SERVICE TRACE OF ARTING OF ANTING

Vol. XLVIII, No. 3 MAY-JUN 2023

Label & Service Trades Department, AFL-CIO

Special Focus: Health and Safety

More than 50 years ago on April 28. Workers Memorial Day, the Occupational Safety and Health Act went into effect, promising every worker the right to a safe job-a fundamental right. The law was won because of the tireless efforts of the labor movement, which organized for safer working conditions and demanded action from the government to protect working people. Since then, unions and our allies have fought hard to make that promise a reality-winning protections under the law that have made jobs safer and saved lives. But our work is not done. Each year, thousands of workers are killed and millions more suffer injury and illness because of dangerous working conditions that are preventable.

Our nation's job safety laws are still too weak, and the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA) lack the resources they need to protect workers. Many employers and workers never see OSHA in their workplaces. Penalties are still too low to be a deterrent. Corporations exploit these weaknesses and create environments where workers are not adequately protected when they speak out against unsafe working conditions.

In a March guest blog post by Debbie Berkowitz and Patrick Dixon of the Kalmanovitz Initiative for Labor and the Working Poor on the Economic Policy Institute (EPI) website, the authors wrote that an average of 27 workers a day suffer amputation or hospitalization.

"Updated data released by federal OSHA reveal that employers from the covered 29 states reported 74,025 severe injuries to the federal agency between January 1, 2015, and May 31, 2022. That amounts to a stunning 27 workers a day, on average, suffering among the most severe work injuries in just over half the states."

While workplace safety became one of the main concerns for many employers in 2020 when the COVID-19 pandemic struck, the U.S. continues to see woeful disregard for employee safety and health by some employers, with many having recurring violations recorded by OSHA.

Chocolate Factory Explosion Kills Seven Wounds More

An explosion at the R.M. Palmer chocolate factory in West Reading, Penn., on March 24 reportedly killed seven employees and injured several more. According to local news reports, all employees have now been accounted for and investigators are beginning the difficult task of determining the cause of the deadly explosion.

The U.S. Occupational Safety and Health Administration, which regulates workplace safety, was onsite to assist with the investigation. The National Transportation Safety Board (NTSB), however, assumed the lead on the investigation into what caused the explosion.

In discussing its preliminary findings, a spokesperson for the NTSB said, "findings by the NTSB investigator who had been at the site indicates an accident involving a natural gas pipeline... causing the explosion at the Palmer factory." On April 11, the family of Judith Lopez-Moran, an R.M. Palmer employee killed in the explosion, filed a wrongful death lawsuit against the candy maker. In the filing, the family says that workers smelled gas that day and notified Palmer, but the company "did nothing."

"The gas leak at the factory and the horrific explosion it caused was foreseeable, predictable, and preventable," the suit said. "Tragically, Judith Lopez-Moran's death and suffering were preventable."

The NTSB is still investigating and gathering evidence about how the building was supplied with natural gas and the point of ignition. They will be interviewing witnesses and examining the pipeline for fractures and damage, before issuing a final assessment. The agency will also develop a chronology of events leading up to the explosion. Several television stations and newspapers in the area reported that workers told relatives they smelled natural gas prior to the blast.

Television station WGAL reporter Barbara Barr wrote online, "Frank Gonzalez said his son and nephew had worked there but that his son had quit a few months ago because he said he didn't like the smell of the gas that was in there. His son and nephew had complained about the smell to plant supervisors, who told them 'It's all right. We got it. It's being handled. Don't worry about it.'"

Universal Industrial Gases (UIG), the gas utility said it received no reports of a gas leak before the accident.

"UGI is cooperating with authorities in the investigation concerning the incident at R.M. Palmer," utility spokesperson Joe Swope told reporters.

UNION-MADE MEMORIAL DAY

BARBECUE

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GRILL SOME UNION-MADE BURGERS AND DOGS

- » Alexander & Hornung
- » Ball Park Franks
- » Dearborn Sausage
- » Hebrew National
- » Always Tender Pork Tenderloins
- » Excel Fresh Meats
- » Farm Fresh
- » Farmer John
- » Hormel

TOP YOUR MEAL WITH UNION-MADE TOPPINGS

- » Gulden's Spicy Brown Mustard
- » Heinz Ketchup
- » Open Pit French's
- » Franks Red Hot
- » Vlasic Brand Pickles
- » Amaral Ranches Lettuce
- TRY SOME UNION-MADE BREAD
- » Alfred Nickles Bakery
- » Stroehmann
- » Arnold
- » Francisco

PILE SOME UNION-MADE SIDE ITEMS ON YOUR PLATE

- » Van Camps Baked Beans
- » Casa Solana Baked Beans
- » Suddenly Salad
- » Sandridge Foods Grandma's Potato Salad
- » Sandridge Gourmet Salads

- » Melch's Potato Salad
- » Amaral Ranches Broccoli
- » Andy Boy
- » Birds Eye Vegetables
- » Frito Lay Chips and Snacks
- » Kraft Foods
- » Lays Potato Chips and Dips
- » Mission Foods
- » Heinz Baked Beans

ENJOY A UNION-MADE ADULT BEVERAGE

BEER:

- » Anheuser-Busch
- » Budweiser
- » Landshark Lager
- » Leinenkugel Brewing Co.
- » Michelob
- » Miller Lite
- » Milwaukee's Best
- » Natural Ice & Light
- » O'Doul's
- » Shock Top

WINE:

- » Almaden
- » Bartles & Jaymes
- » Black Box
- » C.K. Mondavi
- » Carlo Rossi
- » Charles Krug
- » Chateau Ste. Michelle
- » Columbia Crest
- » Corbett
- » Canyon Vineyard
- » Dubonnet

- » Fairbanks
- » Franzia
- » Gallo Estate Wines
- » Robert Mondavi
- » St. Supery
- » Turning Leaf

JUICE AND SODA

- » Pepsi
- » A&W Root Beer
- » Canada Dry Ginger Ale
- » Ocean Spray Cranberry Juice
- » Capri Sun
- » Country Time

COOKIES AND CRACKERS

- » Aryzta Otis Spunkmeyer
- » Treehouse Foods
- » Kellogg Company Keebler Crackers
- » Ferrero Group Keebler Cookies & Snacks
- » Mondelēz International Nabisco
- » Shulze & Burch Biscuit Company
- » Traditional Baking Voortman

*The Union Label and Service Trades Department, AFL-CIO, does its best to verify products are union-made. If you find a product listed is no longer union-made, please send us an email to: unionlabel@unionlabel.org

Always check the label as many products are made in both union and non-union facilities.

DOLLAR GENERAL

Dollar General Again Cited for Safety Violations, Deemed Severe Violator

DOLLAR GENERAL

Since 2017, the discount retail chain, Dollar General, has amassed \$15 million in penalties for workplace safety violations. The most recent violation was issued to a Jersey Shore, Penn., store.

The Occupational Safety and Health Administration (OSHA), in response to a complaint, began an inspection at the store and identified safety violations similar to those discovered at stores operated by Dollar General throughout the United States. Inspectors found employees exposed to fire hazards due to blocked exit routes and obstructed electrical panels. OSHA issued a citation for willful violation and one repeat violation with \$245,544 in proposed penalties.

The Jersey Shore inspection is among more than 180 investigations nationwide in which OSHA has found the company jeopardizing worker safety.

"Exposing employees to these hazards can be dangerous, especially in an emergency," said OSHA Area Director Mary Reynolds in Wilkes-Barre, Penn. "Dollar General Corp. has a substantial history of the same violations and hazards found at stores all around the U.S. They must end their repeated failures to correct these violations before an emergency turns tragic."

Dollar General Corp. and Dolgencorp LLC operate about 18,000 stores and 17 distribution centers in 47 states and employ more than 150,000 workers.

Dollar General has been labeled a "severe violator" of workplace safety rules and added to the Severe Violator Enforcement Program (SVEP). SVEP concentrates resources on inspecting employers that have demonstrated indifference to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations. Dollar General will remain on the list for at least three years.

There have been attempts to unionize Dollar General stores in the past. And recently, a new organization dedicated to helping Dollar store workers emerged, Dollar Store Workers United. The organization isn't a union, says founder Mary Gundel, a former Dollar General manager who was fired in 2021 for posting now viral TikTok videos about the conditions of the store where she worked. Instead, it is a volunteer-run organization that helps other Dollar store employees win better pay, safer working conditions, and help with filing complaints with OSHA, Equal Employment Opportunity Commission (EEOC), and local health and fire departments. According to Gundel, the organization has 19 state representatives, all current or former Dollar General employees.

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Gundel told a local newspaper, "the challenge with unionizing at Dollar General is that store managers aren't likely to be included in a unit, as they would probably be classified as supervisors under the National Labor Relations Act." Gundel believes without store managers other workers would be too afraid to join a union. "They're the ones the teams look up to."

GOP Lawmakers in Several States Introduce Model Legislation to Roll Back Child Labor Laws

In April, the Washington Post reported that Iowa lawmakers voted to roll back certain child labor protections passing a bill to allow children as young as 14 to work night shifts and allow 15-year-olds on assembly lines.

According to the Washington Post, the legislation, which still must pass the Iowa House, is among several the Foundation for Government Accountability (FGA) is maneuvering through state legislatures.

ARKANSAS

In Arkansas, Gov. Sarah Huckabee Sanders (R) signed legislation that makes it easier for teens as young as 14 to work without obtaining a permit. The "Youth Hiring Act of 2023" would make it easier to get away with violating child labor laws and for predatory employers to take advantage of disadvantaged children. Joshua Price, deputy director of the immigrant advocacy group Arkansas United, told legislators that requiring the work permit forms made it easier for the government to hold violators accountable. He says the process is "an added layer of protection that makes it harder for an employer under investigation for hiring someone underage to claim ignorance."

The sponsor of the Arkansas bill, state Representative Rebecca Burkes (R), said in a hearing that the legislation "came to me from the Foundation [for] Government Accountability."

MISSOURI

In Missouri, the FGA helped a lawmaker draft and revise legislation that again eliminates the requirement that students under the age of 16 apply for a work permit. As well, the legislation extends working hours for teens.

GEORGIA & SOUTH DAKOTA

Georgia Republicans introduced then withdrew a bill that would eliminate work permits and South Dakota Republicans introduced a bill to extend working hours for children 14 and under, that too was withdrawn.

IOWA

Republican Iowa Governor Kim Reynolds, in an attempt to justify legislation there said, "there's valuable experience to be gained as teens work in business and learn communications skills, as well as the importance of showing up for a job on time. It, you know, teaches the kids a lot, and if they have the time to do it, and they want to earn some additional money, I don't think we should, you know, discourage that."

NATIONAL

At the national level, U.S. Representative Dusty Johnson, R-S.D., is pushing legislation to amend the Fair Labor Standards Act and allow 14 and 15-year-olds to work between the hours of 7 a.m. and 9 p.m. year-round, as well as allow up to 24 hours of work per week.

NEW HAMPSHIRE & NEW JERSEY

In 2022, New Hampshire and New Jersey both passed laws that would extend working hours for minors and lower the age for minors to serve alcohol.

The New Hampshire bill lowered the age limit for students to bus tables where alcohol is served from 15 to 14 and increases the hours most 16- and 17-year-olds can work when they're in school.

In New Jersey, teens no longer need parental consent to obtain work permits, and 16- and 17-year-olds are allowed to work up to 50 hours a week — up to 10 hours a day — when they aren't in school.

WISCONSIN

Legislation in Wisconsin to expand working hours for children as young as 14 was vetoed by Democratic Governor Tony Evers.

NEBRASKA

Some state lawmakers are also proposing a sub-minimum wage that would allow children to be paid less than adults. In Nebraska, legislation that would pay 14-to-17-year-olds \$9 per hour instead of the state's minimum wage of \$10.50 was introduced this year. That bill would also set a minimum training wage for employees between 18 and 20 at \$9.25 per hour through 2023, and 75 percent of the regular minimum wage from 2027 on.

All of these state child labor law regulations are in stark contrast to the Biden administration's crackdown on child labor violations.

In February, the Departments of Labor and Health and Human Services announced they would coordinate investigations and ensure the safety of migrant children.

This year, the DOL reports a 69 percent increase in children being employed illegally since 2018. In 2022, 835 companies employed more than 3,800 children illegally, the agency found.

PACKERS SANITATION SERVICES EMPLOYED MINORS AS YOUNG AS 13

One of the country's largest food sanitation service providers, Packers Sanitation Services, was fined \$1.5 million for illegally employing at least 102 children to clean 13 meat packing plants on overnight shifts, the Labor Department announced in February.

The company is said to have employed minors as young as 13 to use caustic chemicals to clean "razor-sharp" saws," head splitters and other dangerous equipment at meatpacking facilities in eight states.

According to investigators, at least three children suffered injuries in recent months, including a chemical burn to the face, while sanitizing kill floors and other areas of the slaughterhouses in the middle of the night.

According to the DOL, child labor violations increased 37 percent between 2021 and 2022. And the number of children found to be working in hazardous occupations, such as meatpacking and construction, spiked 93 percent over the last seven years.

U.S. Senator Brian Shatz, D-HI, introduced a bill to establish criminal penalties and increase maximum fines for child labor violations. The bill has no Republican co-sponsors and is unlikely to pass the Republican-controlled House.

Walk in My Shoes:

Mary Nowicki, CWA Local 1168



Pictured from left to right: ALF President Peter DeJesus, Assemblyman Pat Burke, Mary Nowicki, Senator Tim Kennedy

My name is Mary Nowicki and I am a proud member of CWA Local 1168.

I learned my work ethic from my parents and family. My grandfather worked at Bethlehem Steel and was part of the United Steel Workers and my father is a tractor-trailer driver for Teamsters 449.

I studied at Medaille College in the undergrad program and majored in Veterinary Technology; graduated with an associate degree. I then had to sit for my licensing exam, called the (VTNE) Veterinary Technology National Exam.

My first job as a Veterinary Technician was at a small practice. They showed me how to become a technician. I learned how place intravenous catheters, how to take x-rays, and how to educate clients. But I wanted to learn more. I wanted to work at the place I had idolized, Orchard Park Veterinary Medical Center.

I learned so much more when coming to work at OPVMC. I learned how to place feeding tubes, give chemotherapy, working underneath well-known veterinary surgeons. I loved the fast-paced emergency atmosphere. That's when your skills really come out as a Veterinary Technician. And I cannot forget caring for the critically ill hospitalized patients, nurturing those who have a severe illness. Its always very satisfying when a patient hadn't eaten in days and they take their first bite of food and you celebrate with your co-workers. As hard as my career is, it's about those patients that get to go home to their families because of care like mine.

After working at OPVMC for two years, I had quickly learned that many of the technicians who trained me as a new hires were leaving because of our working conditions and how unhappy they were. I was invited to an organizing meeting with a few of my co-workers which was held by CWA to get a union into our veterinary hospital.

After meeting with CWA, it was just what we needed. We learned that we could make a change. A say in our workplace, better working conditions, and to be more of an advocate for our patients. It was very strategic from the beginning, but with the guidance from the organizers from CWA, we were successful in our election. July 2022, we were unionized, the sixth unionized veterinary practice in the United States, first privately owned and first in the Western New York area. After winning our election, I was nominated to be part of the bargaining committee representing my co-workers. I was also an active steward. On November 8th, bargaining started. During this entire process, I learned so much and has been eye opening for me how to bargain with your employer for a first contract.

On February 24th, I was fired for my union activity and have since learned what it feels like to be fired. When there is hurt to one, there is hurt to all. CWA has truly shown me what it feels like to be part of the union family by hiring me on and making me whole. I will continue to fight the good fight for all still working there to gain a fair contract they rightfully deserve. Hoping OPVMC will soon come to terms in realizing their employees want and need a contract like the one we are fighting for.

What's Your Story?

Help us walk in your shoes. We're open to all union members, active, retired, laid off. Send us your story accompanied by a photo.

"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

Psychological Safety in the Workplace

Staying quiet when you see unsafe behavior in the workplace - like seeing a guy who doesn't tie off on the roof - is the same as staying quiet when your coworker makes threats about self-harm. Yes, your coworker might not fall off the roof. Yes, your coworker might not go home and hurt herself. But can you imagine if she fell off that roof and you didn't say anything? Can you imagine if she did kill herself and you didn't speak up? It's not a betrayal to want to protect your friends or coworkers. It's brave.

With the pandemic still casting a shadow over workplaces, stress and mental health challenges are even more prevalent for today's working families. You might find more than just a few of your coworkers are thinking about their problems and having difficulty coping.

According to a 2020 study by MetLife, 67 percent of workers are feeling even more stressed than before the pandemic. About 20 percent of adults experience symptoms of a mental illness every year in the U.S. and 61 percent report that stress affects their work. Prepandemic, mental health disorders and substance abuse issues cost U.S. employers between \$79 and \$105 billion a year in indirect costs.

In a workplace where mental health safety is emphasized just as much as physical safety, risks to worker safety are reduced. To be successful, employers must be proactive, not reactive, says Dr. Sagar Parikh, a professor of psychiatry and associate director of the University of Michigan Comprehensive Depression Center.

"Mental health problems exist everywhere," Parikh says. "We know that in order to help people, we should go where they are rather than waiting for them to come to us."

Workers may not know how or where to get help or what type of help they need, and they may be uncomfortable asking for assistance. To help, unions can proactively provide that information. Unionized workplaces are more likely to be equipped to deal with these challenges through the collective bargaining process.

For example, many of the unionized construction trades unions have created

member assistance (MAP) programs that they fund through signatory contractor contributions. The Sheet Metal and Railway Transport Union (SMART) has SMART MAP, a mental health awareness and action program. The union trains mentors across the country who are compassionate, empathetic, and wellrespected union members who, together with experts in the field of mental health, support members who may be dealing with mental health challenges or substance use disorder. The mentors help them access resources to deal with their challenges. They also have a 24/7 hotline for members or their families who may be in immediate crisis.

The Bricklayers and the International Union of Operating Engineers offer similar programs. Other unions, like the American Federation of Teachers, have negotiated employee assistance programs at the local level, through their contracts. Modern EAPs are now more focused on employees' health and mental well-being, instead of just focusing on quick treatments, and are now far more robust in their offerings.

Through resources like these, unions arm their members with options and opportunities for getting the support they need. A culture of workplace safety also needs to include an understanding of mental health challenges and how better mental health makes for safer, healthier workplaces. And doing that means that employees must feel empowered to speak up for better mental health.

OSHA and FRA Announce Collaboration to Improve Railroad Safety

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and the U.S. Department of Transportation's Federal Railroad Administration (FRA) are increasing their collaboration to protect the safety and health of railroad workers in light of the February Norfolk Southern train derailment in East Palestine, Ohio, and others.

The railroad industry has a duty to actively protect the safety of its employees to not only adhere to all safety rules and regulations, but also empower employees and respect their right to report safety issues without fear of retaliation. Rail employees and their unions must be a part of the conversation.

To that end, rail operators must comply with regulatory requirements and should follow best practices including:

- Participating in the FRA's Confidential Close Call Reporting System.
- Restoring and reinvigorating labor-management occupational health and safety committees with full union participation and anti-retaliation projections.
- Providing the proper tools and controls (like needed personal protective equipment) for workers and encouraging them to use these resources to be successful and safe.
- Ensuring that managers and workers understand the retaliation against employees for reporting hazards and unsafe conditions is illegal, and that workers know they may pursue a whistleblower complaint with OSHA or DOT if they experience retaliation for protected activities under the Occupational Safety and Health Act or the Federal Railroad Safety Act.

The agencies are available to help rail employers comply with all federal rules and regulations, work toward our shared goal to prevent injuries, and ensure the health and safety of workers and the public.

HOTELS

SUBMITTED BY UNITE HERE!

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

- → Hilton Anchorage
- → Marriott Anchorage Downtown
- → Homewood Suites by

Hilton Anchorage

- → Hampton Inn Anchorage
- → Hilton Garden Inn

CALIFORNIA:

- → Hilton Long Beach
- → Sonesta Los Angeles Airport (Formerly Crowne Plaza LAX)
- → Hyatt Regency Sacramento
- → Hyatt Centric Fisherman's Wharf
- → La Meridien
- → Hilton Los Angeles Airport
- → Terranea Resort
- → Hyatt Regency Santa Clara
- → Hyatt Regency Sacramento
- → Four Seasons Beverly Hills

- → Hotel Bel Air
- → Chateau Marmont
- → Langham Huntington

MARYLAND:

- → Merriweather Lakehouse Hotel WASHINGTON, DC:
- → Hotel Zena MASSACHUSETTS:
- → Boston Marriott Copley Place

OTHER

SUBMITTED BY Farm Labor Organizing Committee (FLOC)

→ Reynolds American, Inc., Vuse e-cigarettes

FOOD

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.)

In This Issue...

Special Focus: Safety & Health
Do Buy Union-Made Memorial Day 2
Dollar General Again Cited for Safety Violations3
GOP Lawmakers in Several States Introduce Model Legislation to Roll Back Child Labor Laws
OSHA and FRA Announce Collaboration to Improve Railroad Safety
AFL-CIO Official Boycott List7

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By Rich Kline, President, UL&STD

Health and Safety Remain Life and Death Concerns



This issue of the Label Letter describes two disturbing matters: the continued loss of life and serious injury in the workplace and the assault upon worker protections, especially child labor regulations.

As noted in the newsletter, an average of 27 workers each day suffer amputation and seri-

ous injury. Workplace death is not uncommon as seen in the recent explosion at a West Reading, Penns., chocolate factory.

A reactionary House of Representatives is proposing weakening child safety requirements by lengthening the workday for kids and exposing them to potentially dangerous work. Hopefully, our Senate and White House can defeat these plans.

State legislatures are enacting similar regressive laws that weaken protections and undercut wages by establishing a two tier pay scale for children and adults. Progressive governors may veto this legislation, but in many states, the governors are ruled by ultra-conservative ideology and ties to the business community.

Safety and health violations are not restricted to the industrial and transportation sectors. As seen in this Label Letter, retail operations and warehouses are also charged with infractions. Unfortunately, penalties are typically inadequate to prevent recurrence of offenses.

These issues may serve to motivate non-union workers to sign representation cards to secure a union contract and a safety committee. In any event, legislators must be made aware that weakening safety and health protections is outrageous and unacceptable.

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TIME VALUE



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