

the national lawyers guild

NEWSLETTER of the Labor & Employment Committee

<http://www.nlg-laboremploy-comm.org>



August 2017

JOIN US

at the

NLG Convention • Wash DC L&E Committee Events

Friday August 4th

Labor & Employment Committee meeting
Room 505 David A. Clarke School of Law
3:15 pm to 4:15 pm

Friday August 4th

Int'l Labor Justice Working Group meeting
Room 505 David A. Clarke School of Law
4:30 pm to 5:30 pm

Saturday August 5th

Protecting Human Rights of Migrants and
Refugees in the Trump Era
9:00 am to 10:15 am

Saturday August 5th

Joint Reception with the
International Committee
African American Civil War Museum
1925 Vermont Ave NW
6:00 pm to 8:00 pm

Sunday August 6th

From Advocacy to Political Practice:
Worker-Centered Solidarity
9:30 am to 10:30 am

This schedule is subject to change!
Check in at the registration table
for the latest information.

Green, Blue & Black

Environmentalists support Nissan workers' organizing drive

By DEAN HUBBARD

Responding to what they called “a pattern of labor abuses by Nissan against its predominantly African-American workforce in Mississippi, last week Nissan workers filed a petition with the National Labor Relations Board seeking a union election at the company’s Canton plant—one of only three Nissan facilities in the world, including two in Tennessee, where workers are not represented by a union.

Nissan employees’ move to form a union comes four months after the historic “March on Mississippi,” when former Sierra Club President Aaron Mair joined more than 5,000 workers and civil-right activists in demanding that the company respect workers’ rights. The march was the largest civil rights march in Mississippi since the height of the civil rights movement.



According to the UAW, the union the workers are seeking to have represent them, the company responded to the march by escalating its anti-union campaign of threats and intimidation.

Many workers in Canton make less than \$15 an hour and report that they are in many cases forced to work for years as temporary employees and are denied vacation, health, sick time benefits—or any sort of upward mobility.

Nissan makes the LEAF, an excellent electric vehicle, and in some ways the company has been a global leader in the move towards cleaner vehicles. But as Aaron Mair pointed out at the march, we can’t transition to a clean future on the backs of working people. Nissan is one of a number of foreign companies whose global workforces have union representation, but have chosen to base new manufacturing in so-called “right to work” states in the American South, where union organizing is extraordinarily difficult. As Hal Myerson pointed out in a recent article,

in their home countries, [Nissan and other European and Asian firms] . . . pay high wages and are entirely and harmoniously unionized. In going to the South, however, they . . . [pay] wages and provid[e] benefits well beneath those that such firms as General Motors

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Green, Blue & Black *(continued)*

and Ford offer their employees, and block workers' attempts to unionize . . . They come to sell to the American market and they come because the labor is cheap.

All but three of the former slave states of the south enacted so-called "right to work" legislation during the Jim Crow era. These laws, which forbid union membership as a condition of employment, have been steeped in the ideology of white supremacy since their inception. Early anti-union "right to work" efforts employed a rhetoric of racial slurs and stereotypes, and the nation's first "right to work" campaign, in Texas, was closely associated with that state's Ku Klux Klan. The institutionalization of these values through so-called "right to work" and voter suppression laws is now spreading from the south to the industrial heartland.

Mair and others argue that appealing to white supremacy to degrade workplace democracy is all about maintaining the power of moneyed interests over working people of all races. The environmental movement has a very real interest in making sure our clean economy corporate champions don't use racial inequality to support the pursuit of profits at the expense of democratic rights. We simply can't separate the degradation of the environment or the fruits of the clean energy economy from the exploitation of people based on race and class.

In a recent speech to the Texas AFL-CIO, Mair reminded attendees that the roots of the labor movement were grounded in organizing against slave labor. Mair said the labor movement is essential for workplace democracy, and workplace democracy is a prerequisite for political democracy.

Environmental protections and an equal seat at the negotiating table go hand in hand to create a safe environment and a just workplace.

Dean Hubbard is the director of the Sierra Club's Labor and Economic Justice Program. in Washington DC.



WILL YOU REPRESENT TUPOCC?

The United People of Color Caucus (TUPOCC) is an alliance of law students, legal workers, attorneys, and other people of color within the National Lawyers Guild. Originally formed in 2004, TUPOCC exists to support people of color and the larger radical legal movement within the NLG and beyond via an intersectional analysis and approach. The Labor and Employment Committee (L&EC) has long been a supporter of TUPOCC, including by making yearly contributions to the TUPOCC Travel Stipend which supports people of color who would otherwise not be able to attend the Convention and which prioritizes, whenever possible, those interested in labor and employment work. In 2012, our committee, among others within the NLG, enthusiastically endorsed the idea of having designated student and TUPOCC representatives to serve with us on the L&EC. We currently seek a TUPOCC representative to serve a one-year term on the L&EC. To learn more about this opportunity, please contact Renee Quintero Sanchez, L&EC Steering Committee member and one of TUPOCC's founding members.

Thanks to a generous grant from the National Lawyers Guild Foundation, all donations made through July 31, 2017, will be matched dollar for dollar, up to a cumulative total of \$1,500. For more information about the Travel Stipend and to support, follow this link: <https://www.nlg.org/donate/tupocstipends/>.

Learn more about TUPOCC here: <https://www.nlg.org/tupocc/>. Get connected and stay involved!

Protecting Human Rights of Migrants and Refugees in the Trump Era

Right wing movements, especially in the US seek to place the blame for economic ills on immigrants and refugees, yet at the same time it is neoliberal policies, war, climate change etc. which force people to leave their homes and migrate. This panel will bring together speakers from the NLG, the Canadian Association of Labor Lawyers (CALL) and the Association of Labor Lawyers of Latin America (ALAL) to discuss the current legal and political barriers migrants face in the Western Hemisphere and how to protect their human rights. A speaker from IADL's Legal Center in Lesbos, which provides service to Syrian Refugees will join the panel.

Moderator: Lucy Rodriguez; Speakers: (ALAL) Labor Lawyer Cuba, Guillermo Ferriol; (CALL) Labor/Immigrant rights lawyer Sibel Ataogul; (NLG) Natasha Ora Bannan; (IADL, Lesbos Legal Center) Carlos Orjuela

Updates from Sugar Law

By JOHN PHILO

The Sugar Law Center has succeeded, after a three-year battle, in ending Michigan's attempt to balance state ledgers on the backs of the unemployed; it has now initiated new actions to push back against the anti-working class agenda prevailing among far too many elected officials.

For three years, the Center has represented workers who were unfairly charged with unemployment insurance fraud by the State of Michigan, resulting in fines and penalties as high as \$70,000. The fight began when the State's unemployment insurance agency laid off all its investigators and adopted an automated system for determining whether unemployed workers were committing fraud to obtain unemployment insurance benefits. Among other abuses, the automated system levelled fraud charges whenever the statements of workers conflicted with the statements of their employer (whose statements were automatically accepted as correct and truthful). Despite state law providing a sliding scale of penalties based on the degree of culpability or intent, the "robo-fraud" system assessed the maximum penalties allowed by law each time that fraud was alleged—four times the amounts that the worker received or would have received. The state further adopted abusive collection practices that included seeking criminal charges against workers and imposing automatic garnishments of tax refunds.

In response, Sugar Law represented hundreds of workers in administrative hearings while documenting the system's abuses and then filed a federal lawsuit to stop the state's predatory and unconstitutional practices. A victory was won earlier this year when the state agreed to stop all collections, to conduct *de novo* human reviews of more than 20,000 cases where the robo-fraud system imposed penalties, and to implement new notice procedures to inform workers of their right to appeal fraud allegations. Our office has further been providing support in another lawsuit seeking refunds of all tax garnishments and has now joined a third case against the corporations that designed the robo-fraud system and software.

In addition to our efforts on behalf of workers, the Sugar Law Center has been working to protect community rights. We continue to provide extensive support to grassroots activists seeking equitable development in their communities. These efforts focus on bringing home meaningful benefits to low-income communities when large "economic development" projects are proposed and receive taxpayer subsidies. These communities are often

the ones most impacted by housing displacement, environmental hazards, and job loss when such projects are given the go-ahead. Over the past months, we organized a state-wide community activists' conference and conducted trainings in Chicago, St. Louis, and Somerville, MA, while providing further support to activists now seeking local equitable development ordinances in Missouri and Massachusetts.

In January, the Environmental Protection Agency's Office of Civil Rights made a finding of discrimination in an environmental justice complaint in one of our cases that was initiated 22 years ago. The finding was long overdue and is only the second finding of discrimination ever made by that office. The EPA's finding came as the result of a lawsuit filed by a coalition with whom we and our clients in Flint have been working over the past three years. In February, we filed a complaint with the National Labor Relations Board on behalf of approximately 20 workers who were fired for participating in Day Without Immigrants protests. In March, we filed our writ to the U.S. Supreme Court seeking to stop the discriminatory disenfranchisement of voters under Michigan's Emergency Manager law; a law that allows for the takeover of local government by elected officials who then engage in widespread layoffs of public employees by privatizing unionized departments and selling public assets to profiteering corporations.

In April, we filed suit on behalf of a transgendered woman who was viciously discriminated against while working at a McDonald's franchise. If successful, it will be the first suit in Michigan to vindicate LGBT rights under the State's anti-discrimination law. And in May, we joined the Equal Justice Center in bringing suit to end extortionary traffic fines and driver responsibility fees that result in the loss of a driver's license when the individual cannot pay. The loss of driver's license then leads to loss of employment or more fines for driving with a suspended license and further leads to an intractable cycle of poverty.

This represents just some of work over the past months and that we will be involved with during the year ahead.

John Philo is the Executive Director of the Sugar Law Center for Economic and Social Justice, a national non-profit, public-interest law center in Detroit, MI. Sugar Law Center provides legal advocacy, representation, education and technical support to workers and low-income communities seeking economic and social justice. Visit www.sugarlaw.org.



Ba da ba ba baaa . . . We're Not Loving It

BY DEAN HUBBARD

With 14,146 restaurants in the U.S. and 36,899 restaurants worldwide, McDonald's is the world's second largest employer. This means the fast food giant has a huge cultural, economic, and environmental footprint, one that harms both its workers and our environment.

We cannot resist Trump's attacks on workers, families, and our environment without resisting the corporations that rig the economy, harm our environment, and put Americans across the country in danger. In the Trump era, it is more important than ever that our movements join forces. In this moment of extremist right-wing control in Washington, those fighting for progressive change—for a living wage, climate action, immigrant rights, and more—must support each other.

That's why the Sierra Club supported the thousands of workers and their supporters as they converged outside the McDonald's shareholder meeting in Chicago to lead the March on McDonald's on May 23rd and 24th. Thousands of workers converged on McDonald's headquarters as part of the Fight for \$15 campaign, demanding that it help support American workers rather than making their lives harder.



McDonald's subscribes to a dangerous corporate model, paying its own workers so little that they can't afford to eat the food they sell, while running global supply chains that emit the extreme levels of carbon pollution that are destroying our climate. Often, the industries that pollute the most pay the least; McDonald's is no exception. The Sierra Club supports workers in their call for the fast food giant to use its power and influence to lift up working people rather than drive a race to the bottom.

It's time for a change. The fight for a living wage and the fight for a living planet cannot be separated. Corporations are raking in massive profits, but the toxic shortcuts for those profits come at the expense of their workers, causing their low-wage employees to live without the ability to cover their basic needs like food and health care for their families, child care, rent, and transportation to their jobs.

When McDonald's adds to killer heat waves, deadly wildfires, and fatal floods by using massive amounts of fossil fuels, its own workers are among those who suffer the most. McDonald's not only contributes heavily to climate change, but the dangerously low wages it pays trap families with their worst effects. Low wages mean McDonald's workers can't afford to flee from climate-induced natural disasters and that they must raise their families in low-income neighborhoods, often in the backyard of coal plants, fracking sites, and oil refineries. By not providing its workers with a living wage, McDonald's is burdening its workers with the worst impacts of its pollution.

This pollution isn't cheap—hospital and doctor's visits, asthma inhalers and other health needs add up and are extremely difficult to cover for low-wage workers. When the children living under clouds of pollution get sick, mothers without a living wage or paid leave are forced to choose between missing work and much needed income to take care of their children, or to pay for the costs of healthcare. What's more, McDonald's is known to cut workers' hours below full time and doesn't provide paid leave, meaning families are left without vital health insurance and without time off, increasing healthcare costs even further.

McDonald's is a billion-dollar corporation, and it can and must do better. This year's Fight for \$15 mobilization in Chicago has made that call louder than ever before. McDonald's must invest in people, provide paid family leave, and pay its employees a living wage. McDonald's must invest in our communities and source its products locally. McDonald's must act on climate. Workers and families deserve better. Until McDonald's changes its ways for the better, we won't be loving it.

Dean Hubbard is the director of the Sierra Club's Labor and Economic Justice Program.



NLG

Labor & Employment Committee

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