

American workers need the PRO Act



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Although the NALC was founded in 1889, it was not legally recognized as the exclusive representative of city letter carriers until June 1962, when they voted for NALC in a national union recognition election, called for by an executive order (EO) signed by President John F. Kennedy. There were a dozen postal unions at the time, and every postal employee was sent a ballot to vote for which union they wanted to represent them.

City carriers overwhelmingly chose the NALC. We had the freedom to choose for ourselves. The Post Office had no say in the matter, because the EO specifically prohibited any agency “interference, restraint, coercion or discrimination” with regard to employees’ union preferences.

That neutrality holds to this day; when men and women become postal employees, they have the right to join their postal union free of employer meddling.

Sadly, this basic workplace freedom is denied to tens of millions of American workers, which we once again witnessed last month when Amazon, among the world’s most powerful corporations, crushed a union-organizing campaign at its distribution center in Bessemer, AL. Fewer than half of the plant’s 5,800 workers felt it was safe to participate in the election—and those who did rejected representation by the Retail, Wholesale and Department Store Union (RWSSU) by a ratio of 2-1. Amazon used a huge financial war chest and a variety of tactics (both legal and otherwise) to intimidate workers and convince them not to form a union, which the RWSSU cited in an April 16 filing to overturn the results of the election.

Now, imagine what it would have been like for our members if the Post Office had been allowed to insert itself into the 1962 referendum. What if it had brought in hundreds of union-busting consultants to roam mail-processing plants and delivery units and hold one-on-one meetings to denounce the NALC and other postal unions with lies and misinformation? What if managers had held repeated, mandatory group meetings during work hours to mislead workers about collective bargaining and union dues? What if they produced slanderous videos and posted anti-union posters all over our workplaces, including in bathroom stalls—or had sent anti-union advertisements to our homes?

That is what Amazon did, and it is what most private employers do when workers decide to exercise their right under federal law to form a union. It is standard practice. As a famous union-busting lawyer once admitted in a book called *Confes-*

sions of a Union Buster: “Union busting is a field populated by bullies and built on deceit. A campaign against a union is an assault on individuals and a war against the truth. As such, it is a war without honor. The only way to bust a union is to lie, distort, manipulate, threaten, and always, always attack. Each ‘union prevention’ campaign, as the wars are called, turns on a combined strategy of disinformation and personal assault.” This behavior is wrong and must be stopped.

That is why NALC and the AFL-CIO are working with the Biden administration and congressional leadership to support enactment of the Protect the Right to Organize Act—the PRO Act. The bill, which already has passed the House of Representatives and has 45 co-sponsors in the Senate, would make union elections fairer by prohibiting employers from forcing workers to attend “captive audience” meetings, where employers issue veiled threats and present anti-union propaganda to pressure workers to vote against the union. It will modernize our labor laws by stiffening penalties for employer violations to bring them in line with other workplace laws, and by imposing financial penalties on companies and individual corporate officers who violate the law. This will end the epidemic of lawlessness by America’s wealthiest and most powerful corporations, as well as by their consultants and lawyers.

Once workers vote to form a union, the PRO Act will require the National Labor Relations Board (NLRB) to order that the employer commence bargaining a first contract. These orders would be enforced in district courts to ensure swift justice, thereby outlawing company stalling tactics. The PRO Act also will establish a process for mediation and arbitration to help the parties achieve a first contract—the process of interest arbitration that has worked well for letter carriers and other postal employees for decades. And it will restore the effective right to strike in the private sector and strengthen unions by preventing employers from hiring permanent replacement workers and banning state “right-to-work” laws that have been used to weaken unions by allowing free riders to benefit from collective bargaining without paying union dues. Finally, it will stop employers from misclassifying workers as “independent contractors” to prevent them from forming unions and enjoying workplace protections like unemployment insurance and workers’ compensation benefits.

In short, the PRO Act would extend to our friends, family members and neighbors all the basic freedoms we enjoy as postal employees and NALC members—the freedoms of a voice on the job, a seat at the collective-bargaining table and the dignity of a fair day’s pay for a fair day’s work. Labor law reform is long overdue in our country. NALC is committed to working with our brothers and sisters in the U.S. labor movement to urge the Senate to adopt this urgently needed workers’ rights bill.