in “welfare-to-work” programs. But it has hurt workers across the board in all sectors - the service industries, manufacturing, transportation workers, agricultural workers, and those in the high-tech industry.

The failure of US labor law to protect workers’ right to organize and associate freely on the job has provided the conditions that have made possible the radical increase in temporary, low-wage and low- or no-benefit jobs, the practice of so-called “perma-temping”, the proliferation of sweatshops, and the re-emergence of the so-called “day labor” industry. Because of this, we have witnessed in the last decade the re-emergence and apparent legitimation, in the name of protecting profits, of the sorts of intimidation practices most of us assumed had been wiped out once and for all at the turn of the nineteenth century. The case studies documented in the report include the following, which are typical:

***“we have witnessed in the last decade the re-emergence and apparent legitimation, in the name of protecting profits, of the sorts of intimidation practices most of us assumed had been wiped out once and for all at the turn of the nineteenth century”***

\* Welfare-to-work employees at a Detroit potato chip manufacturing company that employs 120 workers, almost all of them Africa-American women. Most women were hired and paid as “temps”, even though many had worked at the plant for years, some as many as 12 years. Because they work for a temp agency and not directly for the employer, they are not eligible for unemployment benefits when there is a layoff. In the course of their organizing drive, workers were told by plant management that their jobs would “move South” if they unionized, a point hammered home in numerous captive-audience meetings. Women working through Michigan’s “workfare” program were told they could lose their food-stamp and child care eligibility and their medical insurance. Management took advantage of what the report calls “the unique status and vulnerability of welfare-to-work” employees to defeat the union drive.

\* Workers at a packaging plant in Maryland that received millions of dollars in state subsidies, as well as \$3,000 in federal funds per each worker it hired from within a low-income neighborhood that had been designated an

empowerment zone”. When the plant’s workers, 25% of whom were recent Vietnamese immigrants, attempted to organize they were subjected to threats: anyone who attended a union meeting or joined the union would be fired, transferred to lower-wage jobs, or denied wage increases and promotions; the company would move operations to Mexico, etc. Race-baiting was also used to divide workers when Vietnamese workers arriving at the plant were told that African-American unionists picketing the plant entrance were “rioting”. The NLRB upheld charges of “massive unfair labor practices” and in response the company closed the Baltimore plant and declared bankruptcy. Workers fired in the course of their attempts to exercise their right to organize have yet to receive a penny of the back pay they are owed.

Clearly, the inability of the NLRB to protect the right to organize and to free association at the workplace prevents ever-increasing numbers of workers from enjoying the economic and social benefits that would greatly improve the day-to-day quality of life for themselves and their families. Benefits and job security are markedly better for workers who form unions. Twice as many union workers have guaranteed pensions as compared to non-union workers, and they are much more likely to have healthcare for themselves and their families.

In addition, union members generally earn an average of 34% more than non-union workers. This figure jumps to 40% more for women, 44% more for African-American workers, and 53% more for Latino workers. Thus it is of particular concern that the failure of the US labor laws undermines the efforts of low-wage workers who are often also immigrants and/or undocumented workers, women, and people of color who would greatly benefit from being able to organize.

### **What’s wrong with the NLRB?**

On paper, the Wagner Act, named for the senator who drafted the bill that would form the basis of the 1935 National Labor Relations Act, guarantees the right of employees “to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.” In addition, the bill’s language suggests that it would prevent employers from intimidating workers trying to create unions or targeting union members.

***US labor law practice has become a “ponderous, delay-ridden system with meager remedial powers” that simply doesn’t enforce the law in a timely or vigorous manner, and thereby succeeds, whether by default or intention, in helping employers rather than workers.***

No law on paper means anything if it isn’t consistently and vigorously enforced, of course, and soon after it was passed, the new law began to be interpreted in ways that protected employers rather than workers. For example, the courts ruled that employers could, among other things, permanently replace striking workers, or fire a whole workforce because its union had threatened to strike. This situation was made even worse when Congress passed the Taft-Hartley Act in 1947, which further hamstrung workers’ rights. The end result? Workers in the US couldn’t exercise the basic constitutional rights to which they were otherwise entitled while at the workplace. In addition, millions of workers were exempted from some or all labor law protection, including farm workers, many independent contractors, managers, and supervisors, millions of public employees, employees of religious institutions - even Indian casino workers.

These restrictions, combined with the years the NLRB will usually take to rule on a simple complaint, have fostered what has continued to be the most glaring weakness of US labor law practice - it has become a “ponderous, delay-ridden system with meager remedial powers” that simply doesn’t enforce the law in a timely or vigorous manner, and thereby succeeds, whether by default or intention, in helping employers rather than workers. Because of this, employers have been able to stall organizing drives by using the NLRB structure to leave workers in a kind of legal and financial limbo, even as the employer continues to profit from exploitative labor practices. Such employers often make use of the expensive services of union-busting law firms like Jackson-Lewis, which re-

cently sponsored a symposium for corporations in Chicago to teach them “How to Remain in Union-Free in the 21st Century,” to help devise these rights-blocking stalling tactics. Government statistics on NLRB complaints filed confirm that employers increasingly realize that it is ultimately to the advantage of their profit margins to break the law in order to bust an emerging union and risk a small NLRB fine down the road, instead of respecting workers’ right to organize - the number of workers filing complaints as victims of harassment and firings in connection with legal organizing campaigns numbered in the hundreds in the 1950s, rose to the low 1,000s in the 1960s, 10,000 annually in the 1970s, and as of 1998 stood at 24,000. And this only includes workers who go through with the complex process of filing a complaint.

## **Understanding Workers’ Rights as Human Rights**

The report insists that we begin to demand that both US law and practice be brought up to international labor rights standards. Most of these standards understand the rights of workers not merely as legal rights that can be contested in court, but as fundamental human rights that should be enjoyed by all working people.

For example, the UN-affiliated International Labor Organization recognizes freedom of association and protection of the right to organize as a universal right.

\* ILO Convention No. 87 declares that “Workers and employers without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.”

\* ILO Convention No. 98 continues, “Workers shall enjoy adequate protection against acts of anti-union discrimination...”

The UN’s High Commission for Human Rights includes these conventions as part of what the UN terms “international human rights instruments.” And yet the US government has not ratified these conventions.

What we need, then, in addition to stronger laws, is muscular enforcement of those standards already acknowledged by most of the rest of the world, so that we can move toward what the Human Rights Watch report terms “ ‘real’ implementation in the economic and social setting of the (now merely) ‘ideal’ civil and political rights of association and organizing.” Only once this is accomplished will people working in the US be able to stop leaving their constitutionally guaranteed rights to freedom of speech, assembly, and association at the door whenever they go to work.

For information on how to order a hard copy of *Unfair Advantage*, see the Human Rights Watch website at [www.hrw.org](http://www.hrw.org). The entire report also can be downloaded at [www.hrw.org/reports/2000/uslabor/](http://www.hrw.org/reports/2000/uslabor/)

*This piece was written by Jamie Owen Daniel, Assistant Professor of English, University of Illinois at Chicago and a member of the Chicago Workers’ Rights Board.*

## History of the Jobs with Justice Workers' Rights Board Project

By 1993, unions and other groups had realized that one of the greatest impediments to the meaningful practice of the labor rights supposedly guaranteed under U.S. law was in fact the very body that had been established to enforce these rights, the National Labor Relations Board (or NLRB). The NLRB was established in 1935 as a federal body whose job was to act as an advocate for workers who were being prevented by their employers from exercising their right to organize.

However, trade unionists knew that the NLRB had not only failed to adequately fulfill its federal mandate to safeguard workers' rights, but instead increasingly actually functioned to defer, delay, and sometimes even block the ability of women and men working in the U.S. to exercise their rights on the job without fear of intimidation or retribution.

As a way of drawing national attention to this failure, Jobs with Justice, a coalition of labor, community, faith-based and student organizations organized a National Day of Action against the NLRB on May 27, 1993. The action included sit-ins and other strategies that shut down NLRB offices in 26 cities around the country. These actions made their point as more than 10,000 people took part, and 1,000 were arrested.

But those involved in organizing the Day of Action knew that it had to be the beginning of a longer-term campaign, rather than an end in itself. Transforming the NLRB, if it could be accomplished at all, would be an arduous and time-consuming process; in the meantime, workers trying to exercise their right to organize were still being intimidated and often fired. They couldn't wait for far off reforms. With the help of well-paid union-busting law firms, the boss was still able to use the NLRB process as a way to stall action on worker complaints, often drawing out cases for years. Workers needed immediate attention to their situations—they needed an alternative to the NLRB.

### **Seattle WRB**

In September 2000, the Seattle WRB organized a hearing on local coffee magnate STARBUCKS' troubling record of abusing worker rights. Maintenance mechanics and technicians from Washington State and Canada, who are represented by IUOE and had been in their first contract negotiations for nearly a year, testified about being harassed and discriminated against because they had joined the union. It was revealed that Starbucks had hired a union-busting law firm to stall the negotiating process. In addition, the Board heard that Starbucks coffee pickers in Nicaragua earned less than US \$3 for a hard day's work—the average price it charges for a specialty coffee drink.

### **San Jose WRB**

In September of 2000, the San Jose WRB conducted an election for service workers, maintenance workers, radiation technicians and pharmacists at El Camino Hospital. They were asked to do so by SEIU 715, the South Bay Labor Council, and members of the California State Assembly. The 800 workers cast their votes for representation with SEIU before a Board that included a wide range of community and religious leaders who monitored the entire process. Because of this, the CEO couldn't claim that union interference was responsible for the workers' decision to unionize, and they could begin negotiating a first contract.

Conversations then began between Jobs with Justice and the unions involved in the NLRB actions on establishing an alternative structure to advocate for workers' rights, and especially the right to organize. What was needed was a formal body that would be willing and able not just to hear worker complaints, but also to ACT on those complaints, promptly and strategically. This need was met by the formation of the WORKERS' RIGHTS BOARDS.

### **Who are the members of the Workers' Rights Boards?**

Prior to the Day of Action against the NLRB, Jobs with Justice coalitions had already begun building up networks of community, religious, and leaders who could be called upon to use their authority and community status to intervene strategically in workers' rights campaigns. The Workers' Rights Boards were thus a way to formalize a strategy that JwJ coalitions had already been using successfully.

Workers' Rights Boards are an organic outgrowth of a strong JwJ coalition. WRB Members include alderpersons and state representatives; ministers,

priests, rabbis and other religious leaders, organizers and activists from public housing coalitions, advocates for the homeless, immigrant and refugee rights advocates and community living-wage groups; academics, researchers, and other educators. Some Board members will be able to play a more active and varied role than others, but all will commit to “being there” to defend workers.

### **Why these particular people?**

The heterogeneity of the Workers’ Rights Boards emphasizes the point that workers’ rights are civil rights. That is, they aren’t or shouldn’t be a matter of concern only for labor unions, or for individual workers or their families, but rather for everyone. Workers, after all, aren’t “just” workers; they are also neighbors, members of communities, people of faith, students and parents of students, taxpayers, caregivers, heads-of-households, and family members. Assaults on workers’ rights are also assaults on the stability and well being of neighborhoods, religious communities, school systems and universities, and families.

Therefore Workers’ Rights Boards draw members not only from the ranks of solid union supporters but also from amongst those who simply believe in respect, fairness and dignity and are looking to do something in service of those principles. Importantly WRB members are recruited on this basis as well as with the presumption that their power in the community will either have a direct impact on employers or on the workers involved in local economic justice struggles.

#### ***New York City WRB***

Several WRB’s across the country have supported campaigns for the rights of laundry workers through hearings, delegation visits to companies, and letter-writing campaigns. For example, the New York WRB heard about egregious conditions for workers employed by Industrial Laundries. The Board then sent out letters explaining these conditions to some 6,000 of the firms’ customers, who weren’t happy to learn that they were paying inadvertently for the abuse of workers. It didn’t take long for the workers to win a contract that improved wages, benefits, and working conditions.

#### ***Portland WRB***

Powell’s Books employees in Portland used the WRB as a key component in building consistent community support for their struggle to unionize nearly 400 local employees. In August of 2000, they ratified their first contract, which includes significant raises, healthcare benefits, and union security. They are now represented by ILWU Local 5. This victory followed a June WRB hearing in which the public was made aware of the difficulty workers were encountering in their contract fight. After the hearing, WRB members increased the pressure by insisting on a face-to-face meeting with CEO Michael Powell.

### **How does a Workers’ Rights Board function?**

A Workers’ Rights Board is always anchored in and works in tandem with a strong Jobs with Justice coalition. The Board’s task is to be available to respond strategically to the needs of ongoing economic justice campaigns. That is, Boards don’t function in isolation, but always as part of a campaign, as one tool among many in building support and resources for workers. WRB members exercise creative combinations of “moral persuasion” and public exposure tactics to put pressure on employers who engage in unfair labor practices, including blocking their workers’ right to decide, if they choose, to be represented by a union. The WRB seeks to provide a collective and unified voice in support of workers, and to establish community standards for employer behavior. It is because they were founded out of this sentiment that the WRB’s admittedly have a bias. Workers’ Rights Boards are set-up to level the playing field. A field clearly tilted against workers. So the Board never claims to be neutral. The Boards are pro-worker institutions. Despite this, they do remain independent of any

one particular union and therefore are free to choose which campaigns they work on. Boards always invite employers’ perspectives when they invite workers’ perspectives but they don’t however claim to merely hear all sides equally - they are designed to promote workers’ rights.

To this end, Workers’ Rights Boards undertake a range of activities as part of an ongoing campaign to put pressure on the boss. Including: Writing letters to management, or to customers or Boards of Directors; making delegation visits to management, or relevant public officials and offices to request positive action, including neutrality during elections; conducting card check elections; appearing on television or radio programs to publi-

cize the workers' cause and/or debate representatives of management; speaking with the press, writing press releases and letters to the editor; and, demonstrating solidarity with workers at rallies and other public actions. Often campaigns request a Workers' Rights Board hearing after they have tried in other ways to come to an agreement with an employer — meeting or attempts to meet with management, filing grievances, organizing rallies and actions, and even filing complaints with the NLRB.

A typical hearing will foreground testimony from workers who provide examples of the sorts of impediments they are facing at work. Often workers have little if any access to this kind of public forum. Worker testimony is backed up by legislators, union representatives, researchers and others who provide additional evidence of abuse, or contextualize the local situation within a larger context of systemic problems or trends.

After hearing this testimony, Boards draw up and announce a list of resolutions of actions they will take to follow-up on what they've heard.

Early on it became clear that for the WRB to have credibility on union organizing campaigns, the Board would have to exist beyond those campaigns. The WRB would need to define itself as a place any worker could turn for justice. So over the years Boards have held hearings on day labor, occupational and community safety and health, and welfare reform as a complement to the union organizing support work that the Boards have prioritized.

### **What do the Workers' Rights Boards accomplish?**

Obviously, the most important benefit of the various strategies used by the Workers' Rights Board is the community support and power it provides for workers in the midst of campaign struggles!

But there are many other benefits as well. The WRB can increase consciousness in the community about the centrality of workers to their communities, and the extent to which abuses of workers' rights impact on everyone in the community. It increases community awareness of the positive social role played by unions, and contributes to the ability of unions and community groups to work together toward common victories. It provides much-needed publicity for labor issues that are often under-represented, if they are represented at all, in the media. As importantly, it increases awareness on the part of everyone involved of the profound long-term benefits of building solidarity.

#### ***Washington DC WRB***

In August of 2001, a WRB hearing added clout to HERE Local 27's ongoing campaign to win respect and basic workplace rights for the mostly immigrant workforce of Washington D.C. parking lot managers, Interpark. The Local represents many Latino and Ethiopian workers who are often asked to work double and/or sliding shifts under harsh conditions with little job security or benefits. Workers who testified about being punished or even fired for taking time off to visit their families were joined by panelists who spoke about abuse of immigration regulations. Ironically, many of the Interpark workers came to the U.S. only once IMF and World Bank "structural adjustment" policies had created unlivable conditions in their home countries. The newly formed D.C. WRB drafted a number of resolutions intended to put pressure on Interpark and its Chicago-based CEO, Marshall Peck. Because of this "Chicago connection," a member of the Chicago WRB joined the D.C. board at the hearing.

## How To Start a Jobs with Justice Workers' Rights Board - The Portland Jobs with Justice Case study

**January 1999** - The Steering Committee of Portland Jobs with Justice decides to prioritize building a WRB after considering it for a few years. The decision comes in response to the new reality that there is a major upsurge in the amount of union organizing underway in Portland and the increase in requests for this kind of community support. Leaders at Portland JwJ realize they are going to the same community leaders on three campaigns at the same time. There is also a sense that Portland JwJ is strong enough to add a new element to its strategy.

**February to March 1999** - During these two months agreement is reached throughout the labor community that the WRB must be a component of JwJ; not housed by either a particular union or a central labor body. In addition, time is spent planning the agenda and organizing turn-out for an April Forum on JwJ WRB's.

**April 1999** - Portland JwJ hosts a forum on WRB. The goal of the forum is to get people excited about Workers Rights Boards and what role they can play in supporting union organizing and other workers' rights struggles. The audience for the forum is 25-30 union organizers and organizing directors who are compelled by what they hear and agree to get involved in building the WRB with Portland JwJ.

**May - September 1999** - A concrete outcome of the Forum is the formation of a WRB Committee of organizing directors, JwJ staff & leaders and AFL-CIO staff (5-10 people) that meets every 2-3 weeks for the summer. Primarily the meetings are the place where the "Who" of the WRB gets answered. They brainstorm the list of potential WRB members and by the end of the summer they create a list of nearly 150 target people from all parts of the community (religious leaders, community leaders, academics, public officials, civil rights advocates, etc).

The summer is also spent identifying who should sign the WRB founding letter. The decision is that the people, on the list of almost 150 potential invitees, who have the most power and are broadly representative of the community as a whole should be invited to sign. One-on-one meetings are conducted with all 12 of those people and they all agree to sign.

**Oct 5, 1999** - The WRB letter signed by 12 prominent leaders is sent out to 142 potential WRB members.

**October 1999** - February 2000 - Follow-up is the most important piece of work during these months. The WRB Committee refines list of who to follow-up with. By and large the follow-up is done through phone calls including offers to meet with people (most people don't require a meeting). Only two people RSVP yes to the letter itself.

Almost all of the phone contacts say yes. 11 people say no and mostly they identify that they are currently too busy.



Portland activists demonstrate outside of Powell's Bookstore.

**March 2000** - WRB Committee declares outreach is done and that the WRB will be launched with 60 members. The WRB Committee creates a brochure describing and promoting the WRB. The WRB committee also sets up four orientation sessions for the new WRB members.

**March to April 2000** - More than half the WRB member take part in one of the four sessions.

**June 13 2000** - The WRB Hearing on the organizing and first contract campaign at Powell's Books is the first

activity of the Portland WRB. Seven WRB members sit on the panel for the hearing and they have an immediate impact. On the day of the hearing, Michael Powell calls people on WRB who he knows hoping to influence them. In this conversation he agrees to a July 10th meeting that is quite challenging but then in the next round of bargaining things move forward dramatically and by the following negotiation session there is a contract on the table. No one claims that the WRB did this alone but it is one component along with 75% of the workers participating in a two day ULP strike and the threat of an October boycott that leads to victory.

**September 2000** - WRB hearing on Oregon Steel leads to TriMet victory when Portland Transit Authority agrees not to purchase steel from Oregon Steel.

**November 2000** - Celebration of WRB activity for the year. More than 30 WRB members attend.

**January to April 2001** - WRB sends letters on Northwest Educational Regional laboratory to support workers in an organizing drive and a first contract campaign. WRB also sends letter to Multnomah Exposition and Recreation Commission to support IUOE organizing and first contract campaign, which they win.

**June 2001** - Right to Organize Hearing (see companion report)

Importantly, today the WRB Committee still meets to make recommendations, based on JwJ criteria, to the Portland JwJ Steering Committee on which campaigns the WRB should take on.



Portland JwJ's Workers Rights Board hears testimony on working conditions at Oregon Steel.

# Jobs with Justice Workers Rights Boards in Action - Chicago Case Study

## Background

Every year there are as many as 80,000 people who become homeless in Chicago. The city is also experiencing a marked increase in the number of undocumented immigrants coming here to search for work, often because of the devastating effects of “structural adjustments” on the economies of their home countries. The city’s burgeoning day labor industry exploits these especially vulnerable workers as sources of cheap temporary labor. The rapid growth of the industry—with a 90% increase in the number of such agencies since 1995—needed to be addressed for several reasons. In fact, Chicago is the fastest growing day labor industry in the nation. It has also been estimated that on any given day more than 100,000 Chicagoans work day labor.

First, day laborers and their families suffer because they typically earn substandard wages, are offered no basic healthcare or other benefits, and work in unsafe conditions without sufficient health or safety training. In addition, workers are often charged ridiculous fees for transportation to and from the worksite, and for cashing their paychecks. They can spend hours getting to and from work, often putting in 10-12 hours total to earn a paycheck that barely covers the cost of the day’s meals and a cot in a shelter for the night. Immigrant workers also report being regularly threatened with deportation if they complain about unsafe or exploitative conditions.

But the exploitation of day laborers impacts on far more than the daily lives of these workers and their families. It lowers the standard for all workers by encouraging companies to rely on inexpensive sources of temporary labor rather than negotiating living wage and benefit contracts with workers through their unions. The day labor industry thus functions as a kind of union-busting facilitator. Day laborers are often used as scabs, and aren’t given the kinds of responsible job experiences that would make it possible for them to seek more skilled and permanent employment. Because they aren’t protected by a union, they can be hired or fired at will. This contributes to an increase in workforce and community instability for everyone.

## Strategy

Chicago Jobs with Justice, working together with the Chicago Coalition for the Homeless and the Chicago Interfaith Committee on Worker Issues, developed a multifaceted strategy, formalized in the Day Labor Organizing Project, to increase public awareness of the growing day labor problem and improve working conditions for day labor workers.

In stage one, the Day Labor Organizing Project engaged Researchers at the University of Illinois at Chicago’s Center for Urban Economic Development to develop a survey to find out more about the experience of homeless day laborers. In October 1999, 50 volunteers were trained to conduct the survey, which was then carried out at homeless shelters across the city. The results of 550 interviews were compiled into a report by the Center and documented widespread abuse, both across the city and across gender and ethnic differences. The Day Labor Organizing Project then used the report to inform legislators, the media, and city officials about the problem. The report also provided documentation of abuse from individual workers that would be used at a Workers’ Rights Board hearing.

The next step, then, was the November 1999 Workers’ Rights Board hearing on Day Labor in Chicago. The hearing was attended by numerous workers who provided often wrenching evidence of the devastation they and their families had suffered because of their inability to earn enough through day labor to get out of shelters. Immigrant workers, testifying through translators, detailed the intimidation and discrimination they encounter on a daily basis.

It is worth noting that US Representatives Danny Davis and Bobby Rush as well as State Senator Miguel DelVelle and State Representative Sonia Silva all took part in this hearing. This strong political presence was also joined by significant religious presence as Rabbi Marx and Monsignor Egan both participated as panelists. The combination of strong reli-

gious and political leaders raising this issue as a threat to Chicago grabbed the media. The press loved the story and focused not just on big agencies but also on mom and pop shops. It put the issue on the map as front-page articles in the city's major newspapers highlighted worker testimony and presented the day labor industry as a problem for the city, making it a city wide issue that politicians needed to deal with.

The WRB made a number of important commitments.

Importantly, State Representative Sonia Silva, who was introduced to the atrocities inherent in the day labor industry at the hearing, became deeply involved and committed to this issue. The WRB resolved to work with State Rep. Silva to conduct statewide hearings on Day Labor issues and to play a central role in organizing the Chicago hearing. This was a first step toward introducing important day labor industry reform legislation.

The WRB also resolved to meet with the City of Chicago Office of Procurement to discuss contracts that the City has with temporary agencies. It was the WRB's belief that while the new living wage ordinance should apply to temporary services and day labor contracts, it was not being enforced. The meeting with the Procurement Office began a process of making sure that city contracts are in fact in compliance with the living wage ordinance.

These resolutions as well as the WRB's other strategies resulted in a number of concrete steps towards both limiting the expansion of the industry and effectively organizing the workers the industry exploits. Including:

Forming a DAY LABOR TASK FORCE in the Illinois State House of Representatives;

Establishing a Community Watchdog Committee in the Humboldt Park/Logan Square neighborhoods that are experiencing an extreme increase in day labor agencies. Importantly the WRB model is model for the watchdog role on a community level;

Initiating the Chicago Day Labor Organizing Project WORKERS' CENTER at San Lucas Church in Humboldt Park where the organizing committee meets regularly and where training and educational workshops provide organizing skills to men and women working day labor. Information about workers' rights is provided in English, Spanish and Polish;

Working with Alderman Billy Ocasio to introduce city legislation around licensing of Temporary agencies.

### **Impact of Union Involvement and Power**

The Hearing also had a significant impact on labor involvement addressing the problems of the day labor industry. Because the WRB had been there for many union struggles, when unions saw the level of interest that the WRB had created around day labor issues they were open to getting involved. This proved crucial when an effort was made to raise the cap on Delville's transportation fee legislation: labor's influence at the Capitol killed the bill and won a concrete victory for day laborers.

The WRB was in that way a vehicle for bringing labor to the table and now we see the Day Labor Organizing Project actively helping union campaigns. Early in a UE strike at Elk Grove Village, the company began bringing in scabs through a temporary agency. The Day Labor Organizing Project found violations at the agency and then the union pressured the company to clean-up their act and to stop sending scabs - they complied immediately.

When 50 workers walked off the job at BBJ linen in Humboldt Park they found their way to the workers center. The Day Labor Organizing Project learned that some of them have been working day labor at the same facility for 8 years. The Project put them in touch with UNITE's city wide laundry campaign and now they are signing cards. Finally it is worth noting that the religious involvement in the WRB hearing also helped create space for the building trades involvement. Once the WRB got involved the Trades saw this issue in a much better light. Seeing religious leaders on the watchdog committee lead the Trades to want to help connect day laborers to apprenticeship programs.

# Jobs with Justice Workers Rights Boards in Action - Cleveland Case Study

## The Situation

Early in 2001, janitors at the Cleveland Federal Building, working through a large and respected social service agency called Vocational Guidance Services (VGS), were facing increasingly typical obstacles in their struggle to be represented by a union. An overwhelming majority of the workforce (42 of the 44 janitors!) had signed cards, asking Local 47 of the Service Employees International Union to represent them. Twice they had signed petitions asking VGS for voluntary recognition. Twice VGS had refused to recognize the union -- or even talk seriously with them.

The situation was an example of the impediments U.S. workers regularly face when they try to exercise their right to free association by forming a union. The janitors and SEIU could have tried to get the company to honor the card-signing by taking their case to the NLRB, but this would most likely have meant months or even years of delay, giving VGS every opportunity to hire union-busting lawyers to defer a decision and keep the janitors in limbo. This was a job for the Cleveland Workers' Rights Board!

## The Strategies

During the winter of 2000-2001, SEIU Local 47 and the janitors, working closely with Cleveland Jobs with Justice, complained to the Cleveland Area Workers' Rights Board about the lack of response from VGS. The WRB developed a complex strategy for confronting VGS.



Ed McKinney of the Cleveland State U. Social Work Dept, and WRB panel member, speaks to workers and supporters at VGS.

First, the Cleveland City Council and County Commissioners were made aware of the situation facing workers in the government building. Then, on Wednesday, February 7, a delegation including well-known activist clergy, representatives of different unions and community groups, and Jobs with Justice staff, including its student intern, showed up unannounced to VGS's office at the Federal Building. They tried to present a petition expressing the community's concern about the workers' predicament and to meet with supervisors to discuss a resolution to the situation.

The group was expelled from the building, to no one's great surprise, and VGS responded only with the usual anti-union, anti-worker rhetoric.

So, on February 17, just ten days after they attempted to speak with management, members of the Cleveland Area Workers' Rights Board held a public hearing at Pilgrim UCC Church in Tremont. The hearing was called not just to address the details of this particular recognition struggle, but also to foreground the broader significance of the workers' demands for card-check recognition.

A panel of three prominent Clevelanders conducted the hearing: The Rev. Mylion Waite, Associate Pastor of Antioch Baptist Church and Dean/Faculty Member of Ashland College; Stu Greenberg, Executive Director of Environmental Health Watch; Prof. Ed McKinney of Cleveland State University's Social Work Department.

Both Local 47 and VGS were invited to send witnesses and submit documents. VGS never replied. Witnesses who testified included: Willie Howard, organizer for Local 47; Diane Gossett, downtown office cleaner who is among the group who recently won a much-improved contract; Sandy McNair, Esq., who testified about the importance of card-check recognition; Steve Cagan, staff member of Cleveland JwJ and the WRB, who noted that the WRB has conducted successful card checks in the past; and three VGS workers.

Another dozen or so VGS workers attended the hearing, along with their allies. Among other things, the audience heard that the 44 Federal Building janitors were doing all the work previously handled by a workforce of about 150.

Initially, it was hoped that informal meetings arranged by members of City Council with VGS would bring the company round. Finally in mid-May, when it became clear that VGS was not taking these meetings seriously, the WRB released a report on the hearing at a press conference in front of the offices of VGS. The WRB announced that, together with the Cleveland AFL-CIO, two big demonstrations had been called to support SEIU Local 47 and the janitors. One would be called in front of the VGS offices, the other in front of the Federal Building.



Federal Office Building janitors and supporters try to present a petition by the workers to the VGS supervisor on the site. Federal Office Building janitors and supporters try to present a petition by the workers to the VGS supervisor on the site.

As these plans were being finalized, the City Council was simultaneously putting pressure on VGS by sitting on a \$5 million grant the company was seeking to build a new headquarters building. The Council made it clear that it would not grant the funds until the labor issues were settled.

## **The Result**

VGS finally responded to this combined pressure and, just before a support rally that had been called for May 31, it agreed to **RECOGNIZE SEIU LOCAL 47 AS THE BARGAINING AGENT** for the Federal Building janitors. Bargaining for the first contract was scheduled to begin just three weeks later.

This was a victory for the janitors and SEIU Local 47, but, just as importantly, was a victory for the solidarity that had been built up in Cleveland. The WRB functioned as a key component in the larger strategy of building community support and putting pressure where and when it counted to neutralize the boss!

# Sample Agenda for DC Jobs with Justice Workers' Rights Board Hearing on the Right to Organize at Interpark - Sunday, August 5

3:50 - 4:00 — Music

4:00 - Workers' Rights Board Enters.

4:00- 4:03- Invocation - Reverend Jesus Reyes, San Jose Episcopal Church, Arlington

4:03 - 4:08 — Welcome - Terry Lynch

- What is the Workers' Rights Board
- Briefly go over agenda
- Introduce WRB members
- Introduce first panel

4:08 - 4:19 -The DC Parking Industry and InterPark (6mins)

- 1) Merga Gobena, Parking Attendant, APCOA/Standard Parking (5 min)
- 2) Mafruz Khan, Center for Comprehensive Corporate Research (5 min)
- 3) Nebiyat Hailu, Parking Attendant, InterPark (1min.)

4:20 - 4:21 - Introduce 2nd Panel - Terry Lynch

4:22 - 4:37 - Wages, Benefits and Working Conditions at InterPark (15 mins)

- 1) Samuel Baminew, Parking Attendant, InterPark (2min.)
- 2) Ammanuel Yohannes, former InterPark parking attendant (2min)
- 3) Chauna Brocht, Policy Analyst, Economic Policy Institute (5min)
- 4) John Carter, Parking Attendant, InterPark, International Square (1min)
- 5) Mark Catlin, Industrial Hygenist, Alice Hamilton Center for Occupational Health (5min)

4:38 - 4:39 - Introduce Panel 3 - Terry Lynch

4:40 - 5:07 - Workers' Rights (27 mins)

- 1) Balthazar Baca, Senior Trial Attorney, US Department of Justice, Civil Rights Division. (5min)
- 2) Bob Naiman, Center for Economic and Policy Research (5min)
- 3) Josh Williams, President, Metropolitan Washington Labor Council (5min)
- 4) Rolando Herrera & Rene Garcia, Parking Attendants, Central Parking (5min)
- 5) Louis Williams, Parking Attendant, InterPark (5min.)
- 6) Liku Mitiku, Parking Attendant, InterPark, Renaissance Hotel (1 min.)
- 7) Negassa Degaga, Parking Attendant, InterPark (1min)

5:08 - 5:09 - Introduce Union and Company - Terry Lynch

5:10 - 5:20 - The Union & the Company (5 mins each)

- 1) InterPark Representative? Or Rabbi Serotta reading the Company's letter.
- 2) Roxie Herbekian, President, HERE Local 27, Parking & Service Workers' Union

5:21 - 5:31 - Questions for Panels (10 minutes).

Announce that Board will take a 15 minute recess to discuss their next steps.

5:32 - 5:47 - Board Recess (15 minutes)

5:48 - 5:58 - Board returns and announces findings. Adjourn the meeting.





## Why Supporting The Right To Organize Is So Important

**Democracy.** On the surface it seems like such a simple thing. People who want to be represented by a union should be able to make that decision free of threats and intimidation. We supposedly believe in the democratic process in this country, and the decision whether or not to join a union is a simple extension of that principle into the workplace. What should be a simple choice, freely made, too often becomes a war being waged against workers and their rights. In the relative secrecy of the workplace, the employers can carry out attacks on the democratic right to organize with little fear that what they are doing will ever be exposed. Employers spend \$300,000,000 a year to hire consultants and anti-union law firms to help them in their efforts to block the democratic process.

**An uphill battle.** The right to organize into unions is technically a right, but weak labor laws, with little enforcement or penalty for employers who break the law, tilt the playing field in the direction of corporations. The new trade regulations embodied in the North American Free Trade Agreement (NAFTA) and the proposed Free Trade Area of the Americas (FTAA) pit workers against each other across national borders. Organizing takes place in an environment where the threat of job flight is constantly used to intimidate workers. The message is clear: If you organize, you could lose your job. This is a powerful threat.

**Respect.** Most workers are drawn to organizing campaigns because they want some control over conditions in the workplace and how they are treated. Organizing drives, and strikes, are almost always about respect (whether we are paid fairly for our work is one measure of respect). Since we spend most of our waking hours in the workplace, how we are treated there is a critical piece of our quality of life. Martin Levitt, who was a top union buster for 20 years, points out that the attempt to keep unions out of the workplace is not about money at all (employers often spend \$3000-5000 per worker to defeat an organizing drive), it is about control.

**Anti-union campaigns.** Employers often mount aggressive anti-union campaigns that include: Threats of job loss; Delaying tactics; Anti-union consultants; Harassment; Anti-union mailings and videos; Personal attacks on organizers; Firings; Captive audience meetings; Personal appeals by supervisors; Lies and misinformation; One-on-one meetings; False promises; Blame for disrupting the workplace.

**Fear.** The intangible factor in every campaign is fear. Making the decision about whether or not to support the union is poisoned by this fear. Fear of job loss, fear of being harassed if you support the union, fear of the arbitrary power of management to reward and punish. Union supporters are pitted against people who oppose the union... and management makes it clear that the union is to blame for this. Divide and conquer, the oldest anti-worker strategy of all is a big part of anti-union drives.

**Courage.** It takes a lot of courage to stand up against the tactics of an anti-union campaign in the workplace and demand your rights. It is hard for people who have not been through an organizing drive, or a strike, to understand how lonely and isolating it can be. But some people are just bullheaded. They are going to stand up for what they believe, and the more you attack them, the harder they will fight to defend the truth.

**Why it is important to support workers who are organizing.** On one level, it is important to support workers who are organizing because unionization is our best weapon to protect workers' health and safety, benefits, and wages. We are also fighting for the courageous people in the campaign. We are also fighting for a community where working people have a say in their own lives. When workers organize they gain the power to bargain collectively and have a say voice in decision-making; a voice in how companies do business in the workplace and in the community.

**What the community can do.** One thing the community can do is to break the silence that surrounds organizing campaigns by exposing what is going on to the community. That can include letter writing, e-mail, and phone campaigns. People can join delegations to talk with employers, participate in public hearings, take part in rallies or actions. Our support breaks down the isolation of the workers who are organizing and lets them know that they are not alone in this struggle. Community support can make the difference between success and failure in the campaign, and every campaign is part of the larger campaign for workers' power and a more democratic community.

To get involved in supporting the right to organize, contact Jobs With Justice at (202) 434-1106 or [jwjinfo@jwj.org](mailto:jwjinfo@jwj.org). You can also check our website at [www.jwj.org](http://www.jwj.org).

*This piece was conceived of by Jerry Atkin of Portland Jobs with Justice*