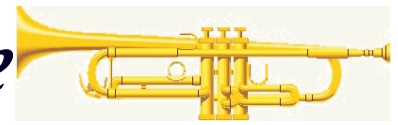


Trumpet of Hope



Newsletter of Hear Our Public Employees (HOPE) Coalition

October 2007, Issue 3

Collective Bargaining —A Human Rights Issue?

By Raj Ghoshal

Raj Ghoshal is a doctoral student in sociology at UNC-Chapel Hill with an interest in human rights and the labor movement. The Communications Committee of the UNC Employee Forum invited Mr. Ghoshal to write this article for the July, 2007, issue of InTouch, the Forum's newsletter. The July issue of InTouch was scheduled to be published as an insert of the UNC University Gazette (as is done once every year). When editors of the Gazette saw that Mr. Ghoshal's article was about collective bargaining, they refused to publish it. See story on censorship, page 3.



Research Technician and UE 150 member Manzoor Cheema at the press conference condemning UNC's censorship of information on collective bargaining.

Advocates of workers' rights in North Carolina recently introduced a bill to the General Assembly that would lift North Carolina's ban on collective bargaining by public employees. A key argument made by supporters of the bill is that the ban on bargaining violates workers' human rights.

But collective bargaining sounds technical and is not self-evidently a right in the same way we think of free speech, food, shelter, and being able to work as rights. Why do advocates see collective bargaining as important enough to consider it a human rights issue? Their position is based on seeing the kinds of situations that arise when bargaining is not permitted.

According to its advocates, in a perfect world collective bargaining might not be needed. In reality, they say, without collective bargaining, the power imbalance between employers and workers opens the door to unfair treatment, misuse of

power, and discrimination. When employees are not allowed to negotiate as a group, employers can more easily set workers against each other or encourage division between groups of workers, such as setting blacks against whites against Latinos. In its advocates' analysis, the result of the collective bargaining ban is routine infringements on workers' rights.

In 2005, the International Commission for Labor Rights held hearings across North Carolina where workers described problems including the following:

- Annie Dove testified that she had been fired immediately after raising workplace safety violation issues with OSHA, the state occupational safety agency.
- Dana McKeithan, an employee at a state psychiatric hospital, spoke of employees being forced to work 170 hours in a two-week period.

(Con'td on Page 4, Human Rights)

HOPE Collective Bargaining Bill Passes Out of NC Judiciary II & National Bill on Collective Bargaining for Public Safety Employees Pending in Congress



Dan Blue, Chair House Judiciary II



Mickey Michaux, Senior Chair House Appropriations

On July 9, the House Judiciary II Committee, under the leadership of Dan Blue, gave a favorable report to the HOPE Coalition's bill H1583, *An Act to Restore Contract Rights to State and Local Entities*.

The committee's substitute added a section which authorizes the Office of State Personnel "to develop a proposal for an employee negotiation process and to designate a coordinator of employee negotiations for State employees. The Office of State Personnel in consultation with the Director of the Budget shall establish the criteria for certification of employee organizations to participate in the negotiation process and identify the appropriate employer representative."

The bill has been referred to the House Appropriations Committee, chaired by Mickey Michaux. Because of an attached appropriation, the bill can be considered in the 2008 short session.

On July 17, the U.S. House passed H.R. 980, *The Public Safety Employer-Employee Cooperation Act of 2007*, by a vote of 314 to 97. The act will grant collective bargaining rights to firefighters, police officers, and emergency medical personnel in those states where such rights are not already granted. The bill is now on the calendar of the U.S. Senate.





Five Myths About Public Sector Collective Bargaining

By Michael Schwalbe

a professor of sociology at
North Carolina State University
and an editor of *Trumpet of Hope*



International condemnation and local educational efforts have led more and more people in North Carolina to see what's wrong with NCGS 95-98 and why it needs to be repealed. Despite this progress, there remains opposition from those who are threatened by the prospect of public employees having a greater voice in shaping the terms and conditions of their employment.

Some people who oppose public sector collective bargaining may do so because they honestly don't know how collective bargaining works, or how it could work in North Carolina. That's a problem that calls for dialogue. But other opponents have been busy propagating myths about collective bargaining. That's a problem that calls for debunking.

The biggest myth is that repealing NCGS 95-98 would legalize strikes by public employees. In fact, it would do nothing of the sort. Other North Carolina statutes prohibit such strikes, and no group seeking the repeal of NCGS 95-98 is trying to repeal those other statutes or to legalize strikes by public employees.

The truth is that the *lack* of collective bargaining has forced job actions on the part of some public employees—as happened in 2006 in the case of the Raleigh sanitation workers, who felt they had no other way to get their grievances taken seriously. With collective bargaining, the problems that led to those job actions could have been dealt with at the negotiating table, or resolved non-disruptively through contractually prescribed procedures.

A second myth is that collective bargaining is incompatible with rewarding merit. Not so. Contracts are products of *negotiation*, and one thing that is typically negotiated is how best to reward merit.

One example is a rank-and-step system in which pay scales are set by contract, but the placement of any individual within that system depends on his or her experience and performance. Contract arrangements like these can in fact motivate people to seek merit-based advances in rank and step, because the criteria for moving up are clearly spelled out.

Two myths refer specifically to public school teachers. One of these is that collective bargaining harms students' performance. This is an old claim made by anti-union partisans and then seemingly corroborated by one flawed study in the early 1980s. Subsequent research has shown this claim to be false.

In 1996, a research report issued by the Institute for Wisconsin's Future offered a state-by-state analysis of the relationship between teacher unionization and student performance (see *Links of Interest*, p. 3). The study found that SAT scores and scores on reading tests were *better* in states with high levels of teacher unionization, all other variables held constant. As the authors concluded, "Our findings accord with numerous earlier research studies which show that collective bargaining among teachers does not harm student school performance. ... [R]eport after report demonstrates that un-

ionization is associated with more stable, productive school environments and higher test scores. The underlying causes of poor performance among children are primarily socio-economic factors in children's lives and the lack of adequate educational resources."

Another myth about collective bargaining by public school teachers is that it wouldn't work in North Carolina because local school boards don't have the power to tax, and thus can't raise revenues to meet demands for higher pay. This myth presumes that our current patchwork system of inequities from one district to the next can't be changed. Sure it can.

One possibility, for example, is to put all teachers in a statewide bargaining unit to negotiate matters of pay and benefits, and then allow supplemental local agreements concerning working conditions and other matters over which school boards do have control. Some other states use this kind of system and it works fine. We could look at these examples and borrow and adapt those practices that make sense for North Carolina.

Yet another myth is that public sector collective bargaining would raise the cost of public services. At first glance, this seems plausible. If public sector employees are able to bargain for higher wages, costs should rise, right? Not necessarily.

Here again recent research shows that public sector collective bargaining can actually reduce costs. A national analysis by my colleague Jeffrey Leiter at NC State University shows that public sector unionization and collective bargaining can save taxpayers money by reducing the costs of turnover and training. Other analysts have noted that negotiated contracts can also save money by reducing the number of discrimination complaints that need to be resolved in costly ways.

Public employees in forty-eight states can bargain collectively. Those who would deny this same right to public employees in North Carolina would have us believe that in all those other states public services are worse and more expensive and public employment is less satisfying. Such claims so defy common sense that one wonders if these folks have bought into their own myths, or if they just think the rest of us can be fooled into doing so.



Calendar of Events

HOPE Planning Meeting

October 23, noon—5 p.m.

International Brotherhood of Teamsters, Local 391
6317 Angus Dr., Raleigh, NC
off Glenwood Ave. (U.S. 70)
between Umstead Park and Aviation Parkway
Ph. 919-787-0623

Defenders of Justice 2007 Awards

October 25, 6—8 p.m.

American Tobacco Campus, Bay 7, Durham

<https://www.ncjustice.org/onevent/details.php?id=1>



WORKERS TELL UNC: DOWN WITH CENSORSHIP, UP WITH COLLECTIVE BARGAINING

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By permission of the author, Kosta Harlan

Chapel Hill, NC - Campus and city workers, union organizers and students held a press conference at the university here, Sept. 13, to denounce University of North Carolina-Chapel Hill administration's censorship of an article on collective bargaining. In July, an article that described the growing state-wide movement for collective bargaining rights was cut from the University Gazette, an official publication distributed to all UNC workers. The North Carolina Public Sector Workers Union, UE Local 150, organized the press conference to demand the article be published.

Manzoor Cheema, a research technician at UNC and UE 150 member, said, "We need to put the pressure on Chancellor Moeser and the UNC Board of Governors. This censored article needs to be published immediately. Collective bargaining is a basic workers' and human right and North Carolina is violating that right."

UE 150, along with members of Students for a Democratic Society (SDS) and Student Action with Workers, demanded that UNC publish the censored article, issue a formal apology, and adopt a policy of non-interference in union organizing on campus. SDS member Tamara Tal said, "We call on students to join in this struggle against the blatant denial of workers' rights. These workers drive our buses, clean our dorms and feed us every day. This university works because they do. We as students need to support the workers in their internationally undisputed right to collective bargaining."

North Carolina and Virginia are the only states in the U.S. that have laws denying public sector workers the right to collectively bargain with their employers. The North Carolina law, General Statute 95-98, was passed in the 1950s and is a holdover from the racist Jim Crow era. It was designed to hold down the growing trade union movement among African American workers, at a time when over half the public sector workers in the state were Black. Earlier this year the International Labor Organization found North Carolina in violation of international law because of the statute.

Ashaki Binta, coordinator for UE's International Worker Justice Campaign, explained at the press conference, "We have a bill pending, House Bill 1583, to repeal this statute. We call on UNC to support that and to sit down across the table with workers in Chapel Hill to negotiate on the basic issues affecting their lives."

The North Carolina legislature will take up the bill to repeal G.S. 95-98 in the summer of 2008. UE 150, along with the North Carolina NAACP and many other progressive organizations, is leading a major state-wide campaign to raise public support and put pressure on the politicians to repeal the statute.

Cheema explained, "We know what it's going to take. We need a grassroots movement to empower rank-and-file workers and build community support to abolish General Statute 95-98."

He continued, "Here at UNC, outreach to students can help shift the balance of power in our favor. Students should understand the pain and troubles of workers. UNC is a school and they have many classes on labor rights and pov-



Members of Students for a Democratic Society and Student Action with Workers chanted "Down with censorship, Up with collective bargaining!", held signs and spoke in solidarity with UE 150 and the campus and city workers of Chapel Hill.

erty issues - but students need to go beyond textbooks and see the reality for workers on this campus."

In the coming weeks, UE 150 will continue to build up momentum by holding a town hall meeting to address the issue of collective bargaining in North Carolina and the struggle to repeal G.S. 95-98.



Links of Interest

**Are Teachers' Unions Hurting American Education?
A State-by-State Analysis of the Impact of Collective
Bargaining Among Teachers on Student Performance**
http://www.mnea.org/news/pdfs/Teachers_Unions.pdf

**Collective Bargaining Provides Benefits
for Employees and Employers**

By David Zonderman

<http://www.mediaforum.org/RecentDisplay.cfm?ID=2639>

Radio Interview with David Zonderman

<http://www.seanc.org/site/forms/DavidZonderman9.12.07.mp3>

Articles from the UNC Employee Forum Newsletter

Fall 2007 Freedom of Speech Special Edition

<http://forum.unc.edu/documents/InTouch8-special2.pdf>

Looking Out for Ourselves: Collective Bargaining in NC

<http://forum.unc.edu/InTouch/InTouch8-5.htm>

Collective Bargaining Laws -- What's in Them for Us?

<http://forum.unc.edu/InTouch/InTouch8-6.htm#fourA>

**Chronology of Events Related to
Censorship at UNC-Chapel Hill**

<http://forum.unc.edu/documents/JGchron.pdf>



(Human Rights, Cont'd from page 1)

- Numerous workers spoke of being passed over for promotion or being punished after raising concerns about health and safety issues.
- Many others stated that differential treatment on the basis of race or gender was the norm at their workplaces.

In 2006, Raleigh's sanitation workers brought collective bargaining into the news when they launched a protest against forced overtime that was often unpaid by the city government. The workers, who generally were supposed to work four ten-hour days a week, complained of regular 14-hour days. Without collective bargaining, many workers saw the allegedly "fair" agreement that existed between the city and its employees as toothless.

Since workers could not come together to push for fair practices, they were only able to address the situation—if at all—as individuals. But according to some sources, workers feared retaliation for speaking up as individuals, and therefore felt powerless to demand change. Without collective bargaining, these workers felt there was no way to safely express their concerns and get the situation resolved. The dominant view expressed by bargaining proponents in interviews with local media was that the result of keeping employees' concerns bottled up for so long was an explosion: a "garbage strike" that lasted several weeks.

Examples like these help bring into focus proponents' claim that collective bargaining is a human rights issue. Though in itself bargaining is "only procedural," advocates maintain that its absence helps create conditions that allow the exploitation and abuse of workers. Most of the United States has recognized a right to bargain. Currently 78% of private sector workers in the U.S. enjoy the right to collectively bargain, while only 66% of public sector workers enjoy similar rights. North Carolina, though, retains a total ban on public employee bargaining that dates back to the 1950s. The original rationale for the ban was that expanding workers' rights would lead to communism. Bargaining advocates see this concern as outdated and unfounded. Some advocates maintain that the ban has fostered the myth that public employees may not join unions. And some public employers mistakenly believe that by law they are not permitted to meet and confer with groups of employees under any circumstances.

After a burst of student activism during the 1990s, The University of North Carolina at Chapel Hill recognized a need to protect workers who manufacture university-licensed products. The University affiliated with both the Fair Labor Association and the Worker Rights Consortium and adopted a Licensing Labor Code. Among the Code's nine points is one requiring licensees to respect workers' rights to freedom of association and collective bargaining. Bargaining advocates say that this has created an apparently paradoxical situation: The University is policing labor rights around the world, while existing in a state that does not recognize the right to bargain collectively for its own employees.

The fact that many NC public employees see themselves as facing less-than-ideal work conditions seems well-established. Would collective bargaining help address this situation?

Advocates believe that while it would not solve every problem, bargaining would help relieve some of the problems workers face. They suggest that it gives workers and employers a fair and binding forum for addressing key concerns. Right now

public employers can choose to "meet and confer" with workers (or refuse to do so), but there is no assurance that the agreements reached in such meetings will be honored.

Understandably, say advocates, this creates a sense of unfairness; collective bargaining would reduce this problem. Another benefit could be in savings to the state. Studies have found that collective bargaining is associated with lower employee turnover. Bargaining proponents suggest that it stands to reason that workplaces where workers have a sense that they have a voice and are treated fairly will be better able to retain skilled employees and thus will tend to function more efficiently.

If employees were allowed to negotiate collectively, the use of "divide and conquer" tactics to punish workers for trying to address health and safety issues might decline. This could help to prevent potentially costly and dangerous problems in these areas.

Finally, although concerns of unequal treatment on the basis of race and gender may be deep-rooted and not likely to vanish overnight, collective bargaining would establish a formal way for these concerns to be addressed. Proponents see this as a step forward.

In the view of its supporters, lifting North Carolina's collective bargaining ban would help establish that the State cares about human rights within its own borders and is willing to take appropriate procedural steps to see that they are protected.

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Eddie Davis

Sheri Strickland

NCAE Supports HB 1583

Below is a copy of the letter sent by the North Carolina Association of Educators to the House Judiciary II Committee.

NCAE supports HB 1583, Restore Contract Rights to State/Local, sponsored by Reps. Blue, Coates, Goforth, and Brown.

HB 1583 repeals the state law prohibiting public employee collective bargaining. NCAE has long supported guaranteeing employees, including school employees, the right to be engaged in the decision-making process.

NCAE believes, also, that HB 1583 is in line with good, modern business practices.

Eddie Davis,
President

Sheri Strickland,
Vice President



HOPE Members Raise Collective Bargaining for Public Sector Workers at U.S. Social Forum

By Ashaki Binta

A major social justice conference was convened in Atlanta, Georgia, from June 27 thru July 1: the U.S. Social Forum. More than 10,000 social justice activists from across the United States and from abroad attended this historic gathering and counted among them were members of the HOPE Coalition, including core member UE Local 150 and supporting members, the Southern Faith, Labor, and Community Alliance and Black Workers for Justice.

The participation of HOPE members in the Social Forum provided an important opportunity to bring the issue of North Carolina's ban of collective bargaining for workers in the public sector to literally thousands of potential allies and supporters from around the US – and abroad.

UE Local 150 has been one of the HOPE members to concretely raise the question of human rights, building a movement for collective bargaining rights led by the grassroots and rank and file workers, and reaching out for international solidarity. Since the US and North Carolina have been cited by the UN's International Labor Organization (ILO) for violations of human rights and international law, the importance of continuing to raise the issues of human rights and international solidarity in our fight for collective bargaining will hopefully become more important for all HOPE members.

In several workshops scheduled between Thursday, June 28th and Saturday, June 30th, UE members, for example, spoke on their efforts in building international solidarity by highlighting their work with the Mexican Labor Federation, the FAT. As a result of this important work, it should be remembered that the FAT filed a complaint under the NAFTA side labor agreement, NAALC in October 2006 citing North Carolina and the US for violations of the NAFTA trade agreement due to North Carolina's ban on collective bargaining for public sector workers. Such an important step by a leading labor federation in Mexico is very significant because Mexico is one of North Carolina's three main trade partners.

Among the key workshops either led by or where UE members made significant contributions were:

*Breaking through Barriers to Unionization in the United States and Mexico

*The Role of International Solidarity in the Struggle of Public Sector Workers

*South & Southwest: Public Workers Organizing in Right to Work States

The National UE, Local UE 150, and the International Worker Justice Campaign were collectively able to develop new relationships at the US Social Forum and strengthen relationships with allies while spreading the word about our ongoing fight for collective bargaining.



Workers testify at a UE Tribunal



HOPE CORE MEMBERS

NC American Federation of Labor-Congress of Industrial Organizations

North Carolina American Federation of Teachers

International Brotherhood of Teamsters, Local 391

International Union of Police Associations

NC Coalition of Police (NC COPS)

Professional Firefighters and Paramedics of North Carolina

Service Employees International Union

State Employees Association of North Carolina

United Electrical, Radio, and Machine Workers of America, Local 150, NC Public Service Workers Union





Reverend Nelson Johnson of the Southern Faith, Labor, Community Alliance

Hear Our Public Employees (HOPE)

P.O. Box 12133
Raleigh, NC 27605

Phone (919) 491-6936
Fax (919) 828-2102
email: info@nchope.org

HOPE website: www.nchope.org

Pitt County Coalition Supports Collective Bargaining Rights

The Pitt County Coalition Against Racism, the NAACP, and the Local Organizing Committee have adopted their *2007 Platform for Equality and Progress in Greenville, North Carolina*.

Their "goal is to build a movement that can strike a convincing blow for freedom in the voting booth, a movement whose call for justice is heard throughout our churches, workplaces and community."

The platform is constituted in seven sections. *Section 6, Sustainable Economic Development, Item H*, states:

"Institute the opportunity for municipal employees to collectively negotiate a contract with the city regarding work issues (collective bargaining). This would extend to Greenville city employees collective bargaining rights that are already available to private sector workers."

For a copy of the complete platform, contact Don Cavellini at dcwchc@yahoo.com

Southern Faith, Labor, Community Alliance Reaffirms Commitment to Fight for Collective Bargaining

By Ashaki Binta

On Saturday, September, 22nd, 2007 from 11:00 – 3:00 pm at the Faith Community Church, 417 Arlington Street, in Greensboro, the Southern Faith, Labor, and Community Alliance (SFLCA) hosted its strategy conference looking at next steps in its "spirit led movement" for economic justice and workers rights in and around the Carolinas.

The SFLCA is a supporting member of the HOPE Coalition and was formed out of a series of important gatherings and discussions among African American religious leaders and their churches, unions and labor organizations, and community/civil rights organizations about the central importance of upholding and fighting for the rights of working people in North Carolina and across the U.S. South.

Among the key issues adopted by SFLCA since its inception in 2005 is the struggle to end the ban on collective bargaining for public sector workers in North Carolina.

Presentations during the strategy conference were made by Lamar Gibson, who provided an update report on the movement around the Jena 6 in Louisiana; Libby Manly, Fahiyim Hanna, and Marilyn Baird on the Justice at Smithfield Campaign; Valdemar Velasquez of FLOC on the struggles of immigrant workers in North Carolina; and Rachel Baisden of Teamsters Local 391 and Ashaki Binta of UE Local 150's International Worker Justice Campaign on the fight for collective bargaining for public sector workers in North Carolina.

The work of the conference ended in a unanimous vote of the SFLCA to adopt three main areas of work for the remainder of 2007 and for 2008:

The Justice at Smithfield Struggle

The Fight for the Rights of Immigrant Workers

Lifting the Ban on Collective Bargaining for Public Sector Workers in North Carolina

Follow up and ongoing meetings will be held with leading organizations in each of these three areas of work to help plan and successfully implement strategies to win these major battles for justice in the economic lives of North Carolina's working people.



HOPE Publications Committee

Ashaki Binta, Steve Hutton, Michael Schwalbe

newsletter submissions to shutton@email.unc.edu