



LEGISLATIVE ALERT

January 7, 2015

Dear Representative:

The National Labor Relations Act was enacted in 1935 to protect working people who join together with their co-workers to advocate for better working conditions, such as better pay, health care and pensions, fair scheduling, sick days, and training opportunities. But the penalties and remedies under the NLRA are far weaker than every subsequent workplace law, including the Civil Rights Act, OSHA and the Fair Labor Standards Act. There are no financial penalties for employers who break the law, and there are no monetary damages for workers who are illegally fired or retaliated against for exercising these rights. The Workplace Action for A Growing Economy Act (H.R. 3514), introduced by Rep. Bobby Scott, would strengthen the remedies available under the NLRA to deter employers from retaliating against workers who join together to advocate for improvements at their workplaces. We urge you to co-sponsor the bill.

The WAGE Act would modernize the NLRA to bring its remedies in line with other critical workplace laws. First, the WAGE Act would require the NLRB to seek preliminary reinstatement of a worker who has been illegally discharged so workers don't suffer the economic consequences of illegal retaliation. It would also establish penalties against employers who illegally retaliate against workers exercising their rights -- \$50,000 per violation, doubled for repeated violations. And, reinforcing the principle that labor rights are civil rights, the WAGE Act would give workers the option of bringing a case in federal district court when they believe their employer has illegally retaliated against them, just as they can do under Title 7 of the Civil Rights Act and countless other workplace laws.

In addition, to encourage employers to be more vigilant about the conduct of their subcontractors, the WAGE Act would make primary employers jointly and severally liable for illegal unfair labor practices affecting employees who are supplied to them by another employer. Under the WAGE Act, undocumented workers would be entitled to back pay if they are illegally discharged; unscrupulous employers should not be rewarded for taking advantage of these workers. Finally, the WAGE Act would codify and strengthen existing legal remedies that are designed to protect workers' rights when employer misconduct makes a fair election impossible.

Workers' wages have been stagnant for years and continue to fall, even as the economy recovers. Economists like Nobel Prize Winner Joseph Stiglitz and organizations from the International Monetary Fund to the Economic Policy Institute and Center for American Progress have concluded that the decline in worker bargaining power is a chief culprit. Until the law actually protects workers who come forward to demand better treatment, the rights they supposedly enjoy under the NLRA will remain empty promises. By making labor law enforcement more effective, the WAGE Act will begin the process of restoring these rights and rebuilding the middle class.

We urge you to co-sponsor the WAGE Act, to put teeth into our labor laws and protect workers who exercise their rights against illegal employer retaliation.

Sincerely,

William Samuel, Director
Government Affairs Department

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