

LaborFamilyNEWS

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FALL 2012

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- **Bargaining for Gender Parity Improves Public Policy**

UNIONS WIN IT!

Canadian Postal Workers Fight Forced Overtime

The Canadian Union of Postal Workers (CUPW) recently won a national grievance aimed at curbing the employer's use of forced overtime to cover absences. This campaign started on the shop floor as CUPW members in locals across the country began speaking out about the negative impact of understaffing and forced overtime on workers' health, safety, and general wellbeing.

In response to escalating complaints and local actions, the union filed a national grievance. Union leaders argued that forced overtime should be used only as a last resort after offering the shift to temporary employees as per the contract. The CUPW asserts that the Canadian Post has an obligation to maintain a substantial list of relief workers to fill the assignments of absent postal workers.

According to Local CUPW leaders, members protested the use of forced overtime because

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BARGAINING FOR EQUALITY

Making Progress Around Gender Issues

BY MARIAN BAIRD, PH.D

Amidst the gloom of the world public policy environment, there has been some success for working women in Australia around parental leave and partner pay. In large part, it can be attributed to innovation occurring at the bargaining table around improving working conditions for women and families. Our research suggests an important synergy between these social and political contexts. They work in tandem — the more that is done at the bargaining table, the more we can achieve at the public policy level as well.

My students and I have conducted research into how gender equity bargaining actually works. Our Australian studies indicate it is usually driven by unions. Gains have included provisions for additional paid maternity leave, paid caregiver leave, and domestic and family violence leave clauses. In other countries, gender equity bargaining has included pay equity bargaining and processes for ensuring the mainstreaming of gender equity in workplaces.

These factors enhance gender equity bargaining:

- Supportive union leadership
- Negotiator abilities
- Intra-union cohesion and engagement with equity bargaining
- Union membership support
- Common claims set across, and within, unions
- Alliances formed with community or other advocacy groups

Gender equity bargaining is not only about addressing the needs of female union members. It also serves to attract new members by demonstrating the union's relevance to female workers and to modern work and life tensions. Unions have also shown their relevance by advocating changes in public policy. After many years of being a policy outsider, Australia now has a paid parental leave program, as well as "dad and partner pay" and the right to request flexible working conditions. Unions have been involved in all these

community advocates. In July, the government announced two weeks of dad and partner pay, at the same minimum wage rate. This is available to fathers, adoptive parents, and same-sex parents.

There is a policy change afoot. And to keep the momentum, alliances between unions, women's, and other advocate groups and researchers are essential. As fellow policy outsiders, the United States can learn from our research that winning a new and favorable public policy, such as paid parental leave, does not mean unions and community alliances don't have a role to play. If anything, our research shows that gender equity at the bargaining table is a critical component to progress.

Marian Baird is Professor of Employment Relations in the University of Sydney Business School, Research Coordinator for the Discipline of Work and Organisational Studies, and Director of the Women Work Research Group. Her research can be found at <http://sydney.edu.au/business/research/wwrg>.



Australian workers advocate for gains in gender equity issues.

UNIONS WIN IT!

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of its negative effect on health, well-being and work family balance. One member said that, as a father of young children, even a few instances of forced overtime a year would be “too much.”

The union originally filed the national grievance in 2010, and members from 7 locals across Canada spoke out and provided evidence and witnesses. After 13 days of hearings in 2010 and 2011, an arbitrator decided in favor of the union in June 2012.

In reporting the victory, Donald Lafleur, 4th National Vice President of CUPW, said that the direct participation of members was vital.

The Canadian Union of Postal Workers has great contract language on work and family balance. To find out more, visit their website at <http://www.cupw.ca>



For our bargaining resources, visit www.learnworkfamily.org

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Stefanie Kalmin, Editor

Netsy Firestein, Executive Director

Carol Joyner, National Policy Director

Jenya Cassidy, California Policy Director

Ferheen Abbasi, Administrative Assistant

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INSIDE STORY

EMPLOYERS USE INTIMIDATION

Immigrant Families Fight Back

BY CATHY JUNIA

I moved to the U.S. almost 10 years ago on a work permit sponsored by a logistics company in Phoenix, Arizona. As a trainer and office manager, I was often asked to work beyond the hours for which I was compensated. I was given two paid sick days and one vacation day a year. On occasion, I and the other immigrants on staff would be asked to work weekends...without pay. Such “favors” could wreak havoc on the lives of workers with children or other caregiver responsibilities as they scrambled to find affordable coverage or risk losing their job.

When the Department of Labor arrived to investigate the company for possible wage and hour violations, our supervisors reminded us that we “owed” it to the company not to mention the unpaid overtime. They sponsored our work visas, after all. As new immigrants, we knew very little about our workplace rights and were constantly afraid that our visas would be revoked if we questioned company rules.

As awful as my experience was, however, I recognize that it does not even scratch the surface of the levels of intimidation and abuse faced by many immigrant workers, especially undocumented workers in low-wage jobs. But, immigrants, workers, faith communities, unions, and other allies are fighting back.

ORGANIZING AT PALERMO'S

In June, nearly 150 employees at Palermo's Pizza, in Milwaukee, went on strike after 85 of their immigrant coworkers were fired in the midst of unionizing efforts at the factory. A few weeks before the strike, Palermo's workers delivered a petition to management saying they wanted to unionize. Around the same time, the U.S. Immigration and Customs Enforcement (ICE) began an audit of work authorization documents at Palermo's. ICE has an agreement with the Department of Labor that it will not interfere with labor disputes and wage investigations, and so dropped its investigation into Palermo's shortly after it started — but not before Palermo's fired almost a third of its workforce.

With the support of unions, community groups, and advocates from around the country, workers have since called for a formal boycott of Palermo's. Workers are also demanding that Palermo's reverse the firings, end the use of temp workers, and honor the National Labor Relations Board's (NLRB) election process. A complaint of unfair labor practices has been filed with the NLRB, and there will be no vote until those complaints are resolved and strikers can vote.

For months, Palermo's employees have been coordinating their unionizing efforts with Voces de la Frontera, a workers' center based in Milwaukee, and with the

IWJ: A Leader in the Fight for Economic and Worker Justice

Since it was founded in 1996, Interfaith Worker Justice has mobilized people of faith and advocates in support of economic justice and worker rights at the local, state, and national levels.

Today there are more than 70 affiliated organizations in the IWJ network, including interfaith groups and worker centers.

<http://www.iwj.org>

United Steelworkers. Palermo's workers believe the company used immigration enforcement as a form of intimidation and retaliation.

GOVERNING THROUGH INTIMIDATION

According to a recent study by the Pew Hispanic Center, in 2010, 5.2 percent of the U.S. labor force consisted of undocumented immigrants. In 2011, the Department of Homeland Security deported 396,906 of them, many of whom were working and upstanding members of their communities. The department also expanded its misleadingly named “Secure Communities” program to 1,700 jurisdictions, up from just 14 in 2008.

The absence of comprehensive immigration reform at the federal level has not only made immigrant workers, undocumented or not, more vulnerable to abuse but has also devastated and torn apart thousands of hardworking families. A consequence of this brutal reality, besides anxiety and fear, is that parents and caregivers are deprived of continuity in health care, education,



Palermo's Pizza workers protest for immigration rights.



Today, about 16.6 million people live in mixed-status families with at least one undocumented adult and one U.S.-born child. For them, deportation and separation are constant fears, for good reason.

and support once provided by steady employment. The situation takes a particular toll on children.

Today, about 16.6 million people live in mixed-status families with at least one undocumented adult and one U.S.-born child. For them, deportation and separation are constant fears, for good reason. Over the last couple of years alone, at least six states passed harsh anti-immigrant laws that target undocumented immigrants and enlist local police to enact immigration enforcement policies. Although the courts have stepped in to bar some of the most severe provisions of these laws, specifically parts of Arizona's SB 1070 and Alabama's HB 56, those states are still governed by dangerous clauses that leave the door open to racial profiling and harassment of people of color.

Our broken immigration system has made it easier for unscrupulous employers to exploit workers' perceived immigration status — to get away with discrimination, drive down wages, and ignore poor working conditions. And when immigrants come together, companies sometimes bring in immigration enforcement to quash organizing efforts.

Remember the immigration raids and round-ups at the Smithfield plant in Tar Heel, N.C.? And at Agriprocessors in Postville, Iowa? Both companies were in the midst of organizing efforts at the time of the raids. And while both companies denied allegations of union busting, the timing belied their actions.

REFORM BENEFITS EVERYONE

Immigrants are often scapegoated, but immigrants are not the problem. To the contrary, a report by the Center for American Progress argues that immigrants are a "net plus for our economy." In

2010, households headed by undocumented immigrants paid \$11.2 billion in taxes. An estimated \$4.5 to \$5.4 billion in additional tax revenue could be generated over a three-year period if all undocumented immigrants currently in the U.S. were offered a path to citizenship.

In the 2010 report, "Raising the Floor for American Workers," Dr. Raul Hinojosa-Ojeda cited the 1986 Immigration Reform and Control Act (IRCA) as a clear example of how comprehensive immigration reform would benefit the country as a whole.

"IRCA indicates that comprehensive immigration reform would raise wages, increase consumption, create jobs, and generate additional tax revenue," Dr. Hinojosa-Ojeda noted. He added that although IRCA was implemented during a recession, it helped raise wages, which then increased spending and investments by legalized immigrants.

Economics is a practical matter with which to argue for better legislation. But the primary issue always harkens back to human dignity and fairness. With immigration so closely tied to workers' rights, unions and worker advocates have become strong supporters of comprehensive immigration reform.

"When our government actively generates fear and havoc among immigrant workers and their families, fuels the fires of bigotry and turns groups of workers against each other based on race, ethnicity and immigration status, we are all diminished," said Interfaith Worker Justice Executive Director Kim Bobo. "What we need is comprehensive immigration reform to provide a reasonable process for millions of undocumented workers to earn legal status."

Cathy Junia is communications director for Interfaith Worker Justice.

GOOD LEGISLATION

■ AUSTRALIA GREEN PARTY HAS DRAFTED LEGISLATION FURTHERING THE LEGAL RIGHT TO FLEXIBLE WORK HOURS.

Unions and workplace law experts back the proposal, which would give parents and caregivers a stronger right to vary their work hours or to work from home. The law currently grants flexible hours only to parents with a child not yet in school, or with a disabled child under 18. Even so, employers can refuse on "reasonable business grounds" and their decision cannot be appealed. The new law would make it harder for employers to deny a flex-time request. Opponents worry that employers might be more reluctant to hire women or caregivers, a view not supported by workplace law experts.

The Australian, September 24, 2012

DID YOU KNOW?

■ IN HONOR OF THE 25TH ANNIVERSARY OF THE WORKING MOTHER 100 BEST COMPANIES,

the Working Mother Research Institute commissioned studies featuring data and best practices designed to help human resource and work-life professionals succeed in the key practice areas of flexibility, women's advancement, and company culture. <http://www.workingmother.com/working-mother-research-institute>.

NEW RESEARCH

■ IN 2003, THE BUREAU OF LABOR STATISTICS started calling and asking Americans how they spent the previous 24 hours. The 12,500 respondents to the American Time User Survey provided a minute-by-minute accounting of everything from shopping to childcare. Finally, last year, the Bureau started inquiring about an activity now affecting millions of people... elder care. The 2011 results show just how many have taken on this. In a recent three-month period, 39.8 million people over age 15 have provided unpaid care to someone over 65 "because of a condition related to aging." The majority of caregivers are women, but men are starting to catch up.

The New York Times, New Old Age blog, July 5, 2012

FASCINATING FACTS

■ "WOMEN EARNED 77 CENTS FOR EVERY DOLLAR EARNED BY A MAN IN 2001, and they earn 77 cents for every dollar earned by a man now, even though during the decade women have outpaced men in terms of educational attainment." *Heidi Hartmann, Ph.D., president, Institute for Women's Policy Research.* <http://www.iwpr.org>

Honoring Activists: 2012 National Summit on Paid Sick Days and Paid Family Leave

The 2012 summit convened by the Family Values @ Work and the National Partnership for Women and Families brought together 260 activists from across the nation who are building capacity for paid sick days and paid family leave legislation. SEIU's labor reception recognized their contribution to this important work. The reception was cohosted by the AFL-CIO and the Labor Project for Working Families.



Gloria Warner of Action Now and Representative Rosa DeLauro, (CT) at the Labor Reception during the 2012 National Summit on Paid Sick Days and Paid Family Leave. Representative DeLauro was a featured speaker.

It's been 10 years since the passage of Paid Family Leave (PFL) in California! In 2002, the Labor Project, California Work & Family Coalition, and the California Labor Federation helped



pass this important law that established the country's first family leave insurance program. It provides virtually all workers in the state income replacement for up to six weeks when they need to take time off from work to care for a new child or a seriously ill family member.

Recently, media attention has focused on the issue of work life balance and policies like paid parental leave. Anne-Marie Slaughter made headlines when she wrote about her own struggle managing a high-profile job at the US State Department while raising her family. Slaughter's analysis drove home the message that not having workplace policies for flexibility and paid leave makes it very difficult for working women (and men) to cope with the daily struggle of balancing work and family needs. And it is especially hard for those who lack financial resources.

Marissa Mayer, the new CEO of Yahoo, may need only a few days of maternity leave. That's her choice. But for the majority of working women, adequate paid time off after having a baby can be a lifeline. Yet, the United States remains one of only three countries *in the world* (along with Papua New Guinea and Swaziland) that has no paid maternity leave!

Next year is the 20th year anniversary of passage of the Family and Medical Leave Act (FMLA). This national law lets millions of workers take up to 12 weeks of unpaid, job-protected leave to care for themselves, a new child, or an ill family member. It's time to build on that success — expand the law so that more families are able to access it and ensure that family leave is paid.

Netty Frestin



In this Issue:

Immigrant workers and unions mobilize for reform

New Bargaining Fact Sheets

Our new fact sheets contain pertinent federal laws and suggested contract provisions. Topics include child care, elder care, family leave, low-wage worker benefits, paid time off, and worker-controlled flexibility.

www.learnworkfamily.org.

Click on Bargaining Resources.



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