



Label Letter

Vol. XLIX, No. 3
MAY-JUN 2024

Union Label & Service Trades Department, AFL-CIO

Reich Proclaims, ‘we are witnessing a historic rebirth of the labor union movement’

In a recent op-ed on the online blog AlterNet, former Secretary of Labor (1993-1997) Robert Reich predicts, “the pendulum will continue to swing towards unions.”

Reich, a staunch advocate of labor, wrote the article after the United Auto Workers won their election at Volkswagen in Chattanooga, TN. He writes, “we are witnessing a historic rebirth of the labor union movement in America. Labor unions are not just an interest group. They are gaining heft, solidarity, and passion to become what they once were — a movement.”

In 2022, at the AFL-CIO Convention in Philadelphia, the federation set its priorities for the next four years to build a

“movement to meet the moment.”

Since then, unions, large and small, have won elections, negotiated contracts, held historic strikes, and effectively rebuilt the American middle class one brick at a time.

In Chattanooga, the United Auto Workers’ win is historic. The UAW successfully organized a foreign automaker in the US Southeast, puncturing a long-standing belief that unions can’t win in the Republican-led South. They not only won, but they demolished anti-union Republicans.

The UAW doesn’t plan to stop there. Its next target is a Mercedes Benz Group, which operates an auto-assembly plant and a new battery-assembly plant outside

of Tuscaloosa, AL. And UAW President Shawn Fain has said the UAW intends to unionize all U.S. autoworkers. The union has about a dozen campaigns underway that could follow the vote at Mercedes.

Other unions have surged, too. Starbucks Workers United and the retail coffee giant have finally returned to the bargaining table for the first time in nearly a year. The company met with 150 representatives from the union to begin negotiating a framework for union contracts for each of the more than 400 unionized stores.

While talks with Starbucks aren’t guaranteed to go smoothly, the fact that they are happening at all shows that tides are turning.

Union Petitions Up 35 Percent, Unfair Labor Practices Charge Filings Up Seven Percent in First Half of FY24

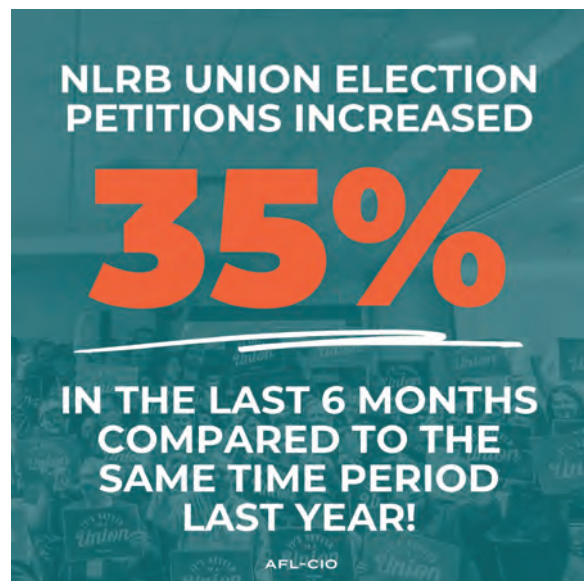
In an April 9 press release, the National Labor Relations Board (NLRB) reported significant increases in union election petitions and unfair labor practice (ULP) charges for the first half of Fiscal Year (FY) 24 (October –March 31).

According to the release, 1,618 union election petitions were filed over the six-month period compared with 1,199 in the first half of FY23. The Agency notes that employer-filed representation petitions have skyrocketed—accounting for 281 of filed petitions—due to the Board’s new framework for when an employer needs to file an RM petition after receiving a demand for union recognition.

At the same time, ULP charges filed across the NLRB’s field offices have

increased seven percent—from 9,612 to 10,278.

The uptick in case-load occurs as the Agency struggles with funding and staffing shortages. In February, Congress renewed the Agency’s funding at the same level as FY23, the first year the NLRB had seen an increase in funding since 2014. That increase was essential in averting furloughs last year. However, the Agency is still woefully underfunded at a time when petitions and filings have increased year-over-year.





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UAW CARS

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- » Cadillac CT4
- » Cadillac CT4-V
- » Cadillac CT4-V Blackwing
- » Cadillac CT5
- » Cadillac CT5-V
- » Cadillac CT5-V Black Wing
- » Chevrolet Bolt (Electric)
- » Chevrolet Bolt EUV (Electric)
- » Chevrolet Camaro
- » Chevrolet Corvette
- » Chevrolet Malibu
- » Ford Mustang Coupe
- » Ford Mustang Convertible
- » Ford Mustang Shelby

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- » Chevrolet Silverado Medium-Duty
- » Navistar (Regular and Crew Cab)
- » Chevrolet Silverado EV
- » Chevrolet Silverado Light Duty*

- » Chevrolet Silverado Heavy Duty
- » Ford F 150
- » Ford F-150 (Electric)
- » Ford F-150 (Hybrid)
- » Ford F-650/750
- » Ford Ranger
- » Ford Super Duty 250/350/450/550
- » GMC Canyon
- » GMC Sierra Light Duty*
- » GMC Sierra Heavy Duty
- » GMC Hummer Pick-up (Electric)
- » Jeep Gladiator
- » Ram 1500*
- » Ram 1500 Classic

UAW SUVs/CUVs

- » Buick Enclave
- » Cadillac Escalade
- » Cadillac Escalade ESV
- » Cadillac Lyriq (Electric)
- » Cadillac XT4
- » Cadillac XT5
- » Cadillac XT6

- » Chevrolet Suburban
- » Chevrolet Tahoe
- » Chevrolet Tahoe (Police)
- » Chevrolet Tahoe (Special Service)
- » Chevrolet Traverse
- » Dodge Durango
- » Ford Bronco
- » Ford Escape
- » Ford Escape (Hybrid)
- » Ford Expedition
- » Ford Explorer
- » Ford Explorer (Hybrid)
- » Ford Explorer (Police Interceptor)
- » GMC Acadia
- » GMC Hummer SUV (Electric)
- » GMC Yukon
- » GMC Yukon XL
- » Jeep Cherokee
- » Jeep Grand Cherokee
- » Jeep Grand Cherokee (Hybrid)
- » Jeep Wagoneer
- » Grand Wagoneer
- » Jeep Wrangler
- » Jeep Wrangler (Hybrid)

- » Lincoln Aviator
- » Lincoln Aviator (Hybrid)
- » Lincoln Corsair
- » Lincoln Navigator/L

UAW VANS

- » Chevrolet Express
- » Chevrolet Express (Cut-Away)
- » Ford Transit
- » Ford Transit (Electric)
- » GMC Savana
- » GMC Savana (Cut-Away)

UNIFOR CARS

- » Dodge Challenger
- » Dodge Charger

UNIFOR SUVs/CUVs

- » Chevrolet Equinox*
- » Ford Edge
- » Lincoln Nautilus

UNIFOR VANS

- » Chrysler Pacifica
- » Chrysler Pacifica (Hybrid)
- » Chrysler Voyager



Quench Your Thirst With Union-Made **GATORADE**

For the 300 members of Local 1999-15 in Indianapolis, the Gatorade sports drink does far more than simply quench their thirst. It provides them and their families with the quality of life and sense of security that comes with USW membership.

Unit President Bailey Carter, a USW member for 18 years, said it also gives him a feeling of pride when he walks through his neighborhood and encounters young Little League, soccer or football players who ask him about the iconic beverages he helps to create.

"It's a great feeling," said Carter, who added that his participation in the USW's Next Generation program has helped him convey the importance of union membership to young workers.

"We let them know that this is what the union represents, that the union can get you good pay, a good job and can help you lead a good and decent life," he said.

Local 1999-15 also supports residents throughout the Indianapolis area by performing community service projects and making charitable donations, ensuring that the union difference is felt beyond the factory walls.

"They appreciate that," Carter said of the local's relationship to the community. "It's something special."

In addition to producing bottled Gatorade drinks of every variety, Carter and his co-workers also make Muscle Milk protein shakes for PepsiCo.

The Gatorade sports drink was first

developed in the 1960s for use by student athletes at the University of Florida, nicknamed the Gators. It has since become known worldwide as a fixture on sports benches, as well as for the "Gatorade Shower" traditionally delivered to victorious coaches and athletes after big wins.

While PepsiCo operates six Gatorade plants in the United States, the Indianapolis location is the only one where workers enjoy USW representation. The site supplies retailers throughout the Midwest and the East Coast.

Carter said that while he's proud to be associated with such a popular product, he's even prouder of his USW membership. "Being a USW member means everything to me," Carter said. "It's about knowing that you're represented by the best union in the country."

**This article originally appeared in the USW@Work Spring 2024. Reprinted with permission.*



**MADE BY USW LOCAL 1999-15 IN INDIANAPOLIS, IN
WORKERS AT THE PLANT PRODUCE BOTTLED
GATORADE SPORTS DRINKS AND MUSCLE
MILK PROTEIN SHAKES FOR PEPSICO**



Unveiling Union Avoidance Tactics: Big Business Strategies in Today's America

In today's corporate landscape, the relationship between employers and unions remains a contentious issue. While the right to unionize is protected by law, many big businesses in the United States employ a variety of tactics to dissuade employees from organizing. From subtle messaging to overt intimidation, these strategies, collectively known as union avoidance tactics, are used to maintain control over labor relations and protect the interests of management. Understanding these tactics sheds light on the complexities of power dynamics in the modern workplace.

Union busting consultants. The primary go-to tactic used by businesses trying to avoid a unionization push is to hire a union-busting consultant. These consultants may come into the worksites and train managers on union-avoidance techniques, or they may directly interact with the workforce. No matter the role they play, they charge big money. Employers often pay thousands of dollars per employee to keep the union out – money that could easily be used to improve pay, working conditions, or benefits for employees.

Preemptive negative messaging. Another common tactic used is preemptive messaging aimed at undermining the benefits of unionization. Through carefully crafted communication campaigns, employers highlight the potential drawbacks of union membership, emphasizing themes such as loss of individual autonomy, increased costs, and potential job instability.

"The union is only interested in your money — and you can't afford union dues" and "The union can force you to strike — but when you strike, they won't support you" are two possible messages an employer will use to try to dissuade unionization. By instilling fear and uncertainty, these messages aim to discourage employees from considering unionization as a viable option for addressing workplace grievances.

Captive audience meetings and anti-union training sessions. These mandatory gatherings often occur during work hours and involve management-led or consultant-led presentations that disparage unions and discourage employees from exploring collective bargaining. In some cases, employees may be subjected to one-

on-one meetings with supervisors, where they are pressured to voice opposition to unionization or disclose information about pro-union sentiments among coworkers.

Weakening an organizing committee. Sometimes, the company will place an insider in an union organizing committee to weaken its structure. The insider will surveil the employees' meetings and report back to the employers who are the most active supporters and who may be vulnerable to changing their minds.

Using a "Vote No" Committee. Employers will use employees who will actively campaign against the union at work. A "vote no" committee will distribute anti-union propaganda and present the company arguments against unionization. The efforts look home made, but these employees are often recruited by management and promised rewards for their work (even though it is illegal to do so).

Thwarting the law. Legal maneuvers also play a significant role in union avoidance tactics. Employers may engage in strategic litigation aimed at delaying or obstructing unionization efforts. This can include challenging the validity of union authorization cards, disputing the bargaining unit composition, or alleging unfair labor practices against union organizers. Additionally, some companies may exploit loopholes in labor laws to engage in union suppression activities, such as hiring union-busting consultants or implementing policies that restrict employees' rights to organize.

"The majority of workers have made clear that they would prefer to be represented by a union," say Kate Bronfenbrenner, Director of Labor Education Research at the Cornell University School of Industrial and Labor Relations. "But that desire is thwarted by a combination of weak labor laws and aggressive employer anti-union campaigns—replete with threats, interrogation, surveillance, discharges, harassment, discrimination, and bribes."

Bronfenbrenner analyzed a random selection of 286 NLRB elections spanning from January 2016 to June 2021. The study revealed that in three-quarters of these instances, employers enlisted the services of one or more management

"The majority of workers have made clear that they would prefer to be represented by a union."

— Kate Bronfenbrenner

consultants to spearhead anti-union campaigns. Additionally, 45% of employers resorted to threats of plant closures or outsourcing to dissuade workers, while 49% offered incentives for abstaining from union support in the form of promises for workplace improvements.

Furthermore, technological advancements have enabled employers to adopt more sophisticated tactics, as noted by Bronfenbrenner. Surveillance methods, such as monitoring social media activity, installing cameras, and utilizing GPS devices, were deployed in nearly one-third of workplaces where union elections occurred. This marks a significant increase from the 14% recorded in the early 2000s, as highlighted by her research.

Protection Under the NLRA. Despite the prevalence of these union avoidance tactics, it's essential to recognize that the right to organize is protected by federal law under the National Labor Relations Act (NLRA). This legislation guarantees employees the right to engage in concerted activities for mutual aid and protection, including forming, joining, or assisting labor organizations. However, the enforcement of these rights often depends on the vigilance of regulatory agencies and the resilience of workers in asserting their collective voice.

Union avoidance tactics employed by businesses in the U.S. today highlight the ongoing struggle for balance and fairness in labor relations. While employers have the right to express their views on unionization, tactics undermining workers' rights to organize raise important questions about ethics, legality, and the broader socioeconomic implications of power imbalances in the workplace. As debates surrounding labor rights continue to evolve, it's crucial to remain vigilant in safeguarding the principles of democracy, equity, and solidarity in the modern workforce.

Fighting Back Against Union Busting

In the battle for workers' rights, there's a formidable opponent: the \$340 million anti-union industry. This behemoth stomps all over the workers, leaving them vulnerable and voiceless. From cutting down the trees that provided shade for striking workers during the SAG-AFTRA strike to employing sophisticated tactics to thwart unionization efforts, the deck is often stacked against the employees looking to organize.

According to MIT professor Thomas Kochan, less than 10% of workers' efforts to unionize succeed when employers resist. The barriers are high, with current regulations requiring union organizers to garner the support of 30% of a business's employees to file a petition asking to hold an election to unionize. Even then, the employer holds considerable sway, they have option to accept the union outright, bypassing the need for a vote, but most choose to make a petition go to a vote.

In 2008, late Senator Ted Kennedy proposed the Employee Free Choice Act, which aimed to empower workers by allowing the National Labor Relations Board (NLRB) to certify a union without employer approval and an official election. Unfortunately, despite its potential to shift the balance of power towards workers, the Democratic Party did not prioritize the bill at the time. However, it presents an opportunity that can be revitalized and championed today: "card check" unionizing.

STEPS TO FORMING A UNION

Workers seeking to unionize face a daunting journey, but there are clear steps they can take to navigate this terrain:

Building Support: Employees should engage in conversations with their coworkers to build support around shared issues. This often involves forming an organizing committee.

Seeking Guidance: Contacting an established union for support and guidance or organizing an independent union.

Gathering Support: Collecting union authorization cards or petitions from coworkers to demonstrate support for forming a union.

Choosing a Path: Once support is gathered, there are generally two paths

to follow:

Majority Signup/Voluntary Recognition: Where a majority of employees seek union representation and ask their employer to recognize the union voluntarily.

NLRB Election: Involves gathering at least 30% of coworkers' signatures on union authorization cards/petitions and filing for a union election with the NLRB.

PROTECTION AGAINST RETALIATION

Workers have the right to join together to address workplace conditions without fear of retaliation. It's illegal for employers to retaliate against employees exercising these rights. The National Labor Relations Board (NLRB) provides recourse for those who believe their rights have been violated.

RESPONDING TO UNION ORGANIZING

Employers resort to various tactics to undermine unionization efforts, but they are not without limits. The National Labor Relations Act (NLRA) prohibits certain actions:

No Retaliation: Employers cannot retaliate against employees for union activities.

No Coercion: They cannot impose new requirements or threaten employees.

No Discrimination: Discrimination based on union activities is illegal.

PREPARATION AND DOCUMENTATION

Preparation is key to countering management's anti-union tactics. Organizers must equip themselves with knowledge of workers' rights and develop strategies to track and respond to employers' tactics. Digital tools play a crucial role in documenting and exposing illegal activities. From archiving email communications to recording meetings with management, technology empowers workers to shine a light on union-busting activities.

By arming themselves with knowledge, solidarity, and digital tools, workers can tip the scales in their favor and reclaim their rights in the workplace. While the anti-union industry may wield significant power, it is not insurmountable. With perseverance and collective action, workers can fight back and secure the fair treatment and representation they deserve.

FTC Bans Noncompete Agreements

In late April, the Federal Trade Commission (FTC) issued its final rule banning noncompete agreements. "Noncompete clauses keep wages low, suppress new ideas, and rob the American economy of dynamism, including from more than 8,500 new startups that would be created a year once noncompetes are banned," said FTC Chair Lina M. Khan. "The FTC's final rule to ban noncompetes will ensure Americans have the freedom to pursue a new job, start a new business, or bring a new idea to market."

Noncompete agreements are employment provisions that ban workers at one company from working for or starting a competing business within a certain period of time after leaving a job.

Non-competes often hamstring workers into staying at jobs that are oppressive because they are unable to leave and get a job in the same industry. They can lose out on pay increases because employers don't have to worry about the employee leaving to work for a competitor.

The Economic Policy Institute estimates that as many as "one out of every four private-sector workers—including low-wage workers—are required to enter noncompete agreements as a condition of employment."

In issuing its final rule, the FTC says that banning noncompetes will lead to new business formation growing by 2.7 percent per year, resulting in more than 8,500 new businesses created each year. The rule is expected to result in higher earnings for workers, with estimated earnings increasing for the average worker by an additional \$524 per year, and it is expected to lower healthcare costs by up to \$194 billion over the next decade. The final rule is expected to help drive innovation, leading to an average increase of 17,000 to 29,000 more patents each year for the next 10 years.

The final rules will go into effect on September 4, 2024.



OSHA Walkaround Final Rule Issued

The Occupational Safety and Health Administration (OSHA) issued its new Walkaround Rule in March, clarifying who can serve as an employee representative to accompany the OSHA Compliance Safety and Health Officer (CSHO) during physical workplace inspections. The final rule broadens employees' rights to allow outside representatives—including labor union representatives—to join them during safety inspections. The final rule is set to take effect May 31, 2024.

Under the current rule, the OSH Act provided that the employee representative be limited to “employee(s) of the employer.” The rule also allowed for an exception for a “third party who is not an employee of the employer” authorized by the judgment of the CSHO to be “reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace.” The OSH Act listed a safety engineer and an industrial hygienist as two non-exhaustive examples of authorized third-party employee representatives.

While OSHA interpreted that language to permit third parties, including labor union representatives, to join employees during inspections, a federal district court in 2017 ruled that only employees of the employer can participate in these inspections.

In response to that ruling, OSHA amended the OSH Act to state, “the representative(s) authorized by employees may be an employee of the employer or a third party.”

While the final rule amends the OSH Act, it does not change the CSHO’s authority to determine whether good cause has been

shown why a third-party representative is “reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace.” However, the rule expands authorized third parties to include anyone with “relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills” — rather than those with skills comparable to a safety engineer or industrial hygienist.

“This rule gives workers better health and safety protections because they can choose outside representation from the union at the district or national level or experts in the occupational health and safety field,” said AFGE Health and Safety Specialist Milly Rodriguez. “It will be useful in situations where the local has not yet developed its own health and safety representative or where employees might be in fear of reprisal for raising health and safety concerns during an OSHA inspection.”

In a news release announcing the final rule, Assistant Secretary for Occupational Safety and Health Doug Parker said, “Worker involvement in the inspection process is essential for thorough and effective inspections and making workplaces safer. The Occupational Safety and Health Act gives employers and employees equal opportunity for choosing representation during the OSHA inspection process, and this rule returns us to the fair, balanced approach Congress intended.”

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EndNotes



By Rich Kline, *President, UL&STD*

Second Trump Term Threatens Government Workers and Policies

A second presidential term for Donald Trump could well prove disastrous for everything from women's rights, civil rights and the environment and beyond. Based on information from Time magazine, Media Matters and the ultra-conservative, Trump-allied Heritage Foundation, a grave threat from a renewed Trump presidency would confront federal workers.

Bearing a grudge if not hatred of professional government employees, Trump and his henchman want to expel workers from their jobs and replace them with right-wing loyalists whose primary qualification would be unswerving loyalty to a man who said he would be dictator for a day. A loyalty test they already use is requiring a denial of the 2020 election results.

In office, Trump and his band of supporters would resurrect Schedule F, a discarded policy from his previous administration, that would make 50,000 federal employees fire-at-will workers without civil service protections. To keep their jobs, they would insist on a loyalty pledge to Trump not the US Constitution.

Anyone doubting this intention should read the Heritage Foundation's 1,000 page Project 2025 plan concocted by Trump

supporters. Their goal is to gut government agencies, undercut many programs that protect Americans ranging from the workplace to the environment.

They hope to restore Presidential impoundment authority to freeze funds approved by Congress and thereby undermine programs, agencies and workers that displease them.

What the Trump crowd calls the deep state might better be described as a committed workforce dedicated to the rule of law and public service. Displacing these workers in favor of inexperienced, political loyalists would harm the government institutions that serve all Americans.

Workplace protections offered to government workers were initiated by President Ulysses S. Grant in 1881. They have been assaulted many times since then. Currently civil service protections are administered by the Office of Personnel Management and the Merit Systems Protection Board.

American citizens will deeply regret when those agencies base their decisions on whether a worker believes that attacking the Capitol on January 6, 2020, was justified.

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Label Letter

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Vol. XLIX, No. 3 • 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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