

# AFL-CIO

## LEGISLATIVE ALERT

June 11, 2018

Dear Senator:

The AFL-CIO strongly supports the Workers' Freedom to Negotiate Act, legislation that is part of the Better Deal and that Senator Patty Murray will soon introduce. We urge you to become an original co-sponsor of this important bill.

All working people should have the freedom to join together to negotiate with their employers for better wages and working conditions, but the National Labor Relations Act (NLRA) is weak and badly outdated. As a result, employers violate it with impunity. Meanwhile, wages continue to stagnate and income inequality remains at historic levels, even as productivity and profits continue to rise. The Workers' Freedom to Negotiate Act rewrites the rules to give workers the freedom to negotiate for a share in the prosperity they help create.

The Workers' Freedom to Negotiate Act would modernize the NLRA by bringing its remedies in line with other workplace laws. In addition to imposing financial penalties on companies and individual corporate officers who violate the law, the bill would give workers the option of bringing their case to federal court. The bill would also ensure that employees are not deprived of their rights because their employer misclassifies them as supervisors or independent contractors.

Too often, when workers choose to form a union, their employers stall the bargaining process to avoid reaching an agreement. The Workers' Freedom to Negotiate Act would establish a process for mediation and arbitration to help the parties achieve a first contract. This important change would make the freedom to negotiate a reality for countless workers who form unions but whose ability to bargain is then thwarted by employers.

The Workers' Freedom to Negotiate Act recognizes that employees need the freedom to picket or withhold their labor in order to push for the workplace changes they seek. The bill protects employees' right to strike by preventing employers from hiring permanent replacement workers. It would also allow workers to engage in secondary strike and picketing activity to advocate for their views.

The bill further would codify the 2015 amendments to the National Labor Relations Board's representation election procedures to reduce unnecessary litigation and delay when workers seek an election on forming a union. Responding to the Supreme Court's recent decision in *Epic Systems Corp. v. Lewis*, the bill also prohibits employers from depriving workers of their right to pursue collective claims for violations of their workplace rights.

Finally, the Workers' Freedom to Negotiate Act would make sure that firms which do business with the federal government safeguard basic worker rights and not use taxpayer dollars to drag down labor standards or subsidize their anti-union campaigns.

Restoring our middle class is dependent on strengthening the collective power of workers to negotiate for better pay and working conditions. We urge you to co-sponsor the Workers' Freedom to Negotiate Act and help us build an economy that works for all working families and not just the privileged few.

Sincerely,



William Samuel, Director  
GOVERNMENT AFFAIRS DEPARTMENT

---

**American Federation of Labor and Congress of Industrial Organizations**

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • [www.aflcio.org](http://www.aflcio.org)

**RICHARD L. TRUMKA**  
PRESIDENT

**ELIZABETH H. SHULER**  
SECRETARY-TREASURER

**TEFERE GEBRE**  
EXECUTIVE VICE PRESIDENT