



Vol. XLVI, No. 2  
MAR-APR 2021

# Label Letter

Union Label & Service Trades Department, AFL-CIO

## Pass the PRO Act!



**“The PRO Act is a civil rights act,” Richard Trumka, the president of the AFL-CIO, said in a recent interview.**

**“If you have a union contract, everyone is making the same wages. There’s no differential between men and women, Black and white. There are protections for LGBTQ, for women. The law doesn’t always protect them, their contracts do.”**

On February 4, 2021, House and Senate Democrats introduced the Protecting the Right to Organize (PRO) Act, and on March 9, the House passed the bill with a vote of 225-206, largely along party lines. This legislation could be the most significant labor law reform since the 1947 Taft-Hartley Act and the 1935 Wagner Act, which created the National Labor Relations Board (NLRB) and granted private sector employees the right to form and join labor unions.

The PRO Act, if passed by the Senate, would result in comprehensive changes to the National Labor Relations Act (NLRA), including stiffer fines and possible civil penalties for company officers and directors and expanded pro-employee and union protections.

### **WHAT THE PRO ACT WOULD MEAN FOR UNION MEMBERS**

“The PRO Act is a civil rights act,” Richard Trumka, the president of the AFL-CIO, said in a recent interview. “If you have a union contract, everyone is making the same wages. There’s no differential between men and women, Black and white. There are protections for L, for women. The law doesn’t always protect them, their contracts do.”

Possibly one of the most significant provisions of the PRO Act is that it would

end state right-to-work laws. Currently, the NLRA allows states to ban payment of mandatory union dues in order to work for an employer. Under the PRO Act, the NLRA would be amended pursuant to “union security clauses” to require payment of union dues as a condition of employment.

Another important right contained in the PRO Act protects striking workers. Under this provision, employers will no longer be allowed to permanently replace employees who go on strike during collective bargaining. The PRO Act would prohibit employers from locking out employees in certain strike situations, helping workers regain power during negotiations.

The PRO Act would also expand the definition of employee and narrow the definition of supervisor. It would expand the concept of a joint employer under the NLRA, restoring the Obama-era Browning-Ferris decision that subjected employers to joint employer liability. Browning-Ferris, which was overturned by the Trump NLRB, expanded the definition of joint employer and categorized many more companies as joint employers. Under Browning-Ferris, two entities were deemed joint employers based on the mere existence of reserved joint control, indirect control, or control that was limited and routine. A joint employer may be required to bargain with a union representing jointly employed

workers, may be subject to liability for unfair labor practices committed by the other employer, and may be subject to labor picketing that would otherwise be unlawful.

In 2018, the Supreme Court’s Epic Systems decision legalized mandatory arbitration agreements that require employees to submit all employment-related claims, including class and collective actions, to arbitration. The PRO Act would overturn Epic Systems and invalidate mandatory arbitration agreements.

Captive audience meetings run by anti-union consultants or company management would be banned under the PRO Act, making it harder for companies to influence workers against forming a union and imposing penalties on companies for violations of legal provisions against coercing or retaliating against workers who organize.

The PRO Act would also establish expedited union election rules. Modeled after the Obama-era Employee Free Choice Act legislation, the PRO Act would allow “card check” union elections, allowing union authorization after a majority of workers at a workplace sign union representation cards, and eliminating the need for an NLRB-supervised election.

President Biden has publicly supported the PRO Act saying it would “dramatically enhance the power of workers to organize and collectively bargain for better wages, benefits, and working conditions.”

He called on Congress to send the PRO Act to his desk “so we can seize the opportunity to build a future that reflects working people’s courage and ambition and offers not only good jobs with a real choice to join a union — but the dignity, equity, shared prosperity and common purpose the hardworking people who built this country and make it run deserve.” ■

# What's in Your Union Made Picnic Basket?



look for these products for your next picnic

## HOTDOGS:

- » Ball Park
- » Boar's Head
- » Foster Farms
- » Hebrew National
- » Hofmann
- » Hormel
- » Oscar Mayer

## SAUSAGES:

- » Gianelli
- » Kroger brand

## BREAD AND ROLLS:

- » Wonder Bread
- » Alfred Nichols Bakery
- » Stroehmann
- » Arnold
- » Francisco

## CONDIMENTS:

- » French's mustard
- » Gulden's mustard
- » Heinz ketchup
- » Jack Daniel's barbeque sauce
- » Vlasic pickles and relish

## SNACKS:

- » Munchos
- » Funyuns
- » Rold Gold
- » Frito-Lay
- » Doritos
- » Chex
- » Mikesells Potato Chips
- » Mission Tortilla Strips

## SODAS AND JUICE:

- » A&W Root Beer
- » Canada Dry Ginger Ale
- » Coca-Cola Products
- » Kool-Aid Sticks
- » Ocean Spray Cranberry Juice

## BEER:

- » Miller
- » Coors
- » Anheuser-Busch
- » Black Eye Ale
- » Black Hawk Stout
- » Blue Heron Pale Ale
- » Budweiser



The Union Label and Service Trades Department, AFL-CIO does its best to verify the products listed are union-made. Some products may be made in both union and non-union facilities, please check the packaging for the union label where available.

For these products and more, check the ULSTD website at [www.unionlabel.org](http://www.unionlabel.org).

# AFL-CIO NATIONAL BOYCOTTS

## MAR-APR >>>>>>>>>>>>>>>>



### HOSPITALITY, TRANSPORTATION & TRAVEL

#### SUBMITTED BY UNITE HERE!

Please support the workers in these hotels by continuing to boycott the following properties:

→ **CALIFORNIA:** Hyatt Regency Santa Clara, Hyatt Regency Sacramento, Hyatt Fisherman's Wharf San Francisco, Hilton Long Beach, Le Meridien San Diego, Hilton LAX—*This includes the Crowne Plaza Hotel LAX, Yokoso Sushi Bar, the Landing Restaurant, Century Taproom, and the Boulevard Market Cafe.*

→ **SEATTLE:** Grand Hyatt Seattle and Hyatt at Olive 8 Seattle

### OTHER

#### SUBMITTED BY Farm Labor Organizing Committee (FLOC)

→ Reynolds American, Inc., Vuse e-cigarettes

### FOOD

#### SUBMITTED BY United Steelworkers (USW)

→ Palmero Pizza

#### SUBMITTED BY Bakery, Confectionery, Tobacco Workers and Grain Millers International Union (BCTGM)

→ Mondelez International Snack Foods (those made in Mexico)

### LEGAL

#### SUBMITTED BY American Federation of State, County & Municipal Employees

→ Gleason, Dunn, Walsh & O'Shea

→ McDonald, Lamond, Canzoneri and Hickernell

When some labor disputes with businesses cannot be resolved, the AFL-CIO supports its affiliates by endorsing their boycotts. A boycott is an act of solidarity by voluntarily abstaining from the purchase or use of a product or service.

### POLICY GUIDELINE FOR ENDORSEMENT OF AFFILIATES' BOYCOTTS

The AFL-CIO Executive Council has developed policy guidelines that regulate how the federation endorses boycotts undertaken by its affiliates. To get AFL-CIO sanction, boycotts should be directed at primary employers.

#### THE GUIDELINES INCLUDE THESE PROVISIONS:

- All requests to the national AFL-CIO for endorsement must be made by a national or international union.
- Any affiliated union with a contract in force with the same primary employer will be contacted by the AFL-CIO to determine whether there is an objection to the federation's endorsement.
- Affiliates will be asked to provide the AFL-CIO with background information on the dispute in a confidential information survey. Prior to endorsement of the boycott, the executive officers, or their designees, will meet with the national union's officers, or their designees, to discuss the union's strategic plan and timetable for the boycott, or other appropriate tactics, and to discuss the federation's role.
- The national or international union initiating the boycott is primarily responsible for all boycott activities; the AFL-CIO will provide supplemental support.
- Boycotts will be carried on the AFL-CIO national boycott list for a period of one year, and the endorsement will expire automatically at the end of that time. National and international unions may request one-year extensions of the listings for actions where an organizing or bargaining campaign is actively in place. ■

*(These guidelines were adopted by the AFL-CIO Executive Council in April 2011.)*

# Union Members Fought and Protected Pension Rights for Ten Million Workers with Butch Lewis Act

The Butch Lewis Emergency Pension Plan Relief Act was passed in mid-March and is a huge victory for American workers and retirees. The law provides relief to 10 million members and retirees of underfunded labor-management multi-employer pension funds. Tens of thousands pension recipients under the funds had endured or were threatened with dramatic cuts in their pensions in recent years, reducing their benefits by nearly half in many cases.

Now those 10 million workers will see their benefits protected for, at minimum, the next 30 years. Pension funds that had already cut benefits for their members will cut checks for back pay to workers in the amount that they were cut. Some retirees may receive up to \$15,000. This is possibly the biggest win for workers' rights in Congress since the passage of the Family and Medical Leave Act in 1993.

The efforts to get the Act passed was led by grassroots union members, fighting back against cuts that no one seemed

to care about because it didn't affect those currently in the workforce, even union leadership. In 2013, the Central States Pension Fund, with 400,000 members, claimed that it needed to change regulations contained in the 1974 Employee Retirement Income Security Act (ERISA) to maintain solvency. ERISA mandated that accrued benefits could never be cut. In 2014, tucked into the "Cromnibus" spending bill were regulations that permitted deep pension cuts to retirees in multi-employer plans.

A group of retired Teamsters, under advisement from the Teamsters for a Democratic Union and the advocacy group Pension Rights Center, created a number of committees across the country to fight back against the 2014 cuts. From there, the National United Committee to Protect Pensions (NUCPP) held rallies and bombarded Congress with calls, emails, and lobbying visits to advocate the restoration of their benefit levels.

The pandemic stopped in-person visits, but it didn't stop their crusade. In 2020,

they volunteered in get out the vote efforts against Donald Trump, who had refused to take action on their issue, and they participated in efforts in Georgia to elect Senators Raphael Warnock and Jon Ossoff.

Their efforts paid off. The bill — named after pension activist Butch Lewis, who died early in the campaign — was in the final version of the American Rescue Plan after reassurances from Sen. Sherrod Brown (D-OH) that it would be included.

"To say that we are ecstatic is an understatement," said Karen Friedman, the Pension Rights Center's executive director. "We have worked with grassroots activists and allied organizations for eight long years to push for a solution to the multiemployer crisis and we are now breathing a long sigh of relief that finally, finally Congress has acted to save their promised benefits." ■



## Biden Scraps IRAPs

In a bold move, President Biden rescinded another Trump executive order in February, striking down industry-led apprenticeship programs.

IRAPs or Industry-Recognized Apprenticeship Programs, created under the Trump administration, sought to remove government oversight of training programs in favor of allowing industry to create unregulated apprenticeships.

IRAPs had fewer quality standards than registered apprenticeship programs, like those offered by the North American Building Trades Unions but were funded by the same agency.

President Biden's executive action called for the Department of Labor, the agency tasked with overseeing apprentice-

ships, to reinstate a National Advisory Committee on Apprenticeships to provide guidance to the agency.

In a statement the White House said, "the voice of workers must be central to the development of strategies to rebuild the economy of the future. To that end, President Biden is asking the Department of Labor (DOL) to reinstate the long-standing National Advisory Committee on Apprenticeships. This Advisory Committee will appoint a diverse set of stakeholders from across the country — including unions, employers, apprenticeships, community colleges and other institutions — to build a registered apprenticeship program that works in all communities."

As well, Biden signaled his support for the National Apprenticeship Act, a bill with bipartisan support in the House of

Representatives, that would expand registered apprenticeships, youth apprenticeships and pre-apprenticeship programs. Supporters of the legislation say it will create nearly one million new job training opportunities and generate billions of dollars in benefits for taxpayers.

The National Apprenticeship Act passed the House in February and is awaiting markup in the Senate.

The bill seeks to reauthorize the 1937 National Apprenticeship Act, which established the registered apprenticeship system and codify standards that were not in the original legislation, like progressive wage increases, mentorship and safety standards. The legislation would also expand apprenticeship programs with as much as \$800 million in new grant funding. ■



## Farm Workers Supreme Court Case Could Have Sweeping Implications

A northern California strawberry grower, Cedar Point Nursery, and a few other California-based farm businesses, have taken a labor dispute over property rights all the way to the Supreme Court. The case, which challenges a 45-year-old California law that authorizes union organizers to access farm property for 120-days a year, three hours a day, during non-work periods to meet with workers, is under attack by farm owners who are calling the law unconstitutional.

Should the Court strike down the California union access law, it could have major implications for health and safety inspections, home visits by social workers, and anti-discrimination rules nationwide.

In its argument, Cedar Point claims the Takings Clause of the Fifth Amendment of the U.S. Constitution says, "private property [shall not] be taken for public use, without just compensation." That argument is typically applied to cases of eminent domain, but the farms want the Supreme Court Justices to use a broader view, one that gives them more power to push back against state regulations.

Harvard Law Professor, and labor law expert Nikolas Bowie, told ABC News "I think this could be one of the most important cases of the term by far. What the businesses are arguing here is they have a constitutional right to treat some people on their property differently from others."

The businesses argue they have the right to exclude whomever they want. Cedar Point Nursery's Mike Fahner claims that in 2015, United Farm Workers "ambushed" his property, when they arrived without notice at the farm.

United Farm Workers general counsel Mario Martinez says Fahner's account is "absolutely false."

The California Agricultural Labor Relations Board investigated the events at Cedar Point and concluded the UFW had not violated the law and dismissed the grower's complaint. After that, Cedar Point went to court, appealing all the way to the Supreme Court.

According to the UFW, the case is a threat to their ability to protect vulnerable migrant workers. Typically, farmworkers in California are seasonal. They arrive in town in time for the local harvest, live in motels or nearby camps, then move on when the crop is picked. For the UFW, this means that organizers only have a limited time to gather signatures for a union election. Because of this, and other farm-specific conditions, California has instituted labor regulations which allow union organizers to meet with workers an hour before work, and at lunchtime on the grower's property for limited periods during the year — 30 days four times a year.

The Growers contend the law is no longer necessary with social media apps and smart phones offering new ways for the UFW to reach the workforce.

Former President Trump sided with the growers, asking the Supreme Court to take up the case. However, President Biden informed the justices that the government was withdrawing the Trump administration's brief.

"It is therefore the position of the United States, in line with this Court's cases, that the California regulation — like the authorization of temporary entry by government officials for law enforcement, inspection, and similar purposes --does not constitute a per se taking" of private property.

"That position," wrote acting Solicitor General Elizabeth Prelogar, "accords with the United States' view — which the government has repeatedly articulated in this Court and lower courts" over the years.

Should the Supreme Court side with the growers, the decision could have consequences for other laws. Experts agree, a wrong decision and laws allowing safety and health inspectors to enter businesses to examine how meat is butchered, whether mines are safe, how toxic chemicals are stored, whether businesses are in compliance with fire codes, if nursing homes and hospitals are taking proper care with patients and so on could all be at risk. Many of the laws protecting the American public, not just farmworkers are in peril.

Justices began hearing arguments on March 22, a decision is expected by early summer. ■

# America Watches as an Historic Vote to Unionize an Amazon Warehouse in the Deep South Brings Labor Issues to the Forefront



Photo courtesy of BAmazon Union Facebook page. Follow them on Facebook @BAmazonUnion

**The workers in Bessemer never thought they'd spark a national discussion. This is their moment, but it's not just about Amazon. This is about every employer, and the right of every worker to fair pay, safe workplaces, a voice in their workplace and the right to organize unions without illegal harassment and intimidation. It is about the inseparability of racial and economic justice. By taking the fight to the world's most powerful company in a way that previously seemed unthinkable, Amazon workers are proving that change is within the grasp of any worker, anywhere.**

**Employees in workplaces large and small can look at the progress being made in Alabama and realize that they too can stand together with their fellow workers and demand justice. With their historic campaign, Amazon workers have already won. It's up to all of us to build upon their victory."**

**— Stuart Appelbaum, President, Retail, Wholesale and Department Store Union**

It is fitting that an historic vote began at a Bessemer, Alabama, Amazon warehouse during Black History Month. The mostly black workforce, in a right-to-work state nonetheless, could be the first Amazon employees to unionize at the retail behemoth.

"It's significant that it's a movement of primarily Black workers and women—the workers have that have been most impacted by the pandemic," said Harvard Law Professor of Labor and Industry Benjamin Sachs.

A win at the Bessemer warehouse would be a "huge victory for economic and racial justice," Sachs remarked.

Although the Bessemer warehouse isn't the first location to attempt to form a

union at Amazon, it is the largest effort to date in the U.S.

Bessemer is a town rich with labor history. Founded in 1887 by Steel Baron Henry Debardeleben, the area was heavily unionized in the 1930s under the International Union of Mine, Mill and Smelter Workers, often called the "Mine Mill." An interracial union, though primarily black, organized workers at the Tennessee Coal, Iron and Railroad Company, Sloss Sheffield, and at Woodward Iron Company.

During this time, the union advanced workers' rights and civil rights under the leadership of Ashbury Howard, called a militant and powerful leader by Historian S. Jonathan Bass.

Although Mine Mill and the companies that employed its members are gone, Bessemer—the small town outside of the famed civil rights city of Birmingham—is on the cusp of once again blazing labor history.

Ironically, Amazon purchased the land in Bessemer from U.S. Steel, the parent company of the now closed Tennessee Coal, Iron and Railroad Company where Howard and the Mine Millers fought for fair wages, workers' rights, civil rights, equality, and safety on the job. The union drive at Amazon is now led by the Retail, Wholesale and Department Store Union (RWDSU). Calling itself the BAmazon union, the group points to unsafe working conditions, especially since COVID, as a driving force behind its push to unionize.

Stuart Appelbaum, president of the RWDSU says that workers feel betrayed by employers that didn't or haven't done enough to protect them from the virus. Appelbaum also says that the Black Lives Matter movement has helped fuel the demand that people be treated with respect and dignity. "They want a voice in their workplace."

Whether the union will prevail remains to be seen. Mail in voting began in early February and ballots must be returned by March 29.

At the time of printing, results of the election were not yet available. ■

## Biden Nominates Three to U.S. Postal Board of Governors

In an effort to reassert control over the U.S. Postal Service, President Biden has nominated two Democrats and one Independent to fill vacancies on the Postal Service's governing board. Biden's nominees are Ron Stroman, the Postal Service's recently retired deputy postmaster general; Amber McReynolds, the chief executive of the National Vote at Home Institute; and Anton Hajjar, the former general counsel of the American Postal Workers Union (APWU).

If all three are confirmed by the Senate, the nine-member board would be made up of an equal number of Democrats and Republicans with McReynolds as the lone independent.

The appointment of these new members would create a Democratic majority on the Board and potentially lead to the ousting of the controversial Postmaster General Louis DeJoy.

DeJoy's overhaul of the Postal Service last year wreaked havoc on the USPS, slowing delivery, reducing mail processing capabilities, and sowing public distrust in the popular agency.

Despite the intense public scrutiny, DeJoy has said he will continue to push through his agenda which would increase the cost of mailing and slow the speed of parcel deliveries.

Congressional Democrats have publicly called for President Biden to move quickly to fill the vacancies on the Board and have even called on Biden to fire the Board's six sitting members and start from scratch.

In a hearing before the House Oversight and Reform Committee in February, the current Board's lack of diversity was noted when Representative Cori Bush (D-MO) asked DeJoy, "do you see it as a problem that the board of governors of the United States Postal Service looks like a millionaire White boys' club?" He continued, stating that "more than 35 percent of postal workers are people of color."

The Washington Post reports that the six current members of the board "are all older men, and all but one is white. The Postal Service's workforce is disproportionately Black and female, compared to the rest of the federal workforce and the agency has been a historical driver of employment in Black communities."

In a letter to President Biden, Representative Ayanna Pressley also called for more diversity on the Board, "I encourage you to ensure your appointees are reflective of the 600,000 dedicated workers they will lead," she wrote. "We need a Board of Governors that includes women, people of color, and individuals who have direct experience working for the USPS and serving our communities."

Mark Dimondstein, president of the American Postal Workers Union praised Biden's nominees telling the postalreporter.com "they represent an experienced group who will oversee any potential changes to the agency's operations."

"The board has the right to hire and fire postmaster generals, so DeJoy's certainly going to have to function in a way that keeps the support of the board. He's going to be dealing with some changing dynamics on the board."

The National Association of Letter Carriers (NALC) President Frederico Rolando issued a statement on the nominations saying, "NALC appreciates the White House prioritizing these vacancies and looks forward to working with the Senate to move their nominations as soon as possible. NALC urges the White House and Senate to also renominate Ron Bloom, who was recently named as Chairman of the Board of Governors and whose term expired in December." Bloom, the lone Democrat currently on the board, continues to serve during a one-year hold-over permitted under the law. ■

## Walsh Confirmed as Secretary of Labor



For the first time in nearly half a century, a union member will hold the highest office at the Department of Labor.

Former Boston Mayor and Building and Construction Trades Teader Marty Walsh was sworn in as Secretary of Labor on March 23 by Vice President Kamala Harris.

Walsh, a member of the Labors' International Union of North America (LiUNA), is the son of Irish immigrants who came to the U.S. in the 1950s. In his first post to the DOL's blog as labor secretary, Walsh wrote about how his father's membership in LiUNA Local 223 was his family's pathway to the middle class.

Walsh writes, "The union was our way into the middle class. It meant a fair wage, so we could have a home and give back to our community. It meant safety on the job, so we didn't have to live in fear of an accident derailing our lives. It meant a pension, so my parents could retire with dignity. And it meant health insurance, so our family had access to quality care."

In his blog post, Walsh outlined a few of the issues he says are "tangible needs for millions of Americans."

- Ensuring all workers have fair pay, health care, unemployment benefits, safe workplaces and a secure retirement.
- Ensuring equal access to good jobs.
- Ensuring workers have a seat at the table in shaping workplace conditions and policies.
- Bolstering career education and job training.
- Increasing access to mental health and substance use treatment. ■

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# EndNotes

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TIME VALUE



## Label Letter

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Vol. XLVI, No. 2 • ISSN 0161-9365

*Label Letter* is published bimonthly by the Union Label & Service Trades Department, AFL-CIO. Subscriptions to members only. USPS #424-530. Periodicals postage paid at Washington, D.C. Postmaster: Send corrections of address to Room 209, 815 16th Street, N.W., Washington, D.C. 20006. Phone: 202-508-3700.

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By Rich Kline, *President, UL&STD*

## I'm Not a Robot, I'm a Union Member



Many of us have had to prove we are humans not robots when using the Internet. We dutifully pick out the crosswalks or bicycles or streetlights, and we gain access to the website.

But for some people, those who work for Amazon in its vast warehouses especially, the distinction between human and robot is unclear.

Almost inhuman demands are placed upon people asked to process enormous numbers of goods while surveilled by cameras, measured by computer algorithms, and forced to comply with demeaning company policies.

One has to say the demands are almost inhuman because human beings are subjected to them. Scanning 300 items an hour during a 10-hour shift puts health and safety in jeopardy. The company's time and motion software determines which workers are to be singled out, disciplined and fired. Without a union, the worker has no recourse.

The Center for Investigative Reporting found that the injury rate at many Amazon facilities was twice the national average.

And Amazon employs no union members. Yet. The RWDSU campaign to bring union benefits to workers at its Bessemer, Alabama, warehouse south of Birmingham is meant to bring change for its Amazon workers.

But the company is using every dirty anti-union tactic it can, even using restroom stalls for its propaganda posting. Amazon has also set up a fake website, pressured employees on the work floor, barraged them with email, Facebook posts and phone messages at home.

The union campaign has brought support from people and labor organizations around the globe, from celebrities and legislators and from President Biden who never mentioned Amazon by name but did refer to Alabama workers who had a right to unionize and enjoy union benefits.

The PRO Act, which needs Senate confirmation now, would bring fairness to workers like those in Bessemer who want to vote for union representation without company interference. Despite Amazon's opposition, its workers are showing tremendous courage and determination to secure their right to a union. ■