



Considering Electoral Work - Maximizing our Advocacy

by Fran Schreiber

Join our Labor & Employment Committee Roundtable discussion on Thursday October 14, 1999, at the NLG Convention in San Francisco. Is all politics local? Should the NLG be institutionally involved in electoral politics? If so, where do we start? Do we want to focus only on initiatives? Or should we look at candidates? If we look at candidates, should we focus only on those running as third party candidates or should we include regular Democrats? Should we avoid the question of candidates and initiatives and focus only on building third parties? How might we work closely with our clients: minority, low-income and working class communities, the labor movement? What are our clients doing in the world of electoral politics, and is this where we should start our analysis? **See back page.**

These questions are just the beginning. But we need to start somewhere.

Electoral work is a means to organize and empower people, a way to build a movement. It also allows us to achieve intermediate changes to better people's lives or to fight or stave off repressive conditions. Electoral work is connected to our legislative work, our legal work in the courts, our efforts to influence administrative agencies. We know the reality of having a Judge who is sympathetic, and when we have a sympathetic legislature and executive, we can make laws that will help our clients and forward our goals.

One argument against involvement in electoral politics is that we become co-opted by a candidate who we can't control when s/he takes office. We are dismayed. We feel betrayed. On the other hand, one might argue even moderate Democrats provide shelter from the repressive measures we face from the right; more importantly, during those periods we can take the time to build a powerful people's movement.

A true people's party with candidates, who if elected would uphold our political principles, is no doubt ideal. The NLG L&EC has provided support for building the Labor Party and other third party efforts. But working to build an ideal third party is not enough.

We must also work in the current electoral arena. We must look at each situation and evaluate our effectiveness with respect to candidates and issues. We must support our clients who are involved in this work and who may be running for office. And we must begin to think seriously about running for office ourselves.

The AFL-CIO initiative *2000 in 2000* "makes it more likely that local workers will be represented at all levels of government by people just like them, rather than by wealthy bankers and lawyers," according to AFL-CIO President John J. Sweeney. See the article on page 5 of this newsletter for details.

For the labor movement, electoral work is an area where the AFL-CIO has made impressive gains. And through these gains, we may better represent all workers, not just union members, in exercising political power. In California, we may gain health and safety protection. We protected prevailing wage, secured living wage ordinances in various localities, reclaimed our 8-hour day.

Labor's issues are progressive issues and "are the same in every part of the country and in every job sector: affordable quality health care; a strengthened Social Security system and expanded pension coverage; fair wages, equal pay for women workers, a minimum wage that pays a living wage and fair pay and benefits for part-time workers." (*America @work* Sep 1998). Our members also want quality education for our children and freedom to organize. We want fair workers' compensation and affirmative action. And of course, electoral gains will ultimately translate to organizing gains in a myriad of ways, not the least involves accomplishing significant labor law reform.

Electoral work by the labor movement has involved building an independent political apparatus and strengthening coalitions. Our electoral work creates a "machine" to elect pro-worker or labor movement candidates and mobilize around worker issues in our local, state and federal government. **Our electoral work increases coalition building, and ultimately provides a progressive base for the future.**

We must remember, however, electing a candidate to office is not the end of the relationship. As we are learning in California, electing pro-worker candidates requires the candidate to not only know that workers made the difference and secured their election, but also that workers are **organized** and will continue to make the difference. We must recognize we will need to bargain with candidates who are not 100% behind a working families agenda. We know how to organize, work with the media, mobilize for demonstrations, etc., and that will give us greater bargaining strength. We simply have to keep up the pressure. We cannot rely on our lobbyists alone, but must amass our membership and involve them significantly at every stage of the legislative process. Only by doing this will we consolidate our gains. For example, advocates fighting for immigrant rights in California used their organizing skills in reaching a favorable settlement regarding Prop 187 litigation. We can learn from their strategies how to continue to influence the politicians who we elect.

We must look at the gains to be made and not at the roadblocks. We must as an organization representing progressives become significantly involved in work that allows us to be most effective on their behalf. **Electoral work is powerful, and we can make significant gains.**

Building the Southern Labor Movement, One Worker at a Time

by Elizabeth McLaughlin

Although most of us are aware of the general situation facing labor in the South — the so-called Right-to-Work laws that endow workers with the right to work for less, the hostile prohibition against collective bargaining agreements for public employees, the vile persistence of the vestiges of slavery — those of us living north of the Mason-Dixon line and west of the Mississippi might well benefit from hearing some of the gory details. At the very least, labor advocates residing in areas where labor has some power might feel a bit better about their own situation.

Union is a dirty word in North Carolina—and not just among the owners: thanks to the state's bloody history and management's brain-washing tactics, too many workers also spout anti-union rhetoric. So the process of organizing in North Carolina entails undoing half a century of damage. Bitter anti-union sentiment, originally fomented by the state's textile capitalists during the bloody repression of organizing workers in the 1930s, resounds through our General Statutes. In the private sector, North Carolina's **Right to Work** law cripples the economic sustainability of a labor union, setting the state up to seduce corporate power with the promise of cheap labor.

Of course, North Carolina is only a pit-stop for industries that eventually move further south for even cheaper rates in Mexico.

The "global economy" job-flight epidemic makes public employment a sort of safety zone for workers: streets and public buildings will presumably always need to be kept clean by locals. So it is logical that vanguard organizing should occur among public sector employees. Just such an effort has been launched in North Carolina by some of the lowest-paid public employees in the state: Housekeepers at the University of North Carolina, most of whom are women of color. Armed with a novel Thirteenth Amendment theory, Guild attorneys Alan McSurely and Ashley Osment represented the Housekeepers' Association from 1991 until their case settled in 1998. Around the time of the settlement, the Housekeepers began building a statewide organization, the North Carolina Public Service Workers' Union, which is now a chartered affiliate of the United, Radio and Machine Workers' Union -- UE Local 150.

Grown from the ground up, UE 150 is run by the rank and file. They held their first constitutional convention on the last weekend in July, 1999, and the energy in the room as members exercised their new democratic muscles to deal with how to run their organization was intoxicating. That level of energy will be necessary to get this union over the obstacles it faces in North Carolina—the primary obstacle being the legislative prohibition against public employee collective bargaining.

In 1958, Jimmy Hoffa's Teamsters came to Charlotte to back an organizing effort among that city's police force. The result was Article 12 of the North Carolina General Statutes, Sections 95-97 to 95-100. Section 95-97, whose heading reads "Public Employees Prohibited from Becoming Members of Trade Unions or Labor Unions," was ruled unconstitutional by the United States District Court for the Western District of North

Carolina ten years later.¹ Public workers in the state finally had 95-97 repealed this year. Unfortunately, section 95-98, which declares "any agreement or contract" between any state, county, or municipal employer and a union or labor organization to be "against the public policy of the state, illegal, unlawful, void and of no effect,"² has so far survived constitutional challenge.³ Indeed, the Fourth Circuit has gone so far as to interpret 95-98 as possibly "prohibiting governmental bodies from negotiating with labor unions."⁴

Wiping out 95-98 is the next legislative challenge for workers in North Carolina, and UE 150 is steadily rising to that challenge by chipping away at the system with "meet and confer" arrangements, memoranda of understanding from top administrative levels, and growing public education and support. Meanwhile, just as the freedom fighters of the 1950s and 60s did, UE 150 members will continue to struggle for their rights no matter what the law says. After all, being in a union — especially for workers in North Carolina — means more than just having a contract with the employer. The following anecdote may help illustrate this point.

Novella and around twenty-five coworkers, housekeepers at one of the University of North Carolina's sixteen campuses, hold area union meetings on their lunch breaks. They discuss problems at work: how to deal with a racist supervisor who refuses to promote a person of color, how to combat downsizing and privatization of their jobs, whether to resort to filing a group grievance about the lack of necessary cleaning supplies. The members at the campus where Novella works recently elected her President of their UE 150 chapter.



One work morning, the University chancellor called a meeting of the entire Housekeeping staff, which numbers well over two hundred people. With his eyes locked on Novella, the chancellor proceeded to disparage UE 150 on the grounds that it was illegal in North Carolina for public employees to be in a union. Whenever Novella asked him a question, the chancellor's voice would rise, so that by the end of the meeting, he was yelling at the assembled employees. At the following week's lunchtime union meeting, only three housekeepers-- including Novella-- came. Everyone was afraid they would lose their jobs for being a part of the union. Novella and the other members decided they needed a written apology from their chancellor, so they called me.

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Fighting for Fair Trade in Seattle

Several events against corporate globalization are taking place shortly after the Guild convention, just in time to turn into reality the renewed spirit of struggle the Guild Convention will engender.

October 23 there will be a speak out on globalization at New College of Santa Rosa featuring Victor Mennotti, Ed Rosario, Juliette Beck and a number of trade union people. The event will be moderated by Larry Bensky and by Claude Piller, a Guild attorney. The speak out is to raise awareness of the issues, explain different forms of globalization and discuss the best ways to fight it.



November 27 - December 3 finds the World Trade Organization in Seattle. We're hoping to mobilize 100,000 people to march against globalization. The Steelworkers hope to bring 10,000 to the event. For an entire week, there will be actions, vigils and debates on globalization including NAFTA, MAI and GATT. Bay Area organizers hope to bring 2000 people to Seattle and the Alliance for Democracy another 2000. SEIU 790 is chartering 2 buses, and the North Bay Central Labor Council donated \$500 towards a bus.

February 11 - 14 is the Open World Conference in Defense of Trade Union Independence, a conference to preserve the independence of our unions, indispensable to worker survival and worker struggles for democratic rights. The organizers week to build global unionism, an international movement against privatization, against "free trade" agreements, against the destruction of jobs, against the ever downwardspiraling of wages and conditions resulting from global competition with no protection. The San Francisco Labor Council is participating in this conference.

For more information, contact Claude Piller at romaintell@hotmail.com or call Stop the WTO in Seattle at 707-525-4825.

The Seattle Weekly, Seattle's largest weekly paper, recently ran a banner headline **Shutting Down Seattle** for its lead story about the WTO. The WTO Coalition in Seattle has hosted over 200 people at organizing meetings to discuss work stoppages, student walkouts and civil disobedience actions. **To participate with the Guild contingent in this historic event, call Riva at the Bay Area Guild office at 415-285-1055.**

For more general information, call WTO Host Committee of People for Fair Trade in Seattle at 877-786-7986 or see www.tradewatch.org. A great publication **A Citizen's Guide to the World Trade Organization: Everything you Need to Know to Fight for Fair Trade**, published by the Working Group on the WTO/MAI, July 1999, is available from Apex Press at 914-271-6500 or via e-mail to JRizzi52@aol.com (\$3.50/booklet). Booklet co-sponsors include: Alliance for Democracy, Americans for Democratic Action, Friends of the Earth, International Brotherhood of Teamsters, Public Citizen, United Steelworkers of America District 11, Women's International League for Peace and Freedom, among others.

Finally, send your name, union affiliation, address, phone, fax and e-mail to the Seattle CLC at 2800 First Avenue #220, Seattle, WA 98121 for information about their November 30 march and rally and to sign their support pledge.

**King County Labor Council, AFL-CIO
Workers' Rights Task Force
Make the Global Economy Work
for working families**

MARCH & RALLY
Tuesday November 30

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As UE 150's support attorney, I wrote to the chancellor and the president of the UNC system, pointing out the First Amendment consequences of the chancellor's conduct and requesting that he write a letter to each employee in the Housekeeping Department to retract his statements and affirm his support of a non-discriminatory, non-retaliatory policy toward organizing employees. The chancellor's response was to write back that he had been "misrepresented," that of course he appreciated the employees' right to form a union. I gave Novella a copy of this correspondence, and she copied the letter into the chapter newsletter under a very large, victorious headline..

The following week, the chancellor met with the Physical Plant Department. When Larry, a UE 150 steward in the Physical Plant, raised the same issues Novella had been raising on behalf of the union at the Housekeeping staff meeting, the chancellor did a much better job of addressing the issues. The union members saw this as a victory, and Novella let me know that attendance was back up at the next lunchtime meeting.

To support UE Local 150, send funds to UE Local 150, P.O. Box 61233, Durham, NC 27715-1233. NAPIL Equal Justice Fellow and Guild member Elizabeth McLaughlin can be reached at 919-856-3185, N.C. Justice and Community Development Center, P.O. Box 28068, Raleigh, NC 27611, elizabeth@ncjustice.org.

1 Members of a firefighters association, backed by the IAF, challenged the statute as a violation of freedom of association rights guaranteed by the first and fourteenth amendments of the federal constitution. *See Atkins v. City of Charlotte*, 296 F. Supp. 1068 (W.D.N.C. 1969).

2 N.C. Gen. Stat. § 95-98 (1975).

3 *See Atkins* at 1077, and *Winston-Salem/Forsyth County Unit, N.C. Ass'n of Educators v. Phillips*, 381 F. Supp. 644, 646 (M.D.N.C. 1974) ("The Constitution does not mandate that anyone, either the government or private parties, be compelled to talk with or contract with an organization.")

4 *Hickory Firefighters Ass'n v. City of Hickory*, 656 F. 2d 917, 921 (4th Cir. 1981).

Working People's Electoral Politics at Work

In January, Melany Barnes was sworn in to her first elected office — as a representative in the Kansas state legislature. One of the first group of union members running for public office in the AFL-CIO's **2000 in 2000 initiative**, Barnes is already making an impact.

Barnes is already making an impact. The SEIU Local 513 member introduced bills calling for equal pay, collective bargaining for public employees and stronger legal rights for workers in workers' compensation cases.

That's a result when union members hold public office!

For years, bankers, lawyers and business moguls have dominated politics and wielded the power of elected office. In 1997, the union movement developed a strategy to ensure that across the nation, from school boards all the way to Congress, the lawmakers we elect reflect working families and their interests.

That strategy, the **2000 in 2000 initiative** announced by AFL-CIO President John Sweeney in 1997, aims to have 2000 union members running for public office this election year. Each year hundreds of union members commit to improving the lives of working families in their community by running for elected office. And each year hundreds of union members are elected to all levels of office including school board, state legislature, mayor and city council. The **2000 in 2000 initiative** is central to the AFL-CIO's efforts to strengthen the labor movement and the voice of working families. By electing more union members to public office, working families will be better represented at all levels of government.

"The most important thing is being at the table," says Tony Hill, a Florida state representative, Longshore member and State AFL-CIO secretary-treasurer. "No matter how much money we give politicians, there is nothing like having one of our own at the table."

* In Nevada, 15 of 16 union members running for state legislative seats won.

* In Rhode Island, 28 of 30 candidates for various offices won.

* In Maryland, all 20 union member candidates were elected.

"One human being on a city council can make a world of difference in a city," says UAW member Shirley Underwood, who made a difference on the Southgate (Michigan) City Council by spearheading drives that passed resolutions backing locked-out **Detroit News** and **Detroit Free Press** workers and back Steelworkers fighting to curb foreign steel dumping.

In 1998 the AFL-CIO tracked over 620 union members running for public office. Of those tracked, 420 were elected. In the coming months, the AFL-CIO will work with affiliate unions and their locals, state federations, and central labor bodies to identify union members who are already planning to run for elected office and to recruit and train additional members.

In addition to training planned by some state federations and international unions for union member candidates, the AFL-CIO held four regional conferences this year (the last one will be October 13 - 14 in Los Angeles) to give union members holding all different levels of public office an opportunity to exchange ideas and strategies about policy-making and campaigning.

These regional conferences followed two successful conferences held in Washington, DC in 1997 and 1998 for union members holding public office. All **2000 in 2000** activities will operate in compliance with state and federal election laws.

Unionists who believe working families need a stronger voice to protect workers' rights on the job and want to fight for affordable health care, quality education, affirmative action, good jobs at good wages and the right to better our lives by joining together in unions should take a look at becoming part of **2000 in 2000**.

For more information about the **2000 in 2000 initiative**, call AFL-CIO at 888-3-AFL-CIO or e-mail 2000in2000@aflcio.org.

Virtual Organizing Includes Micro-Radio

"Perma-temp" workers at Microsoft spend their days pushing the boundaries of technology by designing next-generation computer applications and developing innovative new software programs. So it is as natural as double-clicking on a mouse that the workers -- who are unfairly classified as temporary workers and denied benefits and job security -- are using such high-tech tools as the Internet to gain a voice on the job. Activists with the Washington Alliance of Technology Workers (WashTech), a Communications Workers affiliate in Seattle, are using electronic mail and the web to "send out information the people aren't going to get anywhere else," such as Microsoft policies and overtime regulations, says Mike Blain, a leader of the campaign. WashTech not only distributes information, it also collects it, doing a survey of Microsoft workers and tallying the results via the web. About 90% of workers surveyed said they were concerned about full disclosure of staffing agency "bill rates," making it WashTech's top issue. The workers recently celebrated their first victory when 18 workers in the accounting software division formed a collective bargaining unit at Microsoft.

Organizing Links. Union organizers across the country are harnessing net power to reach and mobilize workers. Technology played a crucial role in last year's huge organizing victory by United Airlines ticket agents and cargo workers who joined the



Machinists. With 19,000 workers spread all over the country, communicating the union message quickly and effectively was a daunting task. The organizers used a frequently updated website, press releases, photos and testimonials from workers around the country, weekly

election summaries, areas to submit comments and questions, handbills that could be easily downloaded, sample contract provisions, and an on-line authorization card. The result: the biggest private-sector union organizing win in 20 years. Since then, the United Airlines workers have negotiated and won a strong first contract, eliminating an unfair tiered pay scale and boosting wages and benefits.

Union organizers say the Internet will never -- and should never -- be a substitute for one-on-one communication with workers during organizing campaigns. It doesn't replace face-to-face visits. But it does give workers (57% of unionized workers have home computers according to a 1999 Peter D. Hart Research Associates study) access to information at home 24 hours a day, away from the prying eyes of a supervisor. Unions can respond quickly, without printing and mailing time and cost, to emerging issues. Technology provides a variety of tools beyond contacting workers: communicating among staff, conducting research, etc.



The AFL-CIO recently took a step to promote a more familiar technology for reaching workers: radio. Micro radio stations offer a unique opportunity to organizers to reach a very specific community for organizing campaigns as well as for building coalitions in support of workers' rights.

Thanks to the tireless work of Guild attorney Peter Franck, the AFL-CIO submitted an important letter of support in the Federal Communications Commission rulemaking proceeding concerning **Creation of Low Power Radio Service**. The NLG Labor & Employment Committee is proud to have facilitated Peter's efforts, and thanks are due to several of the union members of our committee for helping to make this happen. We reprint the AFL-CIO letter below.

Magalie Roman Salas
Office of the Secretary, TW-A306
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

September 17, 1999

Re: Notice of Proposed Rulemaking, "Creation of Low Power Radio Service" MM Docket No. 99-25

Dear Ms. Salas:

We write on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) in reply to original comments filed with the Federal Communications Commission regarding the Commission's notice of proposed rulemaking establishing rules authorizing the operation of low power FM radio stations. Through this rulemaking the Commission seeks to provide new opportunities for community-oriented radio broadcasting; to foster opportunities for new radio broadcast ownership; and to promote additional diversity in radio voices and program services. The AFL-CIO supports the Commission's goals embodied in the proposed rulemaking, and we encourage the Commission to act expeditiously to draft rules establishing a new system of low-power, community-oriented radio.

Following the enactment of the Telecommunications Act of 1996, the Commission significantly relaxed its restrictions on the number of radio stations a licensee could own and operate in individual radio markets. As a result, we have witnessed increased ownership consolidation in the hands of a few wealthy multinational corporations. These centrally-programmed stations dominate the airwaves and effectively deprive the listening public of alternative sources of news, information and entertainment. Moreover, these megastations have virtually eliminated radio as a vehicle of expression for workers, minorities, community groups and others in the political and cultural marketplace. Today, millions of people across our nation are longing for local radio programming that fully reflects the diversity of needs, interests and voices in our local communities.

Historically, the labor movement has initiated and supported efforts to use radio as an organizing tool and as a medium for the people. For example, in 1926, the Chicago Federation of Labor launched radio station WCFL, a listener-supported station dedicated to labor and public affairs programming. In its early years, WCFL used the airwaves to help organize workers, while simultaneously promoting public awareness and support of the union movement and worker issues. Today, a handful of union radio programs continue this proud tradition by offering information and viewpoints that speak to the needs and interests of working families and their communities.

Unfortunately, programming with such local flavor is now scarce on the radiodial. The concentrated ownership of commercial radio by corporate conglomerates has simply made it too expensive for working people and other individuals to access the airwaves. Many individuals and community groups that are interested in radio broadcasting cannot afford to enter the industry or to take advantage of the limited leasing opportunities at established radio stations. Moreover, those with alternative viewpoints who do have the means to lease air time must gain the prior approval of image-conscious corporate censors before being allowed to air their views. The creation of non-commercial low power FM radio service would provide an inexpensive, yet valuable alternative to the current commercial radio format. We therefore support the Commission's proposal to create a low-cost means for workers, community groups, and others to join the public debate and to enhance the diversity of voices on the public airwaves.

The AFL-CIO encourages the Commission to adopt rules establishing non-commercial low power radio service, and in doing so, to create guidelines that would ensure that all newly-created low power FM radio outlets are owned and operated by the people in the communities they serve. We also urge the Commission to establish application and licensing procedures that are clear, direct and readily accessible to the general public. As we usher in this new era of radio it is essential to ensure that all interested individuals and community groups have a bona fide opportunity to share in this exciting enterprise.

The AFL-CIO appreciates the Commission's careful consideration of these comments.

Yours truly,
Jonathan P. Hiatt, General Counsel
Jeffery B. Farnell, Associate General Counsel

Fighting for Rights of Contingent Workers

The art of subcontracting to so-called independent contractors is commonplace in agriculture, garment manufacturing and construction. What's new is the proliferation of this model in other industries, such as high-technology and telecommunications. See article on *Virtual Organizing* on page 5. Newer entrants into the contingent work force join a largely immigrant garment and farm workers, janitors, taxi drivers, and home care workers.

The U.S. Commission on the Future of Worker-Management Relations (the Dunlop Commission) concluded in its final report that:

[C]ontingent [work] arrangements may be introduced simply to reduce the amount of compensation paid by the firm for the same amount and value of work, which raises serious social questions. This is particularly true because contingent workers are drawn disproportionately from the most vulnerable sectors of the workforce.... The expansion of contingent work has contributed to the increasing gap between high and low wage workers and to the increasing sense of insecurity among workers....

What results is that workers employed by so-called independent entities or as independent contractors are working for businesses that are marginalized, are often directly supervised by what is no more than a glorified foreman, with no capital, skill, and certainly no resources to pay the workers if the business owner "pulls the plug" and ceases contracting for the labor. There is no health and safety, no workers' compensation, and no way to hold

the true employers accountable. These practices promote a proliferation of sweatshops in a variety of industries.

There are a range of strategies to address these issues:

- 1) Creative organizing drives and unionization;
- 2) Enforcement of existing laws with expansive definitions of employment;
- 3) Policy and legislative advocacy to strengthen existing law and make new law to aid contingent contracted workers to enforce labor and employment rights;
- 4) Formalizing consumer-driven Codes of Conduct and public education campaigns to pressure the real employers to assume responsibility.

NELP (National Employment Law Project) and others have made it a priority to enforce existing labor and employment laws with broad definitions of employment such as the Fair Labor Standards Act to ensure business owners are accountable for unpaid wages and other workplace conditions. See *Lopez v. Silverman* (SDNY 1998) 14 F.Supp.2d 405. The Family & Medical Leave Act, the Agricultural Worker Protection Act, and most state wage and hour laws have broader definitions that could be enforced to reach entities that might not be consider an "employer" in the common-law sense.

The California Labor Federation, AFL-CIO, along with Sweatshop Watch sponsored bills to address these issues this legislative session, and are hopeful these will be signed by Governor Davis. Legislative activity is also taking place in New York, Massachusetts, Washington and elsewhere.

NLG Labor & Employment COMMITTEE MEETING -- San Francisco Thursday - October 14, 1999 - 9:30 to noon

We'll meet in a room on the Mezzanine level. Please come with ideas for local and national activities. We'll have reports on what we're doing and want to hear from you! We need to choose a new treasurer, and we need to look at the steering committee. Even if you're not a paid up member, please come and consider joining!



Labor & Employment Committee Reception Friday - October 15, 1999 - 7:00 p.m. on 353 Vallejo Street - San Francisco

Reachable by a short cab ride costing under \$10 (and travel by cab eliminates the need for impossible street parking). Location is on Vallejo Street between Sansome and Montgomery Streets (the "back side" of Telegraph Hill). Please RSVP via e-mail if at all possible so we can get an idea of numbers. fcs@kmesa.com