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Public Welfare
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updates

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Bargaining for Workers' Rights

Negotiated agreements covering wages and conditions can affect workers beyond a specific workplace.

Wisconsin's controversial effort to restrict collective bargaining rights of 170,000 public employees in that state is an important marker in the struggle for workers' rights. The legislation promoted by Gov. Scott Walker and signed by him recently has prompted a national debate about the basic rights of all workers to bargain and negotiate terms of their employment.

Recent opinion polls show that a solid majority of Americans opposes weakening the bargaining rights of public employee unions or cutting the pay or benefits of public employees to reduce deficits.

"There is something about the idea of workplace democracy [that

resonates with people],” noted Christine Owens, executive director of the Washington, DC-based National Employment Law Project, a Public Welfare Foundation grantee. “People should be able to sit down across the table from their employer and have some say about their salaries and working conditions.”

Often, the most effective way that workers can negotiate with employers is through unions. In 2010, 14.7 million workers belonged to unions, comprising 11.9 percent of the workforce, according to the AFL-CIO. Nearly 52 percent of all union members are in the public sector. Viewed another way, about 32 percent of public sector workers are union members, compared to only 6.9 percent of private sector workers.

Union workers can use bargaining to build on work standards that are established by federal and state laws, such as minimum wages and hours, time-and-a-half for hourly workers who work overtime and paid family leave. The enhanced standards often become the norm for non-union workers.

Having a fair process for negotiating these standards and protections is important for all workers, although it can be especially significant for public employees, who are often prohibited from striking. For those workers, Owens said, “collective bargaining [is] a way of filling in the latticework, providing a system of protections against discrimination, wage

and hour exploitation, some pension protection and some health and safety protection.”

Starting with the National Labor Relations Act of 1935, the right to form unions and to bargain collectively has been formally recognized under federal law, but that recognition has been mainly for private employees. While federal employees have been granted some collective bargaining rights under federal laws, state employees are governed by the laws of their individual states.

Ohio, Illinois, Indiana and Michigan are among many states that are currently seeking to follow Wisconsin’s lead.

Timothy Judson, who heads the Workers’ Rights Program for Progressive States’ Network, a national, non-profit based in New York, NY — another Public Welfare Foundation grantee — reports that “major anti-labor legislation” has been introduced in at least 37 states during the current state legislative sessions, with 23 states considering more than one piece of such legislation.

“These measures target two of the most fundamental components of workers’ rights policy in the United States: protections of workers’ right to organize, and the government’s role in establishing and raising wage standards,” said Judson in

recent Congressional testimony. He added, “There are also efforts to undermine child labor laws, minimum wage rates, overtime protections, family and medical leave, enforcement of wage-and-hour laws, and several other measures. However, those bills are primarily being introduced in states where major anti-worker legislation is also in play.”

This legislative flurry comes at a time of economic distress for many families that have been able to gain middle class status through public sector jobs such as teaching, law enforcement and mid-level management. Since many public sector workers are paid less than private sector workers with comparable levels of education, their ability to bargain collectively is especially important because just as safety and other protections become standardized for all workers, the potential ripple effects of their labor agreements could be felt by all workers.

As Owens noted, “Collective bargaining translates work into a ladder of opportunity and an anchor of economic security...The goal is to improve benefits and increase wages for all employees. And there’s a harmony between what we can get for union workers and what we can get for workers who aren’t represented by unions...But if we dismantle the apparatus that has given [union] employees a voice, then the spillover effect could be taking wages down throughout the community.”

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