

## The 9 Most Important Victories for Workers in 2014

[http://inthesetimes.com/working/entry/17492/union\\_victories\\_2014](http://inthesetimes.com/working/entry/17492/union_victories_2014)

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The mainstream press often files workers' stories between corporate gossip in the “business” or “money” sections. But the efforts of working people to organize for their common interests—as well as the efforts of the 1 percent to keep a lid on things—frequently made front-page news this year.

Much has been made of the incredibly hostile climate for labor over the past few decades. Yet this past year, workers still organized on shop floors, went out on strike, marched in the street and shuffled into courthouses to hold their employers accountable, and campaigned hard for those who earned (or, often enough, didn't earn) their vote. Legislators, meanwhile, tarried on with their anti-worker “right-to-work” laws, and union busters busted up unions. But if state legislatures and the U.S. Supreme Court were harsh on workers, the National Labor Relations Board (NLRB) was refreshingly helpful, passing down several rulings that made organizing easier and wage-theft harder.

Whether it was fast-food and retail workers demanding respect and better pay in record numbers, cities across the country raising their minimum wage under public pressure, or student athletes gaining recognition as employees of their universities, the labor movement has seen some important—and, at times, unexpected—victories this past year.

### 1. Northwestern University athletes hold union vote

The union election held by athletes at Northwestern University in Evanston, Illinois, in April sent shockwaves throughout the sports world. Professional athletes have formed labor unions like the National Football League Players Association in the NFL and the National Basketball Players Association in the NBA. But in the National Collegiate Athletic Association (NCAA), where athletes bring in millions of dollars to their colleges and universities yet receive compensation only in the form of scholarships, the union drive at Northwestern is a historic first.

As Alex Lubben [wrote](#) <sup>[1]</sup> earlier this year for *Working In These Times*, the move was an affront to the longstanding argument for the acceptability of exploiting NCAA athletes' labor:

The term “student athlete” has been used by the NCAA repeatedly to emphasize that college athletes are *not* employees and to bar them from receiving “undue” compensation. ... This semantic twist has, so far, been enough to keep players from receiving the same rights as workers. Many are on year-to-year scholarships; if a player is deemed no longer valuable to his team—which can mean anything from injury to poor performance on the field—even if his grades are stellar, his scholarship can be stripped. And neither colleges nor the NCAA are required to care for athletes who experience conditions, like brain trauma, that manifest after a player graduates.

The task of winning a union could take many more months if not years, and the athletes who voted may no longer be playing when the decision comes. But just getting the National Labor Relations Board to recognize student athletes as employees and hold an official vote has been called <sup>[2]</sup> “the first real crack in the NCAA cartel.” That’s something worth cheering for.

## 2. Courts rule FedEx drivers are employees

FedEx Ground drivers might seem to work the same job as UPS workers who are organized nationally by the Teamsters union. But at FedEx, drivers are classified as self-employed independent contractors. They are ostensibly given more control over their own scheduling and routing, but they also pay for their own vehicle expenses and don’t qualify for the rights or benefits that UPS drivers enjoy like overtime pay, minimum wage, workers compensation and the right to collectively bargain. This business model gives FedEx a distinct advantage over its competitors, as the company has been known to boast <sup>[3]</sup>.

Drivers sued in 2009 in D.C. and 2010 in Indiana, claiming that they were misclassified and demanding back pay, but in both cases, the courts sided with FedEx. This year, however, things turned in favor of the drivers.

In August, a federal appeals court set precedent <sup>[4]</sup> by ruling that, because of the level of control FedEx exerted over its drivers, about 2,600 FedEx drivers in California and Oregon were misclassified. Then, in early October, a Kansas court ruled in favor of drivers. The same week, the National Labor Relations Board ruled <sup>[5]</sup> that FedEx’s drivers in Connecticut were indeed employees and forced the company to recognize a union that workers had formed in 2006.

FedEx Ground changed its model in 2011 and the courts’ rulings won’t pay out to drivers hired after that time. Nevertheless, lawsuits and action from the NLRB are the bugbears of employers who look to cut costs by compensating employees like contractors. 2014 was the year that courts turned up the pressure on FedEx, one of the country’s most flagrant misclassifiers.

## 3. Fight for 15 goes international

In its third year as a national movement of low-wage workers demanding \$15 an hour and a union, the “Fight for 15” dug in its heels. “We’ve seen how the civil rights movement won civil rights and we’ve seen how women won the right to vote,” Kansas City organizer and Burger King employee Terrance Wise told <sup>[6]</sup> the *New York Times*. “We have to do whatever it takes to win.”

This refrain—“whatever it takes”—was affirmed <sup>[7]</sup> at a national convention of 1,200 fast-food workers in July that was organized in part by the Service Employees International Union (SEIU), the union supporting the Fight for 15. The words described this year’s escalation of tactics in the streets where workers protested and participated in civil disobedience in record numbers and in more cities than ever, according to organizers.

And the protests expanded to dozens of countries around the world. In May, fast-food workers in an estimated 30 countries protested <sup>[8]</sup> in solidarity with the Fight for 15. On September 4 and again on December 4, workers went on strike and faced arrest in over 100 U.S. cities each time—nearly 200 cities in December according to organizers—to call out their employers for paying poverty wages for grueling service work.

The movement this year impelled municipal, state and federal raises in the minimum wage—including a \$15 wage in Seattle and a \$10.10 wage for federal employees <sup>[9]</sup>—and made gains in the courts. In July, the general counsel of the National Labor Relations Board determined that McDonald’s Corporation could be considered a “joint employer” in lawsuits the burger chain had previously deflected onto their franchisees. The ruling has the potential <sup>[10]</sup> to change the way powerful brands have hidden behind small franchisees, passing the buck on the poor working conditions they create for fast-food and other workers.

Though the signature strikes of the Fight for 15 have forced minimal concessions from employers on the shop floor so far, they have begun reshaping the law in their favor and have brought international attention to the plight of low-wage workers in this country and around the world.

#### **4. NLRB gives new rights to unions**

President Obama’s botched attempt <sup>[11]</sup> to make appointments to the National Labor Relations Board this summer while the Senate was in recess kicked up a controversy that inspired wild accusations from Republicans that Obama had broken the law in order to set up a liberal NLRB. But the Right may, indeed, have some cause for concern. The NLRB issued several decisions this year that have improved the lives of thousands of workers and could eventually improve the lives of many more.

This month, the agency ruled that employees can use company email for union activity, which gets rid of one of the many hurdles organizers and workers had to clear, especially during union elections, as Moshe Marvit explained <sup>[12]</sup> in this blog:

The new rule includes a number of significant benefits for workers who are organizing, including postponing employer litigation over union election issues until after the election takes place to eliminating the waiting period between the time when an election is ordered and when it occurs (the time when many bosses carry out their union-busting campaigns through tactics <sup>[13]</sup> like firings or threats of closing down a workplace).

But perhaps the most overdue change is the modernization of the “Excelsior List” rules. Prior to today’s rule, employers were required to turn over to the union an Excelsior List, which contained the names and home addresses of workers within seven days after a union election is ordered, so that the union can effectively communicate with all the workers it seeks to represent.

The new rule requires the employer to also turn over any employee email addresses and telephone numbers it possess, and shortens the amount of time management has to turn over the list to two days.

With the U.S. Supreme Court coming down hard on workers this year—ruling earlier in December, as Marvit also explained, that Amazon workers don’t have to be paid <sup>[14]</sup> for all the time they spend locked in the warehouse—this nod from the federal government is consoling.

## 5. Seattle passes \$15 minimum wage

In last year's [list](#) [15], we gave a shout-out to [Kshama Sawant](#) [16], who won a city council seat in Seattle on a socialist ticket with a \$15 minimum wage as the pillar of her platform. Barely six months after she took office, her city passed such a wage, making Seattle the first major U.S. city to raise the bar for its lowest-paid workers to \$15 an hour.

The increase represents a significant win for a national movement that set \$15 as a concrete goal in bringing working Americans out of poverty. As Peter Dreier [wrote](#) [17] on BillMoyers.com,

This dramatic change is ... the consequence of years of activism in Seattle and around the country. Now that Seattle has established a new standard, the pace of change is likely to accelerate quickly as activists and politicians elsewhere seek to capture the momentum. ...

Seattle now joins a growing list of cities—including San Francisco, Santa Fe, Albuquerque, San Jose and Washington, DC (along with two adjacent Maryland counties)—that in the past few years have seized growing frustration over the widening income gap and declining living standards by establishing local minimum wages substantially above the federal level of \$7.25. Unions, community groups and progressive politicians in San Diego, New York City, Oakland, Los Angeles and other cities are already taking steps to follow in Seattle's footsteps.

## 6. New Orleans goes union

After a successful card check in September, the Teamsters and Unite Here will soon represent a combined total of 900 employees of Harrah's Hotel and Casino in New Orleans, doubling the number of union members in the city's tourism industry.

This [good news](#) [18] comes out of the Deep South, where labor has historically faced particularly vicious opposition. As Kevin Solari [wrote](#) [19] for this blog,

The decades-old struggle for labor unions in the South has been reinvigorated in recent years. The North Carolina State AFL-CIO has said the labor needs to “organize the South [or die](#) [20].” Others have called for a [Second Operation Dixie](#) [21], referencing the CIO's failed mission in the late forties and early fifties to unionize the old Confederacy.

Almost a thousand new union members in New Orleans is a good start.

## 7. American Airlines, JetBlue, and Virgin American workers unionize

One of labor's most crushing blows in recent decades came when Ronald Reagan broke the air traffic controllers' strike in 1981. So the news of over 18,000 airport workers and pilots at three major airlines—American, Virgin, and JetBlue—voting to join unions this year was tinged with historical significance, if only because it represented an enormous victory in an industry that had dealt such a cruel defeat to the movement in the past.

The Air Line Pilots Association union gained nearly 2,600 new members in April when pilots at JetBlue Airways [voted](#) [22] by a strong majority to join. A few months later, after winning a vote to unionize in August, over 850 flight attendants at Virgin American gained representation from the Transport Workers Union, forming the first union at the airline, and [ending](#) [23] Virgin's status as the last U.S. airline without a collective bargaining agreement with its employees. Once more, in September, reservation agents at

American Airlines voted to join the Communications Workers of America [24], adding 14,500 members to their ranks. The union called [25] it “the largest labor organizing victory in the South in decades.”

Following last year’s victory at the Seattle-Tacoma airport in Washington state [26], where employees joined with the surrounding town’s residents to pass the first \$15 minimum wage in the country, the labor movement might just get used to looking to airports for uplifting news.

## 8. San Francisco's "Retail Workers Bill of Rights"

For many workers in the retail industry, low pay and erratic scheduling are the norm. This latter grievance—that the income on which retail workers depend remains at the mercy of their employer’s scheduling whims—has been at the center of the “campaign for respect” at Walmart that organized their largest wave of one-day strikes the day after Thanksgiving this year.

In San Francisco, workers got a little help [27] in this area from the city and county government, which passed the “Retail Workers’ Bill of Rights” just before Thanksgiving. Brice Colvert at ThinkProgress explains [28] the pair of bills that focus on fair scheduling practices:

The new rules will require retail chains that have 11 or more locations across the country and employ 20 or more people in San Francisco to provide advance notice of schedules, improve the treatment of part-time employees, and give current workers the opportunity to take on more hours before hiring new people. Employers will have to give their workers at least two weeks’ advance notice of their schedules, and if they fail to do so they will have to give those workers additional “predictability pay.” Workers also get paid if they’re required to be on call but their shifts are canceled. Employers will have to give part-time employees the same starting wage as those working full time in the same position and access to the same benefits.

Although fair scheduling is only part of the battle for low-wage workers, the retail employees’ “bill of rights” could take away one of the tools that employers like Walmart use to keep work precarious and workplaces difficult to organize. The AFL-CIO is hailing [29] it as a “big step in the right direction.”

## 9. Chattanooga VW workers win minority union representation

A devastating defeat for workers at a Volkswagen automobile factory in Chattanooga, TN, may have been the low point for labor this year. In February, after an arduous campaign [30] opposed and interfered with by state lawmakers, the United Auto Workers lost the union election by a mere 86 out of 1,338 votes, maintaining the Volkswagen plant’s status as the only one in the world without representation on the automaker’s international works council.

But in November, UAW announced some surprising good news. After proving to Volkswagen that a majority of the Chattanooga plant’s workers are already members of UAW Local 42, the union will now represent just those members. As Will Craft explained [31] in this blog last month, the unconventional agreement

allows a variety of unions different tiers of representational rights based on the percentage of the workforce that sign up to become members of the union. ... The unions will have different representational responsibilities based on how many employees are members of the union. And ... because the company policies now allow for workers to be represented by multiple unions, the United

Auto Workers are not the only union vying to represent Chattanooga Volkswagen workers: another organization called the American Council of Employees is also hoping to sign up workers.

The win was a far cry from what the UAW was hoping to achieve in February—exclusive representation of all the plant’s workers. But the union sees this agreement as a major step toward gaining a seat at Volkswagen’s global works council. “You have to walk before you run,” was how UAW Secretary-Treasurer Gary Casteel put it [32]. In Chattanooga, the UAW seems finally to be on its feet.

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- [2] <http://www.thenation.com/blog/179042/northwestern-university-football-union-and-ncaas-death-spiral>
- [3] <http://www.businessweek.com/articles/2014-10-16/fedex-ground-says-its-drivers-arent-employees-dot-the-courts-will-decide>
- [4] <http://www.newrepublic.com/article/119263/court-california-oregon-fedex-drivers-are-employees-not-contractors>
- [5] <http://www.law360.com/articles/584034/nlrbs-says-fedex-drivers-are-employees-not-contractors>
- [6] [http://www.nytimes.com/2014/12/05/business/in-fast-food-workers-fight-for-15-an-hour-a-strong-voice-in-terrace-wise.html?\\_r=0](http://www.nytimes.com/2014/12/05/business/in-fast-food-workers-fight-for-15-an-hour-a-strong-voice-in-terrace-wise.html?_r=0)
- [7] <http://www.progressillinois.com/posts/content/2014/07/28/fast-food-workers-vow-escalate-fight-better-wages-union-representation-vide>
- [8] [http://inthesetimes.com/working/entry/16708/biggest\\_fast\\_food\\_worker\\_strike\\_yet\\_covers\\_six\\_continents](http://inthesetimes.com/working/entry/16708/biggest_fast_food_worker_strike_yet_covers_six_continents)
- [9] <http://www.politico.com/story/2014/02/minimum-wage-executive-order-barack-obama-103450.html>
- [10] [http://inthesetimes.com/working/entry/17484/how\\_the\\_nlrbs\\_mcdonalds\\_decision\\_could\\_heal\\_the\\_fissured\\_workplaceand\\_help](http://inthesetimes.com/working/entry/17484/how_the_nlrbs_mcdonalds_decision_could_heal_the_fissured_workplaceand_help)
- [11] [http://inthesetimes.com/working/entry/17364/republicans\\_chalk\\_up\\_a\\_victory\\_after\\_forcing\\_obama\\_to\\_withdraw\\_labor\\_board](http://inthesetimes.com/working/entry/17364/republicans_chalk_up_a_victory_after_forcing_obama_to_withdraw_labor_board)
- [12] [http://inthesetimes.com/working/entry/17442/company\\_email\\_union](http://inthesetimes.com/working/entry/17442/company_email_union)
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- [16] [http://inthesetimes.com/article/16140/kshama\\_sawant\\_the\\_great\\_red\\_hope](http://inthesetimes.com/article/16140/kshama_sawant_the_great_red_hope)
- [17] <http://billmoyers.com/2014/06/08/how-seattles-15-minimum-wage-victory-began-in-new-york-citys-zuccotti-park/>
- [18] [http://www.nola.com/business/index.ssf/2014/09/hospitality\\_union\\_teamsters\\_qu\\_1.html](http://www.nola.com/business/index.ssf/2014/09/hospitality_union_teamsters_qu_1.html)
- [19] [http://inthesetimes.com/working/entry/17211/new\\_orleans\\_union\\_membership\\_casino\\_workers\\_unite\\_here\\_teamsters](http://inthesetimes.com/working/entry/17211/new_orleans_union_membership_casino_workers_unite_here_teamsters)
- [20] <http://aflcionc.org/organize-the-south-or-die/>
- [21] <http://thesouthlawn.org/2013/09/10/a-call-for-a-second-operation-dixie/>
- [22] [http://www.nytimes.com/2014/04/23/business/pilots-at-jetblue-vote-to-join-a-union.html?\\_r=0](http://www.nytimes.com/2014/04/23/business/pilots-at-jetblue-vote-to-join-a-union.html?_r=0)
- [23] <http://www.businessweek.com/articles/2014-08-13/virgin-america-is-no-longer-a-union-virgin>
- [24] [http://inthesetimes.com/working/entry/17178/american\\_airlines\\_agents\\_unionize\\_communications\\_workers](http://inthesetimes.com/working/entry/17178/american_airlines_agents_unionize_communications_workers)
- [25] [http://www.cwa-union.org/news/entry/american\\_airlines\\_passenger\\_service\\_agents\\_vote\\_big\\_for\\_union](http://www.cwa-union.org/news/entry/american_airlines_passenger_service_agents_vote_big_for_union)
- [26] [http://inthesetimes.com/article/15994/a\\_win\\_for\\_15](http://inthesetimes.com/article/15994/a_win_for_15)
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- [28] <http://thinkprogress.org/economy/2014/11/26/3597287/san-francisco-retail-bill-of-rights/>
- [29] <http://www.afcio.org/Blog/In-The-States/San-Francisco-Leads-the-Way-on-Fair-Scheduling-with-Retail-Workers-Bill-of-Rights>
- [30] [http://inthesetimes.com/working/entry/16300/after\\_uaw\\_defeat\\_at\\_volkswagen\\_in\\_tennessee\\_theories\\_about](http://inthesetimes.com/working/entry/16300/after_uaw_defeat_at_volkswagen_in_tennessee_theories_about)
- [31] [http://inthesetimes.com/working/entry/17381/chattanooga\\_volkswagen\\_union](http://inthesetimes.com/working/entry/17381/chattanooga_volkswagen_union)
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