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Label Letter

Union Label & Service Trades Department, AFL-CIO

Dems Introduce Bill to Protect Access to Courts for Millions of US Workers

While we all focused on the midterm elections, House Democrats introduced a major bill that would protect access to the court system to millions of US workers. On October 30, Representative Jerrold Nadler (D-NY) and a group of House Democrats introduced the "Restoring Justice for Workers Act," which would ban businesses from requiring workers to sign arbitration agreements.

This proposed legislation would prohibit all pre-dispute arbitration agreements covering employment claims, forbid retaliation against employees for refusing sign these agreements and amend the National Labor Relations Act (NLRA) to forbid agreements that restrict employees' right to collectively litigate employment claims. As well, it would provide protections to ensure that post-dispute arbitration agreements are not coerced, and that voluntary consent of employees has been given. A similar bill is was introduced in the Senate by Senator Patty Murray (D-WA).

If passed, this legislation would reverse the Supreme Court's May 21 Epic Systems v. Lewis opinion, 138 S. Ct. 1612 (2018), which held that arbitration agreements with class action waivers must be enforced as written despite the NLRA.

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2018 Midterm Election Round Up

In a short statement issued in the early morning hours after the midterm election results had been announced, Richard Trumka, President of the AFL-CIO said, "Scott Walker was a national disgrace."

He, of course, was referring to Wisconsin Governor and union buster Scott Walker. Trumka made a similar statement when Walker ran for president in 2016.

on strike for nine days in April, ultimately winning a pay raise.

In Kentucky, fifty-one educators ran for Kentucky's General Assembly. Fourteen won their bid including Travis Brenda, a high school math teacher, and Derrick Graham, a retired teacher.

Labor did suffer losses, including in Wisconsin's 1st District where Randy Bryce lost to Republican Bryan Steil. But many of labor's staunch supporters, Bernie

"The real story of the 2018 Midterm elections is the role of labor and the resurgence of working class families as not only a reliable voting bloc, but also a grassroots army to be reckoned with in swing 'right-to-work' states across America"

— D. Taylor, President UNITE HERE

Walker lost his bid for a third term as Governor to Democrat Bill Evers, a former school teacher and principal and current superintendent of schools. For labor, this win was especially meaningful.

After a spring filled with teacher walkouts and strikes around the country, 2018 saw teachers and educators, nearly 1,500 of them, turn their advocacy into action when they ran for political office at every level. Some 6,066 state legislative races included at least one educator on the ballot.

In Connecticut's 5th District, former teacher of the year, Johanna Hayes won her bid for a seat in the U.S. House of Representatives. In Oklahoma, four current or retired school principals won state offices after educators there went

Sanders (I-VT), Elizabeth Warren (D-MA), Tammy Baldwin (D-WI), Sherrod Brown (D-OH) won their races and vowed to continue to fight for working families.

And the morning after the elections, the AFL-CIO reported that 800 union members were elected to office from the U.S. Senate to state capitols, including U.S. Senator-elect Jacky Rosen (UNITE HERE!) of Nevada; Michigan Governor-elect Gretchen Whitmer (AFT); Minnesota Governor-elect Tim Walz (Education Minnesota); U.S. Representatives-elect Hayes (CEA and AFSA) of Connecticut and Ilhan Omar (AFSCME) of Minnesota.

In a press conference, Julia Green, AFL-CIO Mobilization Director, announced that union members "knocked on more than 2.3 million doors this election cycle."

■

Happy Holidays

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- » Union Boot Pro

GAMES AND TOYS

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- » Littlest Pet Shop
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- » American Athletic
- » Play-Doh
- » Weebles
- » My Little Pony

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- » Bell Sports
- » Ebonite Bowling Balls
- » Callaway Golf
- » Top Flight Golf
- » Standard Golf
- » Louisville Slugger
- » Wilson Sporting Goods

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- » All Traditional Candy Canes
- » Ghiradelli Chocolates
- » Hershey Chocolates
- » Jelly Belly
- » Jordan Almonds
- » See's Candy

WINE AND SPIRITS

- » Andre champagne
- » Arbor Mist
- » C.K. Mondavi
- » Chateau Ste. Michelle
- » Cook's champagne
- » Gallo Estate wines
- » Gallo of Sonoma

- » St. Supery
- » Tott's champagne
- » Turning Leaf

BEER

- » Bass Pale Ale
- » Beck's
- » Blue Moon
- » Budweiser
- » Busch
- » Killian's
- » Kirin
- » Labatt Blue
- » Land Shark Lager
- » Michelob
- » Mickey's
- » Miller
- » Molson Canadian
- » O'Doul's
- » Olde English 800
- » Pabst
- » Red Stripe
- » Rolling Rock
- » Sam Adams
- » Schlitz
- » ShockTop



Walk in My Shoes

Jesus Hernandez

RWDSU L-1S Shop Steward/ Floor
Secretary Macy's Herald Square



I have been an associate at Macy's in Herald Square for going on eight years now. I started out in the Bedding Department on the 6th floor and was later promoted to the Home and Electric Department on the 8th floor.

Macy's Herald Square is the flagship of the Macy's department store chain; it is located in Herald Square in Manhattan, NY. The store covers an entire city block, with more than two million square feet of retail space, it's one of the largest stores in the world. My union, RWDSU Local 1-S represents nearly 4,000 active employees in Herald Square and at the Queens, Parkchester and White Plains Stores.

I have been a Shop Steward for about four years, helping the employees on my floor when they have issues with everything from scheduling to handling conflicts on the floor.

I've worked non-union before. What I have found in a unionized store is that we have a voice on the job. In a busy department store like Macy's, there are a lot of misunderstandings and disagreements. But, because of the union, workers know they are protected against unreasonable

customer complaints. I've helped fellow members understand that they don't have to tolerate abusive treatment to keep their jobs, because the union has their back.

One of the main issues I see as a steward is scheduling. We have provisions in our contract with Macy's that requires fair and set scheduling, but we see management violate that a lot. When that happens, we file a grievance on behalf of the employee. RWDSU Local 1-S has negotiated a fair contract, it is up to me and the other shop stewards to help enforce it.

Our contract has required Macy's to provide paid sick leave since before it was mandatory in New York State. I've seen Macy's management try to avoid allowing employees to take their leave. And, I've been able to help those employees file grievances so they can receive the time off they are entitled to.

Being a union shop steward, for me, is like standing up to the classroom bully. I get to let them know that we won't tolerate that kind of behavior. I like my job, and I like being able to help customers who come in to the store, but it makes me feel great to be able to help my coworkers. ■

Spotlight the Label

UNITE HERE



UNITE HERE is a labor union that represents 270,000 working people across Canada and the United States. Our members work in the hotel, gaming, food service, manufacturing, textile, distribution, laundry, transportation, and airport industries.

UNITE HERE's membership is diverse. They are predominantly women and people of color, and they hail from all corners of the planet. Together, they are building a movement to enable people of all backgrounds to achieve greater equality and opportunity.

WHAT'S YOUR STORY?

In 150 words or less—accompanied by a picture of you at work...Help us walk in your shoes. We're open to all union members, active, retired, laid off.

"We want rank and file members to help us to illustrate the rich, diverse tapestry of hard working men and women who make up the American labor movement. They are proud of their work and proud of the contributions they make to their communities," explains Union Label Department President Richard Kline. "We want to demonstrate to American consumers and businesses that union labor gives added value in quality and reliability to products and services that are bought and sold."

The pictures and stories we get will be published in the Label Letter and posted on the Department's website—and perhaps in posters and other promotional materials. E-mail a Walk in Your Shoes to: unionlabel@unionlabel.org; or send by regular mail to:

Walk In My Shoes

c/o Union Label & Service
Trades Dept. (AFL-CIO)
815 16th St. NW,
Washington, DC 20005 ■

ARBITRATION

CONTINUED FROM PAGE 1

Forced arbitration agreements have become common practice in hiring. By signing these agreements, workers essentially waive their right to sue the company for potentially violating the law, whether it is related to sexual harassment, racial discrimination, wage theft, or anything else.

Under forced arbitration, employees must take their claims to a private arbitration with no judge, no jury, and virtually no government oversight. Under this process, workers are less likely to win their cases. And, if they do win, they tend to get much less compensation than they would under the court system.

“Forced arbitration strips working Americans of their day in court to hold employers accountable for wage theft, discrimination, harassment and many other forms of misconduct,” Nadler said in a statement on October 30.

The bill, which Nadler introduced with Representative Bobby Scott (D-VA), has 57 co-sponsors. All of them are Democrats.

Facing pressure from employees and the public, some companies have voluntarily stopped requiring workers to take sexual harassment claims to arbitration. However, some employees say the exclusion for sexual harassment claims is not enough. At Google, workers angry over reports of male executives accused of sexual harassment receiving millions in exit packages while staying silent about the misconduct, organized a mass worldwide walkout. The employees demanded Google end forced arbitration for all employees who file discrimination claims. Google only agreed to drop forced arbitration for sexual harassment and assault claims.

In a statement released after Google’s decision, organizers wrote, “The company must address issues of systemic racism and discrimination, including pay equity and rates of promotion, and not just sexual harassment alone.”

Should this legislation pass, it would restore employees’ access to the court system. ■

Using Technology to Improve & Grow Unions

These days, labor unions are using varied technology to service and grow their membership. Facebook and Twitter are ubiquitous among labor unions and labor can count on the fact that there are many members online and reachable at any given time through these venues. The AFL-CIO has a quarter of a million followers on Facebook, and over 100 thousand followers on Twitter.

Local and International affiliates and their leaders often have massive followings as well and can count on Twitter and sometimes Facebook to publicize their issues in the media. Websites serve as the faces of labor. Websites should have an updated and modern look, with contact information, staff and steward listings, copies of collective bargaining contracts and a calendar of events. Many local unions have websites with payment gateways to collect dues (in case they don’t have dues checkoff) or to collect PAC or other charitable donations.

But servicing and organizing have taken longer to catch up to technology – many local unions are still relying on old methods with business representatives/field representatives spending time after membership visits filing paper and pen reports about their time in the field. Many organizers still are spending time door-to-door to reach prospective members.

But that’s changing.

Cloud-based Web and App technologies are shifting the servicing and organizing world into the 21st century. A number of unions are outfitting their field staff with data-enabled tablets to use during servicing and organizing campaigns. They



can file grievances on-site without using the employers’ wi-fi connection, update members’ information or make notes about a field visit that can be transmitted immediately to the members’ records.

Organizers are using blast text messaging and peer-to-peer text messaging to reach out to prospective members. This frees up both the field staff and the organizers to meet with more members, and to service membership more fully.

“We’re reaching prospective members where they are,” said Ray Lee, an organizer with UFCW Local 1994, in discussing using peer-to-peer text messaging for organizing. Lee and his group have had huge success over the past year, organizing four new units for his local union in under a year.

Some Internationals are providing the apps and messaging programs to their local unions as a benefit of affiliation.

In trades-based unions, apprentices and journeypersons use mobile and web-based technology to track their training hours and continuing education units for gaining and renewing their certifications. Their local unions and contractors can use the technology jointly to determine experience levels of their workforce to help gain new jobs and new man hours for members and employees.

National support for unions is at 62 percent, a 15-year high. The use of technology by labor organizations to address labor issues and beef up memberships undoubtedly will increase regardless of the industry, labor climate, and overall workplace demographics. ■

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Court Split on Local Right to Work Laws May Head to Supreme Court

While courts have held that the National Labor Relations Act allows states to enact right-to-work laws, it does not authorize local municipalities to do so, said the U.S. Court of Appeals for the Seventh Circuit, in Chicago. The Court held that local municipalities cannot enact right to work ordinances in *I.U.O.E. Local 399 v. Village of Lincolnshire*.

This Seventh Circuit decision is contrary to the Sixth Circuit's holding in *United Automobile, Aerospace, and Agricultural Implement Workers of America Local 3047 v. Hardin County, Kentucky*, creating a split that the U.S. Supreme Court will likely be called on to resolve.

Illinois has not enacted a right-to-work law and with the election of Governor

J.B. Pritzker, it is unlikely to enact one soon. However, in 2015, the Village of Lincolnshire in Illinois enacted a local ordinance with a right-to-work provision.

Several unions challenged the ordinance in federal district court, arguing the NLRA preempted the ordinance. In 2017, the federal district court ruled the NLRA preempted the ordinance and the Village appealed.

The Court decision said that employers operating within multiple local jurisdictions with varying ordinances might be placed in the "impossible position" of having to risk an unfair labor practice charge for refusing to bargain over a union shop clause or civil and criminal penalties for violating the ordinance. The Seventh Circuit's decision relied on the potential

for "other administrative nightmares" based upon the sheer number of local jurisdictions in Illinois.

The Seventh Circuit also ruled that the NLRA preempted two other provisions of the Village's ordinance, which restricted the use of union hiring halls and dues checkoff.

Until the Supreme Court settles the issue, municipalities in Illinois, Indiana, and Wisconsin (which are covered by the Seventh Circuit) are prohibited from passing local right-to-work laws, while those in Kentucky, Michigan, Ohio, and Tennessee (which are covered by the Sixth Circuit) are free to adopt right-to-work laws. ■

Every Super Bowl Football Starts in UFCW Hands

UFCW members provide the leather to make every NFL game ball ever used

Super Bowl Sunday is an American tradition and the American ideals of hard work, excellent performance and durability under the toughest conditions are exemplified on and off the field. Those same qualities are exemplified by the craftsmanship of the ball used on the field. Manufactured entirely in the United States, these balls are tough to the core and made to precise specifications, starting with the Horween leather crafted by dedicated UFCW 1546 members at the historic Horween Leather Company, Chicago's last remaining tannery.

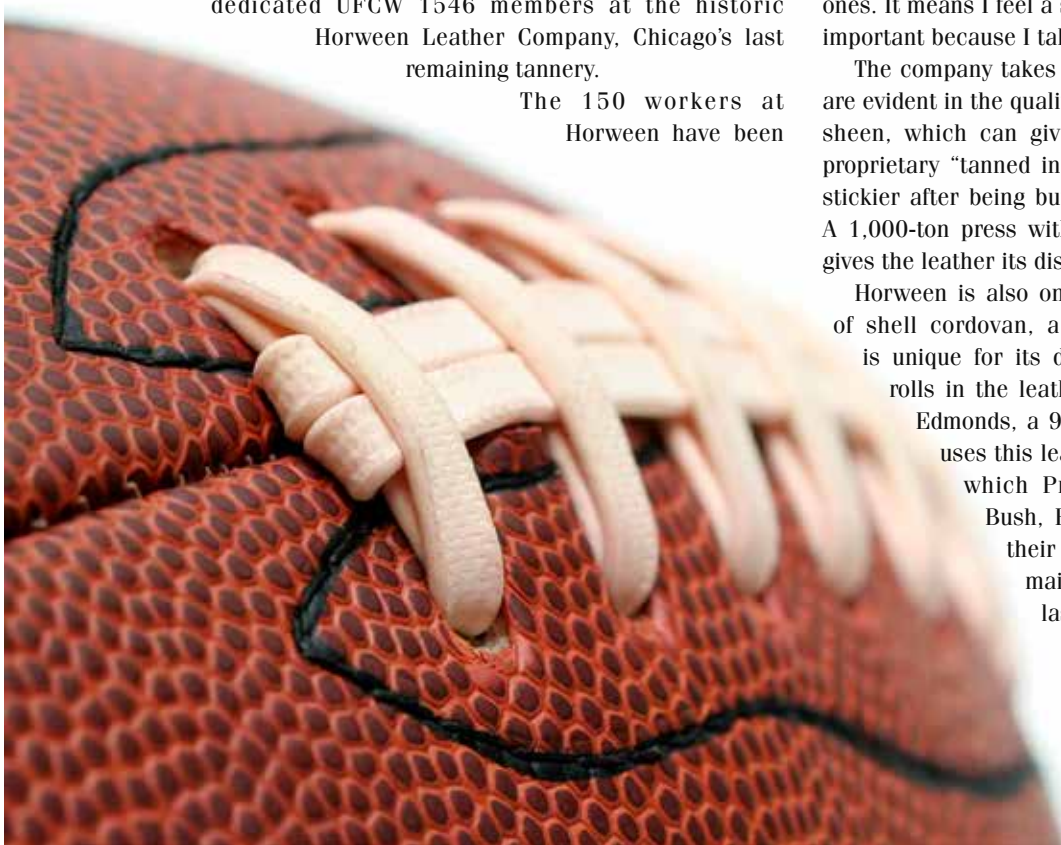
The 150 workers at Horween have been

UFCW members since the 1960s, marking half a century of good-paying jobs in an atmosphere of mutual respect. The plant itself was founded in 1905 and has been producing top-quality football leather there for the last 60 years.

"I've been proud to be a union member at Horween for 26 years," said Earl Ferguson, a machine operator and chief steward at the tannery. "We're a family here. We take care of each other. The union, that's just another part of that. Having the UFCW at my back means I have good wages and benefits to care for my loved ones. It means I feel a sense of ownership of my own job, which is important because I take pride in what I do."

The company takes pride in the talented workers whose skills are evident in the quality of the final product. Despite the leather's sheen, which can give the appearance of being slippery, the proprietary "tanned in tack" finish actually means the ball gets stickier after being buffed a few times, making it easier to grip. A 1,000-ton press with special German-made embossing plates gives the leather its distinctive pebbling.

Horween is also one of the world's last remaining producers of shell cordovan, a durable equine leather. Shell cordovan is unique for its durability and tendency to form attractive rolls in the leather as it ages rather than creasing. Allen Edmonds, a 92-year-old shoemaker based in Wisconsin, uses this leather in its Park Avenue Cordovan Oxfords, which Presidents Ronald Reagan, George H.W. Bush, Bill Clinton and George W. Bush wore for their inaugurations. The leather in a properly maintained pair of shell cordovan shoes can last 20 years to a lifetime. ■



One Job Should Be Enough; Marriott Workers Strike in Multiple Cities



Local 19 UNITE HERE

Workers in Marriott-owned hotels in six cities across the country have been on strike since early October. The workers, members of UNITE HERE!, have been striking since failing to negotiate agreements in September.

“Marriott is the largest and richest hotel company in the world and can set the standard for the global hotel industry,” UNITE HERE says on their website [marriotttravelalert.org](https://www.marriotttravelalert.org). “Marriott’s \$13 billion acquisition of Starwood Hotels & Resorts in 2016 made it even larger, with 6,500 properties worldwide.”

Chanting “One Job Should Be Enough” outside many of the striking locations, the workers are walking picket lines at 21 hotels in six cities in the U.S. In some instances, the hotel chain and the union have resolved their issues and come to an agreement, but some 7,000 employees remain on strike as of mid-November.

Marriott’s profits have increased 279 percent since the end of the recession while employee wages have only increased seven percent. (The average hourly wage for a hotel housekeeper in America is \$10.64) The striking Marriott employees have signed onto the strike asking for improved healthcare, higher wages, and stronger sexual harassment protections.

UNITE HERE! has been urging hotel patrons be aware that work stoppages could impact travel and they’ve

encouraged meeting and convention planners to ensure that language in their agreements with the hotels includes the ability to cancel a meeting contract without penalty in the event of a labor dispute (see <https://www.marriotttravelalert.org/protect-yourself/> for model contract language).

There have been some notable cancellations during the dispute. In the Boston area, Gov. Charlie Baker’s re-election campaign moved his election night party from the Marriott-owned Sheraton to avoid crossing a picket line. The city of Boston has also moved its We Are Boston Gala, an event honoring immigrants, from the Westin.

Sen. Bernie Sanders joined the striking workers in downtown San Diego at the Westin San Diego Gaslamp Quarter hotel.

“The fight that you are waging here. The courage you are showing here is exactly the fight that must be waged in every state of this country,” Sanders told the striking Marriott employees.

“What you are wearing on your T-shirts is exactly right: One job should be enough,” Sanders said.

“What we are saying to Marriott, that owns Westin, and every major corporation in this country who make billions of dollars in profit: ‘Pay your workers a living wage’,” he said.

Hotels On Strike

BOSTON

- » Aloft Boston Seaport by Marriott
- » Element Boston Seaport by Marriott
- » Ritz-Carlton Boston Common by Marriott
- » Sheraton Boston by Marriott
- » W Boston by Marriott
- » Westin Boston Waterfront by Marriott
- » Westin Copley Place, Boston by Marriott

SAN FRANCISCO

- » San Francisco Marriott Union Square
- » Palace Hotel by Marriott
- » W San Francisco by Marriott

- » Westin St. Francis Union Square by Marriott
- » San Francisco Marriott Marquis
- » Courtyard San Francisco Downtown by Marriott
- » St. Regis San Francisco
- » Various Locations in Hawaii
- » The Royal Hawaiian by Marriott
- » Sheraton Maui Hotel by Marriott
- » Moana Surfrider, a Westin Resort by Marriott
- » Sheraton Princess Kaiulani by Marriott
- » Sheraton Waikiki by Marriott

Before booking at any hotel, please visit www.FairHotel.org to make sure you are staying at a union hotel that is free and clear of a risk of labor dispute. If you have any questions regarding the status of a hotel, please contact 202-661-3680. ■



Local 19 UNITE HERE members on the picket line



Local 26 UNITE HERE members rally on Oct. 20

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EndNotes



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By Rich Kline, *President, UL&STD*



The so-called “blue wave” that swept many Democrats and Progressives into office on November 6 contained a less-noticed labor wave. Not only were many of the successful candidates, who frequently washed away reactionary incumbents supported by the Labor Movement but many were actually current or former union members.

This is an accomplishment on which to build. This election provides a model for the next election, a presidential election featuring a load of Republican Senate seats that can be flipped by candidates who support workers’ rights.

With more than 800 Labor-backed candidates winning in 2018, we expect policy changes at many levels of government. So do the voters, union and general public alike. All across the country, healthcare was a major, possibly determinative issue.

Healthcare is a concern for Americans in many ways: access and affordability being foremost. Those politicians who opposed protecting us against discrimination based on pre-existing

conditions frequently and fortunately paid the price at the ballot box this year.

Labor has other matters to press. Perhaps first should be the end to voter suppression, especially affecting minorities, because progressive politics would have been even more successful if all eligible voters had been able to vote.

Moving on to a legislative agenda, the issues of protecting and expanding Medicare and Medicaid are crucial. Defending Social Security from right-wingers who want to roll back FDR’s New Deal is another imperative. Protecting prevailing wage laws is one more critical initiative.

Our allies should press for infrastructure funding and for legislation to address climate change, the harmful effects of which are now visible as fires and floods across the United States.

The 2018 election was a re-start. Let’s make use of it and keep the momentum. ■