



AFL-CIO Enters Groundbreaking Partnership with National Day Laborers Organizing Network

by Jon Hiatt

On August 9, 2006, at its mid-summer Executive Council meeting in Chicago, the AFL-CIO unanimously passed a resolution authorizing its state and local labor bodies to offer affiliation to worker centers in their communities. Immediately thereafter, the AFL-CIO entered into a National Partnership Agreement with the National Day Laborers Organizing Network (NDLON), the largest national association of worker centers.

The announcement of this new program and the NDLON Partnership received an extraordinary amount of press attention - including two New York Times editorials.

This worker center initiative reflects a recognition of, and outreach to, a largely ignored but fast-growing parallel *labor movement* of workers without collective bargaining opportunities. It represents a historic development, with great potential to advance the many common interests shared by organized labor and the worker centers movement.

At the same time, this initiative should provide significant opportunities for NLG attorneys who would like to get involved, as discussed in further detail below.

First some background: Worker centers are a relatively new form of community-based institution that advocate for the rights of workers who typically do not have union representation. **They provide workers with a wide range of opportunities for collective and individual empowerment.** They address wages and labor standards as well as helping workers gain a voice in society. Many provide legal assistance regarding employment-related issues and workshops regarding immigrant rights, workers' rights and other job-related training classes. Others conduct research and report on sub-standard conditions in specific industries. Yet others focus on enforcing labor standards under the Fair Labor Standards Act, the Occupational Safety & Health Act, and other employment laws and regulations. In a number of instances, worker centers have tried organizing or have referred workers seeking union representation to established unions.

In some cases, the centers provide a structure by which workers join together to set their own terms and conditions of employment. In a widely publicized example in Agoura Hills, California, a group of NDLON day laborers set

their own minimum wage at \$15/hour and have since been acting collectively to enforce the rate.

Those served by the worker centers work primarily in building and construction as well as in gardening and landscaping, hotel and restaurant, and other service sectors industries; additionally, however, some centers assist workers in meatpacking, poultry processing, and high tech, among others.

Worker centers have grown significantly in number over the past decade. Ten years ago, there were less than a dozen such centers in the United States; today, there are over 140 in 31 states, in rural areas as well as in large urban centers.

These centers are important to the immigrant community and play an essential role in helping immigrant workers understand and enforce their workplace rights. In doing so, they also play a critical role for all workers — immigrant and US-born alike — by fighting unscrupulous employers who try to use the immigrant workforce to lower wage and other benefit standards that protect the entire workforce.

Other worker centers serve African-American communities or a more racially and ethnically mixed population. Worker centers in the South are working with Latino and African American communities, for example, to bridge cultural differences causing tensions in these communities and dividing workers in the workplace. Worker centers are conducting culturally appropriate workers' rights trainings that highlight the need for worker solidarity.

In some communities, worker centers and unions are already collaborating on a variety of issues: lobbying state legislatures, mayors and city councils to pass worker-friendly laws and ordinances; identifying and shining the spotlight on industry and employer-specific abuses; enlisting government agencies' support to devise more effective enforcement strategies. Recent examples of cooperation include joint lobbying by worker centers in Chicago and the Illinois AFL-CIO supporting legislative amendments to strengthen penalties on employers who violate the state wage and hour law. The Denver AFL-CIO coordinated activities of both communities in

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Report from the Bay Area L&EC

Sweatfree Ordinances

The Bay Area NLG L&EC continues to work on various Sweatfree ordinance campaigns in the Bay Area. The Berkeley City Council is now considering a *sweatfree* ordinance. **Dean Royer**, a Guild attorney with **Siegel & Yee**, along with other L&EC volunteers, provide advice in the development of the ordinance. Another project may be starting up in the South Bay and **Kyra Kazantzis**, a Guild attorney with **Law Foundation of Silicon Valley**, a legal services program, may join our group of volunteers.

Victory for UNITE HERE Local 2

Kudos to L&EC Steering Committee member **Matt Ross, Leonard Carder et al.**, who represented Local 2 in recent successful contract negotiations. San Francisco hotel workers won a huge contract victory mid-September, following a two-year struggle. The new contract secures their health care benefits — with no reduction in benefits for new hires and no increases in co-payments — plus improvements in pensions. A significant OSH improvement relates to work-load reductions for room cleaners. Room cleaners currently clean 14 rooms a day. When 6 of those 14 are checkouts, they now only have to clean 13 rooms, for 9 checkouts — drop 2 rooms. This is especially important given the increase in injuries that room cleaners face due to added pillows, sheets, duvets, bigger beds and more amenities. The agreement also included significant wage increases.

The biggest prize may be language obligating the hotel chains to agree to *card checks* at new hotels to determine union representation in lieu of the extremely protracted and union-unfriendly NLRB-supervised election procedure.

Visit www.hotelworkersrising.org - the union's website - for information about hotel struggles in other cities. The struggle is not over in other locations, and there are other hotels in SF that are part of separate agreements.

Be Prepared to Honor Labor in the Future Here's What You Can Do

Make sure organizations to which you belong negotiate hotel event contracts with language that will permit cancellation in the event of a labor dispute. Consider adding this clause to a contract for hotel services: *This contract may be cancelled and the deposit shall be refunded in full if the hotel is involved in a labor dispute with a union and there is a strike, picketing, or a union-sanctioned public boycott.* You could also try adding: *The (X) hotel agrees to give notice promptly to the (event booker) as soon as it has reason to believe that such activity might occur and/or might continue at the time of the event.* It is unlikely that you will get notice, but that fact will provide additional grounds to defend a lawsuit if your organization hastily must breach a contract or sue for damages, if caught *unaware*.

L&EC Summer Project Supports UNITE-HERE

by Owen Thompson

Editor's note: This summer the Guild's Labor & Employment Committee hired Owen Thompson, a recent college graduate, now a law clerk with Farmworker Legal Services of New York in Rochester, to build ties with the legal community to support UNITE HERE bargaining activities. Although Owen's focus was primarily in the Bay Area, the project involved introducing community partners to INMEX, a national program to support hotel and restaurant workers. Owen's work may be instructive for other unions looking to build community support.

I began by joining UNITE HERE's new set of summer interns for a full orientation from the Local 2 boycott staff, which provided an important overview of labor issues.

Boycott coordinator **Alek Felstiner** and community outreach coordinator **Kelly Dugan** took me under their wings for one jam-packed week. I learned about the history of the boycott and got a hands-on education in some of Local 2's most reliable tactics: waves of persuasive phone calls, hyper-visible leafleting outside boycotted hotels, and courteous-but-tenacious delegations to local decision-makers. This week long crash course gave me a much better understanding of the union's perspective, which was vital for the work I was to do with the Bay Area Guild.

I began by drafting a follow-up letter again asking progressive legal organizations to endorse and honor UNITE HERE's hotel boycott. Attached to the letter was informational material on the boycott (a union press release, an op-ed piece and an article on hotel worker injury rates). We mailed to Executive Directors of about twenty progressive legal groups active in the Bay Area, from the ACLU to Workplace Fairness.

The follow up letter, signed by Bay Area Guild President **Hunter Pyle** noted, "Now more than ever, community support is needed to keep the hotel workers' spirits high and the boycott's momentum strong. In San Francisco and other cities around the country, people of all backgrounds have come forward to declare their solidarity with UNITE HERE hotel workers campaign by endorsing the boycott. Professional legal organizations constitute a huge part of the hotel industry's annual business. As a result, we wield significant power over this industry. I hope you will join us as we use this power to aid the hotel workers in their quest for justice and dignity in the workplace."

We asked organizations to sign an enclosed pledge stating that neither their organization nor their members would hold or attend events at any hotel under boycott by UNITE HERE.

The guts of my work was persistent follow-up. **Hunter** started things off with a personal phone call to every recipient, making dynamic arguments and impassioned pleas to answering machines throughout the greater Bay Area. (To be fair, the real, live human beings that he did reach during this initial round of calls were mostly quite supportive.) From that point forward, it was my job to continue trying to contact our targets and answer any questions they might have about the boycott. By phone or by e-mail, I made sure that they remembered our request and knew that we were waiting for an answer.

Another key part of my job was to persuade these groups to join INMEX, the Informed Meetings Exchange. INMEX is a free

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Open Dialogue on International Issues

On September 18, National Lawyers Guild members active in the Labor & Employment and International Committees met with representatives from the AFL-CIO and the American Center for International Labor Solidarity (Solidarity Center). The meeting was organized by **Jon Hiatt**, AFL-CIO General Counsel and a long time Guild member, in an effort to provide an opportunity for real discussion about the AFL-CIO's international work.

Given the changes in policy after the current **AFL-CIO President John Sweeney** took office, the Guild committees welcomed the opportunity to exchange views and learn first hand from those directly involved how policy is established and international work is conducted. The first meeting addressed the relationship between the AFL-CIO and the Solidarity Center and the scope of their work. The discussion was frank, and we believe constituted an extremely useful initial dialog. The subject of funding was also addressed, and we expect to receive additional information shortly. Additionally, the first meeting addressed concerns about the role of the Solidarity Center in Haiti and Cuba. A second meeting is planned later this fall to discuss Venezuela.

The meeting was partly in response to a proposed resolution which addressed the use of government funds through the National Endowment for Democracy (NED) and US Agency for International Development (US AID) to undermine governments and social movements in the Americas opposed to US policies. An amended NLG resolution on this subject will be considered at the Austin convention. It now focuses on the US government's role in undermining democracies.

AFL-CIO Partners with Worker Centers

offering a pre-apprenticeship training program teaching English, math, and basic job-holding skills, and thereby supplying unemployed youth (largely African-American) to the trades' apprenticeship programs. In San Diego, worker centers provided organizing leads to area unions, who were able to win recognition from the local employers involved.

In a few places, experiences involving local worker centers and the labor movement have been less positive, such as where worker centers were seen by unions to be supplying workers to non-union contractors that caused the lowering of wage standards, or where unions were seen by worker centers as promoting legislation that served labor's interests at the expense of non-union workers. Admittedly, in certain locations, the labor movement and the worker centers do not always share the same immediate interests.

In the overwhelming majority of locations, however, relationships have been non-existent — both communities having very little contact — despite common interests in many of the same issues. Rutgers University Professor Janice Fine, in one recent survey, found that only 14 percent of worker centers had a direct connection to unions or union organizing drives.

Meanwhile, as the worker center community has become more organized and taken on more of the same struggles the labor movement has traditionally fought, it has become increasingly clear that the effectiveness of each impacts not only on its own members, but all workers — union and non-union, immigrant and non-immigrant — who share a common interest in establishing and maintaining good jobs with decent wages and benefits.

With this background, the two communities - organized labor and the worker centers - have come to recognize the value of developing closer ties and, where appropriate, institutionalizing their relationships. Thus the National Worker Center Partnership initiative, whose goal is to strengthen the ability of the labor movement and the worker centers to promote and enforce the workplace rights of the workers served by both organizations, by building connections between these organizations, especially at the local level.

Hopefully, worker centers will benefit from the labor movement's extensive involvement and experience in policy and legislative initiatives on the local, state and national levels. And for unions, the partnership allows them to connect to worker center communities jointly to develop new strategies with these centers in order to expose abuses and improve workplace standards in various industries to benefit all workers.

Examples of potential areas of collaboration, where organized labor and worker centers have common interests, include:

- State and local legislation to improve wage and hour standards, health and safety protection, and measures to address the misclassification of employees as independent contractors;
- Pressuring government agencies to step up enforcement of existing workplace laws and regulations;
- Attracting media attention to spotlight unscrupulous employers who lower workplace standards for everyone;

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JOIN US for a CLE at the Austin NLG Convention
October 19 - 9 am - 1 pm
 Program will provide legal tools to promote internationally-recognized labor standards in US *fora* in the interests of workers here and around the world. Speakers include prominent union attorneys, activists and academics. **To register e-mail info@laborcommission.org**. See <http://www.worksafe.org/nlglaboremploycomm/international.cfm> for more information.

AFL-CIO Partners with Worker Centers

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securing passage of a similar city ordinance. Common efforts by a Washington, DC worker center and the DC Labor Council resulted in a badly needed overhaul of the District's workers' compensation system. Worker centers in Los Angeles and the California Federation of Labor were chief sponsors of a law to regulate the use of contractors and subcontractors in the construction, farm, garment, janitorial and security guard industries. In the South, a worker center is providing training to union organizers on the rights of immigrant workers as well as cross-cultural issues, and jointly provides bilingual steward training with the union. And Chicago worker centers, in conjunction with several area building trades locals, have been

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Legitimacy and Legality: Fighting for Work in Argentina

by Zoe Brent

Walking into the lobby of Hotel Bauen, you might not notice anything out of the ordinary. Perhaps the petition asking for signatures in support of the Hotel Bauen Cooperative sitting in the entryway, or the cooperatively made sneakers for sale in the window might cause you to think this hotel is involved in more than just tourism. Indeed, these small traces of cooperativism only reveal the surface of a much more complex reality.

The people serving coffee, checking in guests, and answering telephones are performing acts that the Argentine government officially deems illegal. This group of roughly 160 workers is illegally occupying a 19 story building in the heart of Buenos Aires. They cooperatively operate a functioning luxury tourist hotel that is regularly at full occupancy. Hotel Bauen was reclaimed by a group of 15 of its workers in 2003 after its bankruptcy in 2001. This hotel is part of what many are calling a *workers movement* of roughly 180 such *recuperated enterprises* (*empresas recuperadas*) -- one form the labor struggle in Argentina has taken since the economic crisis of 2001.

When the peso plummeted, so too did most people's chances of maintaining a steady source of income. Unemployment rates were well into the double digits and many workers were on the street. As a result, instead of watching their former places of employment and source of income fall to ruins, bankrupted, abandoned and dust covered, the Argentine working class has responded with its own brand of worker self-management. At its heart this trend of recuperating enterprises is about the defense of the right to work. Not only are they cooperatively run, but most also address the social needs of the communities in which they reside. Bauen houses many organizational meetings and events to promote worker-run enterprises in its array of assembly rooms, often at little or no charge.

Some see these efforts as a seizure of the means of production. This enforces the ideological and symbolic challenges these enterprises pose to a profit driven, capitalist system, causing revolutionary buzzwords to be thrown around in certain circles. However, the central point in all of these cases is the importance of decent work. These cooperatives disrupt market norms by viewing the right to a dignified job as more important than the right of ownership or of increase in capital.

Regardless, the case of Hotel Bauen forces even the most adamant proponent of the right to private property to examine the difference between legality and legitimacy. Over the years Bauen's legal status of ownership has evolved into a tangled web of legislation. In a mess of unpaid debt and corruption, the idea of rightful proprietorship is perhaps more open to question.

Founded in 1978 with state loans by a foreign businessman named Iurcovitch, the hotel was a common meeting place for political elites and foreign diplomats. The loans from the state were never repaid and the building's upkeep fell by the wayside. Iurcovitch then sold the establishment to an enterprise called Solari S.A. However, the hotel was never paid for in full and went

bankrupt in 2001. By the time the workers reopened it in 2003, Iurcovitch decided he wanted the hotel back. He went to court, offering to return the partial payment he received for it if he could recover ownership. In a controversial decision, his request was granted. Despite the favorable treatment he received, he failed to comply with the terms and never returned the payment. In the midst of confusion over failed debt payments, incomplete sales, and favorable treatment of big business, emerged this group of workers claiming legitimacy based on the right to a decent job.

At what point do we disregard legality in favor of legitimacy? In the case of Bauen, legal ownership cannot be settled. The whole structure by which it is decided is plagued by corruption.

Yet, people in need are creating jobs for themselves in a jobless market and surviving a hopeless situation. In moments such as this where the system of ownership marginalizes many in crisis and protects few despite corruption, at what point do workers' rights to a job become more important than the law? Bauen forces the question: when the legal system can't determine who owns the property, is it not legitimate to abandon the law in favor of the needs of the many?

In many cases the Argentine government has responded to the emergence of worker run cooperatives by granting expropriation. This effectively makes a legal exception and gives control of the enterprise to the workers. However, this occurs for the most part on a temporary basis. A deferred, drawn out labor struggle generally results, one that never really gets resolved. Never granted any kind of long-term security, temporary expropriation allows for only a brief repose before continued struggle to validate the workers' rights. This system leaves no space or resources for long term business planning or investment. Further, each case is dealt with individually, so even those who obtain expropriation are not able to set any kind of precedent for the others.

Nearly monthly, the sound of drums comes beating down Avenida Corrientes, accompanying the cries of the workers of Hotel Bauen. They demand expropriation. These workers choose to put themselves in the precarious position of relying on a salary from an illegal place of employment. They choose to seek expropriation. Why would rational people choose such unstable conditions? On the other hand, what better choice do they have?

In today's world, a decent job is fundamental to a decent life. In Argentina, the surge in worker takeovers has drawn the attention of many who seek examples of revolution. Perhaps what's happening in Argentina is one. One can romanticize their struggle, their marches down the Avenida, but fundamentally, the case of Hotel Bauen shows us the extreme lengths people must go to for nothing more revolutionary than a dignified job.

Zoe Brent is currently working on a degree in Peace and Conflict Studies at UC Berkeley. She spent the summer in Buenos Aires conducting research on Hotel Bauen upon which she will base her senior thesis this fall. For more information about Hotel Bauen or related topics, please contact her at zoebrent@berkeley.edu

Who's the Boss at Kentucky River? NLRB Refuses to Hear the Voice of Labor

by Joan G. Hill

In mid-July, in actions across the United States, workers turned out, carried signs, stood and marched together, bracing for what seems to be another assault on their rights by the Bush Administration. Labor took to the streets to bring awareness to the long-anticipated decisions in the *Kentucky River* cases, currently pending before the National Labor Relations Board. Three cases before the NLRB, all referred to as *Kentucky River* which involve the UAW and the USW, attempt to *clarify* the definition of a supervisor. The Bush NLRB is making this *clarification* without hearing oral arguments from the lawyers representing the unions affected.

This clarification could change a *supervisor* from simply being someone who *hires and fires*, the current definition, to someone who, in one definition, has any leadership responsibilities whatsoever. The crux of the cases is whether workers who have some authority, like charge nurses in a hospital, or foremen on a construction site, will be reclassified as *supervisors* and thus excluded from coverage under the National Labor Relations Act. Labor attorneys expect a decision any day.

Being redefined as *supervisors* would cut from union roles up to 2 million people - mostly nurses, but many construction foremen, dock workers, and lead people in professions from mining to sewing. According to the Economic Policy Institute, the decisions could impact up to 8 million workers, who would lose their right to join a union in the future.

Thirty labor law professors from around the country, including Ruben Garcia of Case Western Law School and a member of the NLG Labor & Employment Committee, joined in the request for oral argument -- seeing these decisions as "the most important in the 71 years of Board jurisprudence."

The event in Washington, DC even brought out a response from the NLRB, not to mention shutting the office down for nearly two hours. In its press release, the Board stated that it had previously denied the request for oral argument and would decide the cases based upon the written submissions and the record.

Media was out in full force to cover the movements of labor. Articles from The Wall Street Journal, The Nashville Tennessean, to the Des Moines Register, and Bangor Daily News reported on the implications of losing union protection. Even Comedy Central covered the issue. Stephen Colbert, a *labor law fanatic*, in a timely segment of The Colbert Report, in his satirical mode, raised the question of why would anyone want to be in a union, what have unions ever done? Of course, at the same time, he ran a list of many of the accomplishments of labor unions, including ending child labor, overtime and safer places to work. The clip is on the internet at <http://www.youtube.com/v/arSyu4he-kU>.

In anticipation of the decision, many unions and labor educators are addressing the potential *promotion* in collective bargaining agreements. The United Steelworkers in recent negotiations secured language that any position currently in the bargaining unit, irrespective of any future ruling by the NLRB, will continue to be considered part of the bargaining unit.

Employers must be confident that the decision will fall in their favor. Corporate America continues to exploit workers, and Congress has been ineffective in doing anything about it. The anticipated rulings are just another example in a long line of attacks on workers' rights by the current administration and Republican appointed majority at the NLRB. In the past two years, the Board ruled that graduate teaching and research assistants were not covered under the NLRA, stripped the rights of disabled persons receiving rehabilitative services from forming unions under the NLRA, and barred temporary employees from organizing unless they had the permission of both their employer and temp agency.

Allies joining the cause of labor included Jobs with Justice, the Democratic National Committee as well as over 100 Representatives and nearly one-fourth of the Senate.

Joan Hill, International Education Representative, Education and Membership Development Department, United Steelworkers, AFL-CIO, is a member of the Steering Committee of the National Lawyers Guild Labor & Employment Committee.

Sugar Law Center Supports Unions' Struggles against WalMart - Defends Workers' Rights

In partnership with organized labor, the NLG Maurice and Jane Sugar Law Center for Economic and Social Justice has undertaken a project to provide legal assistance to WalMart workers injured by the company's employment policies. WalMart, the largest retail company in the world, employs over 1.4 million workers, and has too often adopted policies and implemented practices that exploit and injure workers.

Consistent with the Law Center's wage and hour project and other workers' rights projects, the Law Center is now fielding calls and responding to worker inquiries from across the country. The inquiries raise issues regarding all aspects of WalMart's exploitation of workers (unfair labor practices, wage and hour violations, employment discrimination, wrongful discharge, workers' compensation, family and medical leave, etc.).

As the scope of this project develops, the Center will be involved in litigation on behalf of employees through the Center's

cooperating attorneys network. **Attorneys, legal workers, and law students who have an interest in acting as cooperating attorneys or otherwise assisting in this project are encouraged to contact John Philo or Tova Perlmutter at (313) 962-6540 or to send an email expressing interest to mail@sugarlaw.org.**

The Sugar Law Center continues to be active in other areas. In partnership with other organizations, it is involved in projects to develop cutting-edge legal strategies to protect workers' rights to form and join unions and to have workers' rights recognized as human rights in US law. The Center remains active in community outreach, fielding inquiries, participating in ongoing litigation, and developing lawsuits for the protection of workers' rights related to WARN Act and Living Wage issues. Persons interested in contributing to the Center's efforts in these areas are also encouraged to contact the Law Center.

HIGHLIGHTS of the 2006 NLG CONVENTION for L&EC Members

WEDNESDAY, OCTOBER 18

tba Equal Justice Center & U Texas School of Law Transnational Workers' Rights Clinic Reception

THURSDAY, OCTOBER 19

9:00am to 1:00pm **CLE - *What Every US Lawyer Needs to Know About Intl Labor Law - Emerging Issues in Domestic Application*** - Texas State Teachers Assoc - Sturgeon Room - 316 West 12th Street

2:00 to 5:00 pm **Labor & Employment Committee meeting** - tba or (415) 385-3905 or (510) 333-9907 to find us

6:45 to 8:45 pm Keynote Address: Jim Hightower - Austin I, II, III

FRIDAY, OCTOBER 20

7:00 to 8:25 am **L&EC meeting to follow up meeting with AFL-CIO re International issues** - tba

8:30 to 9:45 am **Workshop: Immigrant Workers Rights: Current Issues and Struggles** - Travis III

10:00 to 11:30 am Major Panel: Assault on Civil Liberties/Surveillance - Austin I, II
Constituency Panel 1: Meeting the Needs of Day Laborers - Austin III

12 n to 1:30 pm Women's Lunch - Travis I, II, III

1:30 to 3:00 pm Workshop: Responding to Anti-Immigrant Backlash at State & Local Levels - Skyline
Workshop: Bolivarian Democracy & New Constitution in Venezuela - Old Pecan Street

4:30 to 6:00 pm PLENARY #1 - Austin I, II, III

6:00 to 8:00 pm International Committee Reception - Travis

8:30 to 9:30 pm **Intl Labor Justice Group, CALL & ALAL reps & NLG leadership meeting** - Old Pecan Street

9:00 to 2:00 am Student Party - off site

SATURDAY, OCTOBER 21

9:00 to 10:15 am **Workshop: Undermining Progressive Politics in Americas thru US Democracy Promotion programs** - Travis III

Workshop: Grassroots Organizing in Immigrant Communities - Travis I, II

10:30 to 12 n Major Panel: Katrina - Travis III

12 n to 1:00 pm Regional Meetings

1:15 to 4:15 pm Anti-Racism / People of Color Caucus / Diversity Training

4:15 to 6:00 pm PLENARY #2 (National Elections) - Austin

5:30 to 6:00 pm **Roger Toussaint Press Conference** - Old Pecan Street

6:00 to 7:15 pm Cocktail Party - Outdoor Poolside Patio

7:30 to 9:30 pm Banquet - Town Lake Ballroom - **honoring Roger Toussaint, President, NYC Transit Workers Union**

SUNDAY, OCTOBER 22

9:15 to 10:45 am Major Panel: New Civil Rights Movements / Immigrants - Austin III

Major Panel: Economic Justice - Travis

Constituency Panel: Queer Rights are Human Rights - Austin I, II

10:45 to 12 n Workshop: Immigrant Enforcement: Know Your Rights - Old Pecan Street

Workshop: Using IntraAm Commn Human Rts to Challenge US Viols Human Rts & Labor Rts - Austin III

Items in bold are sponsored or co-sponsored by the Labor and Employment Committee

UNITE-HERE - L&EC Summer Project

meetings clearinghouse that gathers information on the global hotel industry and helps its members spend their convention dollars as responsibly as possible. While membership in INMEX doesn't require an organization to pull its events from any hotel experiencing labor unrest, subscribers declare their support for a set of basic labor rights. For example, these principles include the right to organize free from workplace harassment and the right of working people to escape poverty. Members pledge to cooperate with INMEX staff in order to maximize their understanding of how their choice of hotels impacts the industry as a whole.

INMEX researcher **Jason Ortiz** helped explain the details of the organization and directed my attention to possible subscribers I might persuade to come on board including the newest member, the **Consumer Attorneys of California (CAOC)**. The **National Lawyers Guild** had already joined INMEX. Among dozens of other subscribers are the **NAACP**, the **United Farm Workers**, and the **Democratic National Committee**. As of late August, about fifteen groups pledged to honor the boycott.

Over time, I started to hear back from the recipients of **Hunter's** letter – or the law of averages would kick in and I would finally catch them at their desks. Either way, the vast majority of people were eager to show their support for the union and readily agreed to sign the boycott pledge. Most were also happy to sign on to INMEX once I had explained exactly what INMEX was. We included an INMEX brochure and pledge sheet in the packet, but very few people seemed to have noticed these items. This was a valuable lesson: busy executives don't have a lot of time to sort through a stack of informational material and need brief clear summaries highlighting what you want them to do.

Another lesson I took from this process was the advantage of conducting this sort of outreach in a union-friendly region like the Bay Area. Over and over again, I heard phrases like "Of course we support the union," and "We would never cross a picket line." This is not to say that I encountered zero resistance. One executive, for example, felt comfortable endorsing the local boycott but not the national one; another promised their group would obey the boycott in practice but felt they couldn't endorse it formally. Even in my discussions with these less enthusiastic executives, however, the basic starting point was always, "We want to support the union," even if that was followed by a "but..." Over and over again, I was struck by just how thoroughly a pro-union position seems to be the dominant paradigm in the Bay Area legal community.

For the workers and organizers of UNITE HERE, of course, there is a tremendous difference between informal, tacit allies on the one hand, and visible, active allies on the other. The sympathy of the former is surely comforting, but the reliability of the latter is what helps get results. **The challenge that the Guild has put to itself – and to its peers in the legal community – is to be the kind of ally that uses its hands not just for applauding, but for heavy lifting as well.** Union supporters who want to prove themselves need not worry, though: there will be ample opportunity both in future organizing and bargaining struggles in support of all working people.

AFL-CIO Partners with Worker Centers

- Exchanging information and providing mutual assistance where organizing opportunities arise;
- Combatting anti-immigrant, anti-workers legislation at both the national and local levels;
- Developing and sharing job training programs
- Educating worker center and union members — and the public at large — about challenges facing the unionized workers and day laborers and other workers served by worker centers;
- Protecting and strengthening worker rights through impact litigation.

Moreover, while the split of the labor movement at the national level remains an unfortunate impediment to unified action in certain areas, the worker center initiative should not be adversely affected in view of the Solidarity Charter program (by which local affiliates of national unions that disaffiliated from the AFL-CIO last year are able to remain affiliated with the AFL-CIO's state and local central bodies), which has quite successfully kept the state and local labor movements together.

The opportunities this program is sure to provide for creative legal work are significant. And we would greatly value the involvement of NLG attorneys who wish to help us launch and develop this effort.

Attorneys are needed to assist with matters ranging from the drafting and promotion of state and local legislation, to the identification and development of meritorious wage and hour litigation, to the creation and dissemination of education and training materials on immigrant rights, health and safety, and other worker rights issues. At the AFL-CIO Executive Council meeting last month in Chicago, a prominent labor lawyer, **Laurie Burgess**, attended a meeting of AFL-CIO and NDLON leaders and staff, and became so inspired by this initiative that the next day she convinced her law firm (**Katz, Friedman, Eagle, Eisenstein, Johnson & Bareck**) to undertake an NDLON day laborer's defense — on a pro bono basis and as co-counsel with the Mexican-American Legal Defense and Education Fund (MALDEF) — in a retaliatory lawsuit brought by a homeowner who had a mechanics lien placed upon him after refusing to pay the day laborer for work performed. Her involvement will not only be of obvious value to the defendant and his worker center, but to the larger day laborer community wrestling with numerous legal issues pertaining to the use of mechanics liens in situations of this kind.

For those who simply wish to help us think through the opportunities that this program provides, we would welcome hearing from you as well. Please contact AFL-CIO Associate General Counsel **Ana Avendaño** (aavendan@afclcio.org) or myself (jhiatt@afclcio.org) if you are interested in any aspect of this program.

Finally, the AFL-CIO Legal Department is looking to hire an attorney, ideally with at least several years of experience, who would help to identify and coordinate legal initiatives of value to both communities: wage and hour litigation, misclassification of employee status issues, state and local legislation, et al., and, preferably, who speaks Spanish.

Join the L&EC at the 2006
National Lawyers Guild Convention in Austin TX
Thursday - October 19 - 2 - 5 pm - L&EC meeting

location of meeting will be posted or call (415) 385-3905 or (510) 333-9907 for info

Join the 2007 Professional Research Exchange
of
Labor and Employment Lawyers, Scholars and Trade Unionists
Havana, Cuba - March 10 - 17, 2007

This year's research exchange will be co-sponsored by the NLG's sister lawyers' organizations for the Americas. The event will include labor lawyers and trade unionists from Bolivia, Venezuela, Mexico and elsewhere, and will focus on the growing role of labor movements in the Americas in upholding the obligation of the state to protect workers' economic human rights.

Program and travel arrangements for US participants will be made by Marazul Tours, a licensed Cuba travel service provider. Pre-registration and deposit is required by December 31, 2006. Contact Bob Guild at Marazul Tours bguild@marazultours.com.

National Lawyers Guild
Labor & Employment Committee

c/o Kazan McClain Abrams Fernandez Lyons Farris & Greenwood
171 - 12th Street
Oakland, CA 94607

Join us in Austin on **Thursday October 19** for a CLE program: **What Every US Lawyer Needs to Know About International Labor Law - Emerging Issues in Domestic Application**. To register e-mail info@laborcommission.org. See <http://www.worksafe.org/nlglaboremploycomm/international.cfm> for more information.