

Testimonies in Support of H.308 (Card Check)

Dear Representative Stevens,

I am writing today in support of card check.

I am the chapter chair of the custodial workers' union at Saint Michael's College, AFSCME Local 1343. Our union is new and I was involved with the organizing campaign. I would like to briefly describe my experience.

When we began organizing our union, we were able to quickly build majority support for joining AFSCME. We asked the college administration to recognize the union through card check. They denied this request and so we began the election process.

It may seem that an election is a fair and free process, but this is hardly the case. The employer has all the leverage in the process. We were subjected to captive audience meetings where we were given misleading and inaccurate information about unions. These meetings were designed by a high paid lawyer to intimidate and confuse us. This created a highly stressful and intimidating work environment that could have been avoided had we had card check.

I encourage you to support card check so that future Vermonters do not have to be subjected to hostile union busting tactics by their employers. Simply put, if a majority of workers sign union cards indicating their desire to join a union, then that union should be recognized by the employer through card check.

Thank you,

Graham LeBel
Chapter Chair, SMC custodial workers' union AFSCME Local 1343

Dear Representatives of the House Committee on General, Housing, and Military Affairs,

Thank you for having me. My name is Liz Medina, and I'm the Executive Director of the Vermont State Labor Council, AFL-CIO, which is our state's federation of labor unions and affiliates representing over 10,000 working Vermonters. I know you all are at least somewhat familiar with the legal details of the card check election process proposed in H.308. Therefore, I will focus on why H.308 is so important to working Vermonters and US workers in general.

I want you all to imagine for a moment that we are living in a country, let's call it Oligalia. Oligalia is a de facto one-party state. Let's call this ruling party the National Oligalists. Oligalia has some

civil rights, but there are no penalties for violations. The National Oligalists have party members in charge of almost every institution and workplace. If an Oligalian citizen expresses support for an opposition party, they can be sure that a National Oligalist party member will disparage and exile them. Opposition party members will find themselves discredited and unemployed, perhaps unable to find another job again. The threat of marginalization and starvation keeps the National Oligalists in power, winning election after election, which is why Oligalia is a de facto one-party state.

Now, I want to bring you back to our world, to Vermont. We pride ourselves on being a free, progressive, and certainly a modern state. But as soon as we enter the workplace, we are in Oligalia. That is how broken and dysfunctional our state and national labor law is. Throughout this pandemic, our Labor Council received numerous calls from municipal employees. Because these employees are effectively living in Oligalia, I must share their stories anonymously. One story, however, stands out in particular. In the middle of winter, I received a call from a municipal employee on a road crew. One has to be a fairly strong person to handle that kind of physical labor. Nonetheless, this strong, essential worker told me they feared for their family's life, because their supervisor was ordering them and their coworkers to all cram into the same work vehicle, despite the severe risk of COVID exposure. They and their coworkers felt powerless to say no on their own. That's why they were calling me. They wanted to know how they could form a union so they could be protected, as well as their family, and their coworkers. I told them the whole unionizing process: from first winning a majority sign-up of union cards to winning a VLRB election at which point their employer would know they were unionizing. The VLRB election process puts workers at great risk, and they wanted to know what those risks are. I believe in always telling the truth, so I shared that, unfortunately, employers sometimes retaliate against their employees for trying to form a union.

The Economic Policy Institute actually found that employers were charged with illegally coercing, threatening, or retaliating against workers for supporting a union in nearly a third (29.2%) of all elections. The reason why retaliation for union support is so prevalent is because there are no penalties. There are no fines for violations; at most, an employer may be required to rehire an employee with backpay if they were unjustly fired for their union support. Compound this with the rabid, anti-union and anti-worker rhetoric in the media, and it's no wonder that union membership is down across the country, including in Vermont, in which only 11% of working Vermonters belong to a union.

That essential, municipal employee simply couldn't take these risks -- especially when so many jobs have been destroyed by the pandemic. They were in an impossible situation in which they were forced to choose between no collective support against COVID-19 or not being able to heat their home and put food on their family's table. In the end, they felt they could not risk losing their ability to support their family. All because our labor law is broken.

Amazon workers in Bessemer, Alabama were put in this same, impossible situation recently, and the results were absolutely tragic. For those of you who have not been following this drive in the national news, Amazon workers in Bessemer, Alabama are majority women and people of

color. They are given inhuman, sweatshop productivity quotas for low wages. They are worked so brutally that most can't even find the time to go to the bathroom during their shift. Workers are so afraid of being fired for failing to meet their productivity quotas that many of them regularly urinate, or even defecate in bottles or bags, which are regularly found throughout the warehouse. These unsanitary practices were so common that they had to be addressed by managers in internal policies of the company. These workers are employed by one of the richest, most powerful men in the world, and they are constantly surveilled and disciplined. Despite this, they courageously teamed up with a union, the RWDSU, and they signed up over 3,000 of their coworkers to join the union. However, when they finally were done with the second stage of the process, the NLRB election, only 738 workers ended up voting yes. Why is that? If you think it's simply because workers changed their minds, you have not been paying attention. Amazon committed unfair labor practice after unfair labor practice without consequence, including hiring supervisors to constantly watch and threaten employees who supported the union, threatening to relocate, and installing their own ballot box to which only they had a key on their worksite. Can you imagine if we asked voters to cast their ballots at a single party's headquarters and only that party had the key? Our labor law and these working conditions make a mockery of everything we have always stood for as a nation.

Our current labor law results in a huge power imbalance between employers and employees. It plays itself out at every level, from the municipal to the national. The fact is that if a worker signs a union card, that is a pretty unequivocal vote for the union. There is no need to continue following the clearly broken VLRB and NLRB elections process. In the public sector, workers who don't want to join the union don't have to, and yet they will still be entitled to enjoy all the benefits. The Biden administration strongly supports unions and labor law reform to encourage unionization. In a recent public statement in support of the PRO Act, which complements H.308, President Joe Biden stated, and I quote, "The National Labor Relations Act didn't just say that we shouldn't hamstring unions or merely tolerate them. It said that we should encourage unions." End quote. President Biden further stated that, quote, "All of us deserve to enjoy America's promise in full — and our nation's leaders have a responsibility to deliver it. That starts with rebuilding unions. The middle class built this country, and unions built the middle class. Unions give workers a stronger voice to increase wages, improve the quality of jobs and protect job security, protect against racial and all other forms of discrimination and sexual harassment, and protect workers' health, safety, and benefits in the workplace. Unions lift up workers, both union and non-union. They are critical to strengthening our economic competitiveness." End quote.

My question to you all today is, "Are you ready to do your part in leading this country toward economic justice and prosperity?" If your answer is yes, then pass H.308 before the end of this session. This is an incredible opportunity to lead our nation. Our most cherished leaders have never sat around and waited for national action to protect working people. This was true when it came to the eight-hour work day, civil unions, and this was true when it came to ending child labor. Unfortunately, we are quickly regressing to those harder, more brutal times. The task before us is to protect workers rights and, as President Biden stated, encourage unions. Please pass card check, H.308, this session.

Thank you,
Liz Medina
Director of the Vermont State Labor Council, AFL-CIO
vscafcio@gmail.com
802-272-6421

