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Protecting Our Right to Collectively Bargain

USW Core Values Educational Series – Issue 2

For decades, CEOs and their well-heeled lobbyists have found allies in anti-union lawmakers. These partnerships have resulted in anti-union laws like so-called right to work and the appointment of judges who are quick to rule against us. And, as we've seen in the past few years, they're also tilting power away from workers thanks to a team of corporate appointees at the National Labor Relations Board (NLRB), the very agency charged with safeguarding the rights of workers to organize and engage in collective bargaining.

Many of these decisions from the NLRB aren't making headlines, but they matter a great deal for our ability to get secure and enforce good contracts. Some of the rules the Board is overturning have existed for decades. Here are just a few examples:

- **Allowed companies to implement policy changes without bargaining.** The Board issued a decision allowing for an employer to make changes unilaterally (usw.to/3en) to its policies and practices without bargaining. Less than a month after one of our locals ratified their contract, their company made changes to their health insurance because management is trying to take advantage of this ruling. In other situations, we've seen companies change attendance, drug, and other policies.

- **Allowed employers to put workers in danger.** In a series of five memos to their regional directors, the Board concluded that an employer is not obligated to engage in midterm bargaining regarding union proposals for paid sick leave and hazard pay during the pandemic (usw.to/3eo). They also said that an employer does not have to bargain about a temporary closure. For workers who speak up about a dangerous situation on the job, the Board has decided that is not protected speech. This means that they can be fired by their employer. This guidance came after a case was filed by a nurse who was fired after refusing to work at a nursing home that was requiring workers to share isolation gowns.

- **Allowed employers to retaliate against the union.** One USW employer wanted to celebrate after a profitable quarter. Normally, the union and the company would get together and plan a day off; it was always considered normal communication. Instead, the employer gave management the day off while leaving union workers working. An administrative law judge saw this as a "straightforward punishment of union employees in retaliation for past protected activity under the Act." The Board overturned the judge's ruling, saying it was ok not to bargain and that it was management's right to not grant the day off for these workers (usw.to/3ep).

- **And so much more.** - The Board has also made it easier for employers to decertify unions (usw.to/3eq), more difficult for contract employees and workers at franchise businesses to join unions (usw.to/3er), and sought to dramatically lengthen the timetable for union elections and limit access to workers (usw.to/3es), giving employers major advantages when they seek to bust unions.

How do we reverse these trends? It is critical that Congress hold the NLRB accountable. Lawmakers must also prioritize reforms that will restore the original promise of 1935's National Labor Relation Act, which has eroded over time. Our union has done that work by pushing for passage of the Protecting the Right to Organize (PRO) Act (usw.to/3et), which was successful in the House but was stopped in the Senate. It's also critical to have people in all decision-making positions in our government who will encourage and promote the formation of unions and the practice of collective bargaining.

(Click HERE (usw.to/3eu) to read other issues in our series on our webpage).