

## ISSUES

# The Workplace Democracy Plan

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*Bernie*



## Details

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In order to strengthen America's middle class, a Bernie Sanders administration will make it a priority to restore workers' rights to bargain for better wages, benefits, and working conditions. That is what the Workplace Democracy plan is all about.

There is no doubt that union membership is good for workers: union workers earn [22 percent](#) more, on average, than non-union workers. In America today, [72 percent](#) of union workers have a defined benefit pension plan that guarantees an income in retirement compared to just 14 percent of non-union workers. Union workers are also half as likely to be victims of health and safety violations or of wage theft and 18 percent more likely to have health coverage.

[Declining unionization has fueled rising inequality.](#) Today, [corporate profits](#) are at an all-time high, while wages as a percentage of the economy are near an all-time low. The middle class is disappearing, and the gap between the very rich and everyone else is growing wider and wider.

There are many reasons for the growing inequality in our economy, but one of the most significant reasons for the disappearing middle class is that the rights of workers to join together and bargain for better wages, benefits, and working conditions have been severely undermined.

[According to the most recent statistics:](#)

- When workers become interested in forming unions, 75 percent of private-sector employers hire outside consultants to run anti-union campaigns, 63 percent force employees to attend closed-door meetings to hear anti-union propaganda; and 54 percent of employers threaten workers in such meetings.
- An employee who engages in union organizing campaigns has a one in five chance of getting fired.
- Nearly 60 percent of employers threaten to close or relocate their businesses if workers elect to form a union.
- Even when workers overcome these enormous obstacles and win union elections, more than half of workers who vote to form a union don't have a union contract a year later and [37 percent still do not have a first contract](#) two years after the election due to loopholes in labor laws.

When Bernie Sanders is president, we will make it easier, not harder, for workers to join unions by implementing the Workplace Democracy Plan and establishing a national goal to double union membership during his first term in office.

## ***Bernie's pro-union plan would:***

- **Provide unions the ability to organize through a majority sign up process**, allowing the National Labor Relations Board (NLRB) to certify a union if it receives the consent of the majority of eligible workers. Under Bernie's plan, when a majority of workers in a bargaining unit sign valid authorization cards to join a union, they will have a union. If employers refuse to negotiate in good faith, we will impose strong penalties on those companies.
- **Enact "first contract" provisions to ensure companies cannot prevent a union from forming by denying a first contract.** Employers would be required to begin negotiating within 10 days of receiving a request from a new union. If no agreement is reached after 90 days of negotiation, the parties can request to enter a compulsory mediation process. If no first contract is reached after 30 more days of mediation, the parties would have a contract settlement through binding arbitration.
- **Eliminate the "Right to Work for Less."** Bernie's plan would repeal Section 14(b) of the Taft Hartley Act, which has allowed 28 states to pass legislation that eliminates the ability of unions to collect dues from those who benefit from union contracts and activities, undermining the unions' representation of workers.
- **Under Bernie's plan, companies will no longer be able to ruthlessly exploit workers by misclassifying them as independent contractors or deny them overtime by falsely calling them a "supervisor."** When Bernie is president, his administration will end the ability of corporations to misclassify workers as "independent contractors" or label them as a "supervisor."
- **Make sure that employers can no longer use franchisee or contractor arrangements to avoid responsibility and liability for workers** by codifying the Browning-Ferris joint-employer standard into law. When Bernie is president, his administration will make clear that a worker can have more than one employer. If a company can decide who to hire and who to fire and how much to pay an employee at a franchise, that company will be considered a joint employer along with the owner of a particular franchise — and both employers must engage in collective bargaining over the terms and conditions of employment.
- **Give federal workers the right to strike.** In December, Trump shutdown the federal government for 35 days — the longest in history — depriving over 800,000 workers of their paychecks. Adding insult to injury, hundreds of thousands of TSA agents, air traffic controllers, IRS employees, members of the Coast Guard, and other federal government employees were forced to work without pay and without recourse. Under current law, federal employees are not guaranteed the same labor rights as workers in the private sector. While they have the ability to unionize, they are prohibited from going on strike. Under this plan, federal workers would have the right to strike.
- **Make sure every public sector union in America has the freedom to negotiate.** When Bernie is president he will sign the Public Service Freedom to Negotiate Act of 2019 to guarantee the right of public employees to organize and bargain collectively for better wages, benefits and working conditions in states like Iowa that currently do not offer these fundamental protections.
- **Require companies that merge to honor existing union contracts.** In February, Wabtec completed a merger with General Electric Transportation in Pennsylvania. Instead of honoring the existing union contract with its workforce, Wabtec tried to impose substantial cuts to benefits employees have earned, while rewarding executives with over \$120 million in bonuses. Under this plan, companies would no longer be able to abrogate union contracts through mergers.
- **Deny federal contracts to employers that pay poverty wages, outsource jobs overseas, engage in union busting, deny good benefits and pay CEOs outrageous compensation packages.** When Bernie is president he will issue an executive order to prevent companies from receiving federal contracts that outsource jobs overseas, pay workers less than \$15 an hour without benefits, refuse to remain neutral in union organizing efforts, pay executives over 150 times more than average workers, hire workers to replace striking workers, or close businesses after workers vote to unionize.
- **Ban the permanent replacement of striking workers.** This plan will outlaw, once and for all, the permanent replacement of workers who go on strike.
- **Protect the pensions of workers.** As President, Bernie will protect and expand pension benefits of employees in both the public and the private sector. Because of a 2014 change in law instituted in the dead of night and against the strong opposition of Senator Sanders, it is now legal to cut the earned pension benefits of more than 1.5 million workers and retirees in multi-employer pension plans. As president, Bernie will sign an executive order to impose a moratorium on future pension cuts and would reverse the cuts to retirement benefits that have already been made. In addition, President Sanders will fight to implement the Keep Our Pension Promises Act he first introduced in 2015 to prevent the pensions of up to 10 million Americans from being cut. Instead of asking retirees to take a massive cut in their pension benefits, Bernie will make multi-employer plans solvent by closing egregious loopholes that allow the wealthiest Americans in this country to avoid paying their fair share of taxes. If Congress could provide a multi-trillion bailout to Wall Street and foreign banks in 2008, we can and we must protect the pensions that were promised to millions of Americans.



- **Stops corporations from forcing workers to attend mandatory anti-union meetings as a condition of continued employment.** Under this plan, companies would be barred from requiring workers to attend anti-union meetings as a condition of employment.
- **Establish federal protections against the firing of workers for any reason other than “just cause.”** When Bernie is president he will fight to make sure workers cannot be fired “at will” and will sign a “just cause” law to protect workers and their constitutional right to speak out and organize in their workplaces.
- **Create a sectoral collective bargaining system with wage boards to set minimum standards across industries.** When Bernie is president he will work with the trade union movement to establish a sectoral collective bargaining system that will work to set wages, benefits and hours across entire industries, not just employer-by-employer. In addition, under this plan all cities, counties, and other local jurisdictions would have the freedom to establish their own minimum wage laws and guarantee other minimum standards for workers.
- **Guarantee the right to unionize for all workers.** Bernie will ensure farm workers and domestic workers, historically excluded from labor protections, are afforded the same standards as all workers, including the right to overtime pay and to join a union. He will enact a Domestic Workers Bill of Rights to secure safe working conditions, collective bargaining, and a living wage for domestic workers.
- **Allow for secondary boycotts.** This plan reinstates a union’s freedom of speech to take action to pressure clients and suppliers of companies opposing unions.
- **Expand and update the persuader rule.** This plan would require companies to disclose anti-union information they disseminate to workers and provide for equal time for organizing agents. This would include the funding of third party anti-union campaigns. This plan will also ensure that whatever contact information (email, phone, mailing addresses) the employer uses is disseminated to the organizing agent. Monetary penalties would be enacted for failures to disclose.
- **A fair transition to Medicare for All:** Bernie will require that resulting healthcare savings from union-negotiated plans result in wage increases and additional benefits for workers during the transition to Medicare for All. When Medicare for All is signed into law, companies with union negotiated health care plans would be required to enter into new contract negotiations overseen by the National Labor Relations Board. Under this plan, all company savings that result from reduced health care contributions from Medicare for All will accrue equitably to workers in the form of increased wages or other benefits. Furthermore, the plan will ensure that union-sponsored clinics and other providers are integrated within the Medicare for All system, and kept available for members. Unions will still be able to negotiate for and provide wrap-around services and other coverage not duplicative of the benefits established under Medicare for All.

Making it easier for workers to form unions is not a radical idea. [62 percent](#) of the American people support labor unions, but according to the Bureau of Labor Statistics, union membership is barely half of what it was 35 years ago. In order to reverse the 40-year decline of the middle class, we must strengthen unions and restore bargaining power to workers. And working together, that’s exactly what we will do.

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