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Congress of the United States  
House of Representatives  
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Summary of H.R. 6041  
The Workplace Democracy Act of 1992

COMMITTEES:  
BANKING, FINANCE AND  
URBAN AFFAIRS  
SUBCOMMITTEES:  
HOUSING AND COMMUNITY DEVELOPMENT  
INTERNATIONAL DEVELOPMENT, FINANCE,  
TRADE AND MONETARY POLICY  
CONSUMER AFFAIRS AND COINAGE  
GOVERNMENT OPERATIONS  
SUBCOMMITTEES:  
GOVERNMENT INFORMATION, JUSTICE  
AND AGRICULTURE  
HUMAN RESOURCES AND  
INTERGOVERNMENTAL RELATIONS

The policy of the United States is "to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection." But current law effectively denies these fundamental rights to tens of millions of Americans.

As a result, we are falling behind our industrial competitors in many significant ways. Our real wages, once the highest in the world, have fallen below the levels of the early 1970s. Our manufacturing sector is in sharp decline, as large corporations move production facilities to underdeveloped countries to take advantage of exploitative wages and minimal environmental and safety standards.

The **Workplace Democracy Act** strengthens the federal laws designed to protect workers and close the legal loopholes which now deprive working people of their right to organize on behalf of their wages, their benefits and their working conditions. By amending the National Labor Relations Act (NLRA) and the Employee Retirement Income Security Act (ERISA), and by establishing a National Public Employment Relations Commission, **The Workplace Democracy Act** provides a vehicle to achieve a comprehensive reform of American labor law.

Main Provisions

- **Extends NLRA coverage to workers for U.S. owned companies that operate in Free Trade Agreement countries.** Workers for United States owned companies and their subsidiaries in countries that are party to a Free Trade Agreement with the United States will have the right to file unfair labor practice complaints against the United States owned parent company of their employer under the NLRA or under the laws and procedures of their own country.
- **Establishes card checkoff recognition.** Once a majority of workers has declared its wish to be organized by conducting an election or by signing membership cards, legal recognition shall be given to their designated representative.
- **Guarantees the right to first contract.** If by 45 days after certification, no collective bargaining agreement has been reached, the union then has the right to binding arbitration .

● **Strengthens and expands the enforcement authority of the National Labor Relations Board.** Violations of labor law are violations of law, and must be both speedily prosecuted and remedied. Current penalties for violating the National Labor Relations Act are insufficient to serve as effective deterrents. The **Workplace Democracy Act** strengthens NLRB enforcement in the following ways:

- Instructs the National Labor Relations Board to use its injunctive power whenever it finds an unfair labor practice.
- Gives employees wronged due to such violations the right to be "made whole" for any economic losses they incur as a result.
- Requires immediate reinstatement of discharged employees when unlawfully discharged.
- Provides for treble back pay for employees who suffer economic hardship due to unfair labor practices.
- Requires debarment of companies from Federal Government contracts for willful unfair labor practices.
- Requires the National Labor Relations Board to assess civil penalties of not less than \$10,000 against employers for each willful violation of the Act.

● **Repeals the prohibitions against strikes, boycotts and hot cargo agreements.** Taft-Hartley provisions that prohibit one group of workers from engaging in actions in sympathy or concert with other groups of workers are eliminated, as well as the Landrum-Griffin Amendment that prohibits "hot cargo" agreements (when an employer and a union agree to refrain from handling any products of any other employer).

● **Prohibits state preemption of federal labor laws.** Repeals Section 14(b) of the Taft-Hartley Act, concerning "right to work" laws. All workers shall enjoy the rights guaranteed them under federal law, regardless of where they live.

● **Secures equal treatment for all employees.** Repeals the exclusion of plant guards from bargaining units with other employees where they work.

● **Ensures equal protection under the law for state and local public sector employees.** Establishes the National Public Employment Relations Commission to ensure that public sector employees of states, territories, possessions or political subdivisions thereof, are guaranteed the right to collective bargaining, to binding arbitration, and to strike. Establishes a mandatory impasse procedure for public safety officers and firefighters.

● **Provides workers the right to act as guarantors of their financial future.** Provides for workers to serve as trustees on pension plans which cover their retirement.

## **LABOR LEGISLATION PENDING IN THE 102ND CONGRESS**

**HR 5 STRIKEBREAKER** or the Workplace Fairness Act. (Passed the House)

**HR 20 HATCH ACT REFORM.** Eases current restrictions on political activity for federal and postal employees.

**HR 1987** Strengthens protections of the Davis-Bacon Act.

**HR 3160 COMPREHENSIVE OCCUPATIONAL SAFETY AND HEALTH REFORM.** (S.1662) The first major overhaul of OSHA in 20 years.

**HR 3878 AMERICAN JOBS PROTECTION ACT.** Provides assistance to employees who are subject to a plant closing or mass layoff because their works is transferred to another country which has low wages or unhealthy working conditions.

**HR 2782 (S.794)** Reverses recent court decisions that misconstrued ERISA to preempt and void state laws concerning apprenticeship training and the payment of prevailing wages on public works projects.

**HR 1602** Reinstates state laws that give health plan participants the right to recover damages against insurance companies for bad-faith denials of health benefits claims.

**HR 2223 LIVE PERFORMING ARTS LABOR RELATIONS AMENDMENTS.** Provides protection performers in the live performing arts under the National Labor Relations Act.