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Legislative Alert: Graham Anti-NLRB Amendment to the Labor, Health and Human Services, Education and Related Agencies bill

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Legislative Alert: Graham Anti-NLRB Amendment to the Labor, Health and Human Services, Education and Related Agencies bill

Abstract
[Excerpt] On behalf of the AFL-CIO, I am writing to urge you to oppose the Graham anti-NLRB Amendment to the Labor, Health and Human Services, Education and Related Agencies bill. Contrary to the assertions of Senator Graham, this Amendment is not simply a response to the actions of the National Labor Relations Board in the Boeing case. In fact, the Graham Amendment would cripple the ability of the NLRB to protect workers from unlawful retaliation by employers in a wide range of cases.

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September 21, 2011

Dear Senator:

On behalf of the AFL-CIO, I am writing to urge you to oppose the Graham anti-NLRB Amendment to the Labor, Health and Human Services, Education and Related Agencies bill. Contrary to the assertions of Senator Graham, this Amendment is not simply a response to the actions of the National Labor Relations Board in the Boeing case. In fact, the Graham Amendment would cripple the ability of the NLRB to protect workers from unlawful retaliation by employers in a wide range of cases.

If the Graham Amendment were to become law, it would be the first time since the passage of the Taft Hartley Act over 60 years ago that the Congress voted to curb the NLRB’s ability to protect working people, their rights and their jobs—all to protect one corporation.

The NLRB issued a complaint against the Boeing Company last April, alleging that the company had retaliated against its employees for exercising their right to have a voice on the job by moving its production away from its facility in Washington. After the Board issued this complaint, which is still at the initial hearing stage before an Administrative Law Judge, corporate interests amassed a coordinated and focused attack on the NLRB and the workers’ rights it protects. These attacks, coming from the same crowd that wants to defund and dismantle the NLRB entirely, have nothing to do with creating jobs or helping the economy, and everything to do with politics.

Retaliating against workers for exercising their legally-protected rights, as Boeing is alleged to have done, is against the law, and has been for 75 years. The Graham Amendment would take away the NLRB’s authority to remedy unlawful retaliatory conduct of the kind Boeing is alleged to have committed. However, it would also take away the NLRB’s authority to restore workers to their jobs when companies simply eliminate work in order to get rid of employees who are pro-union or when companies eliminate work in order to avoid their legal obligation to bargain.

If a company decided to transfer a group of workers in retaliation for their having raised health and safety concerns on the job, the NLRB would be powerless to help the workers. If a company decided to close a facility and transfer work because women workers at the facility joined together to protest unfair pay, the NLRB would be powerless to help them. The Graham Amendment guts the NLRB’s remedial authority in these cases and undermines workers’ rights.
If the Graham Amendment were to become law, there would be no NLRB remedy against companies clever enough to claim that a worker’s job was “transferred,” or “subcontracted,” or “outsourced,” or “relocated” other than to require them to post a notice promising not to do it again. The affected worker would have no recourse and her co-workers would plainly see that the government does not protect their rights and is in fact powerless to stop illegal conduct.

The Graham Amendment would also make it easier to ship U.S. jobs overseas because it would prevent the NLRB from taking action against companies that outsource jobs in retaliation against workers who engage in protected union activity. This legislation would remove one of the only tools available to the Board for preventing work from leaving the U.S.

We urge you to protect workers’ rights and oppose off-shoring and a race to the bottom for workers by opposing this anti-worker legislation.

Sincerely,

William Samuel, Director
Government Affairs Department