



# WSLC Legislative Update

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A weekly report from the Washington State Labor Council, AFL-CIO



## EMERGENCY ECONOMIC STIMULUS

We are living in extraordinary times. Few of us have endured an economic crisis this severe in our lifetimes. If we are to give our economy an emergency jolt, while providing a safety net for the poor and middle class, we must have the courage and confidence to be bold and visionary.

The quickest way to inject money into the economy and to receive the biggest ripple effect on Main Street is to pump out food stamps and unemployment insurance benefits. We already have excellent food-stamp eligibility standards, but we need to increase outreach resources dramatically to sign

people up and get the money on the street.

Increasing unemployment benefits across-the-board by \$45-a-week—if we act now—will put an additional \$185 million into the economy, creating \$300-400 million of purchasing power from May through December of this year.

An extra \$45-a-week would be a 37% increase for the lowest-paid workers at the minimum benefit level and a 10% increase for middle-class workers at the top of the scale.

For the stimulus and safety net protection package to be effective, we must act quickly. It is time to be visionary!

# Sometimes, it's none of the boss's business

## Worker Privacy Act introduced to protect our freedom, privacy

As Americans, freedom of speech is one of the rights we hold most dear. But as humans, sometimes the content of what we so freely speak is offensive to others.

The beauty of freedom of speech is that it necessarily includes the freedom not to listen. If we grow weary of the rantings of political commentators with whom we disagree, we can change the channel. If a movie unexpectedly takes an offensive turn, we can walk out. If a telemarketer calls, we can hang up. Take away the freedom not to listen and the only alternative to avoiding offensive speech is censorship.

Yet, imagine a situation where you are forced—under threat of losing your family's livelihood—to sit down and listen to someone tell you things that are none of their business, like how you should vote or worship?

Welcome to the workplace, where we are expected to check our First Amendment rights at the shop door.

Current law allows employers to force their employees to participate in communication that has nothing to do with the job, work performance, or anything else that's their business (literally). Your boss can force you to attend a mandatory meeting to press his or her views on religion, politics, charitable giving, unionization and other matters of personal conscience. If you choose not to participate or listen, you can be

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disciplined or fired—and it's totally legal.

It shouldn't be. We shouldn't be forced to sacrifice our freedom and privacy to the people we work for. We get paid for our work, not to conform to employers' insistence on matters of personal conscience.

The Worker Privacy Act, which was introduced this week, would allow workers to choose whether or not to participate in employer communication on issues of individual conscience, including politics, religion, charitable giving, and unionization. Its passage is the Washington State Labor Council's top legislative priority for the 2009 session. HB 1528, the House version, is prime-sponsored by Rep. Mike Sells (D-Everett) and 45 co-sponsors. The Senate bill, SB 5446, is sponsored by Sen. Margarita Prentice (D-Renton) and has 20 co-sponsors.

The Worker Privacy Act is a labor priority because companies force their employees to attend such meetings to discourage union organizing or to press political views, as Wal-Mart did last year when it urged employees to vote against Barack

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Obama and Democrats. Workers can be -- and are -- fired or disciplined for refusing to participate in such communication. That's not right.

Does that mean that employers are not allowed to communicate their views on issues like politics, religion, charitable giving and unionization? Absolutely not!

Under the Worker Privacy Act, they retain their freedom of speech on all of those issues. The only difference is that they cannot require employees to participate in such meetings and communications, or punish or fire those who opt out. This is a fair and reasonable minimum standard for protection of freedom and privacy in the workplace, and in no way is a "gag rule" as corporate lobbying groups seek to portray it.

As you read this, business lobbyists are combing the legislative halls of Olympia—shoe-tassels a-flappin'—telling lawmakers that the Worker Privacy Act is a waste of time because it is preempted by federal law. They cite as proof a California measure struck down by the U.S. Supreme Court.

The Worker Privacy Act is NOT preempted because it establishes minimum working conditions, such as minimum wage, anti-discrimination and child-labor laws, which the U.S. Supreme Court has long recognized as being a state's right without interfering with federal labor law. In this case, Washington would create a minimum privacy standard that protects workers' First Amendment rights at the workplace.

The 2004 California statute rejected by the Supremes last summer (*Chamber of Commerce v. Brown*) was completely different. It barred private employers from using state grant or program funds to influence union organizing campaigns. Unlike that statute, the Worker Privacy Act does not stifle an employer's ability to engage in free debate in labor disputes. Employers are welcome to communicate their opinions on unionization and other issues, they just can't require employees to listen or punish them when they choose not to participate in such communications.

Bottom line: an employers' right to free speech should not supersede an individual's free-speech right not to listen.

## Collective bargaining as performance enhancer

Employees at symphony orchestras, operas and performing arts theaters are not under the jurisdiction of the National Labor Relations Board for the purposes of forming a union—unless they have annual receipts of more than \$1 million for

operas and symphonies and \$500,000 for theaters. The effect is to deny performers and other employees' right to form a union unless their employer voluntarily agrees to allow it.

SB 5046, sponsored by Sen. Jeanne Kohl-Welles (D-Seattle), and HB 1276, sponsored by Rep. Steve Conway (D-Tacoma) would expand the Public Employment Relations Commission's jurisdiction to include symphony orchestras, operas and performing arts theaters. PERC is perfectly equipped to protect these employees' collective bargaining rights and to provide mediation for labor disputes. Voila, and Bravo! SB 5046 was heard Thursday in the Senate Labor, Commerce & Consumer Protection Committee and HB 1276 will be heard in House

Commerce and Labor on Tuesday. The Washington State Labor Council urges its passage.

## Minimum wage freeze introduced

Sen. Linda Evans Parlette (R-Wenatchee) has introduced SB 5362 to end the voter-approved annual increases of the state minimum wage. *Olympian* reporter Brad Shannon points out, "Just a few months ago Republican gubernatorial candidate Dino Rossi saw his campaign lose momentum after he said he was open to lowering the minimum wage." SB 5362 should be called the Permanent GOP Minority Act.

## Scheduled next week...

TUESDAY, Jan. 27—10 a.m. in House HR B, Commerce & Labor hears collective bargaining bills: HB 1276 (see above re: performing arts); HB 1329 for child care center directors and workers; HB 1340 for academic employees at community and technical colleges; and HB 1389 arbitration rights for Energy NW workers.  
—1:30 p.m. in Senate HR 4, Labor, Commerce & Etc. hears SB 5259 and 5264 re: academic employees at community and technical colleges.

WEDNESDAY, Jan. 28—1:30 p.m. in House HR B, Commerce & Labor hears several important bills regarding workers' compensation, including HB 1402 limiting ex parte communication on claims.

THURSDAY, Jan. 29—8 a.m. in House HR A, Health Care hears the SB 6333 report on health care reform.  
—10 a.m. in Senate HR 4, Health & Long-Term Care hears the same SB 6333 report on health care reform.

## WSLC Legislative Conference will be Feb. 26

Leaders, staffers and rank-and-file members of WSLC-affiliated unions are invited to get a progress report on labor's legislative agenda at the Washington State Labor Council's 2009 Legislative Conference, from 8:30 a.m. to lunchtime on Thursday, Feb. 26 at the Olympia Red Lion Hotel. As always, there will be a reception from 6:30 to 8:30 p.m. the preceding evening on Wednesday, Feb. 25 at the hotel with many legislators and other state officials in attendance. The conference registration fee, which includes materials, lunch and one admission to the reception, is \$50. Get more information, including registration forms, at [www.wslc.org](http://www.wslc.org).