

Dozens of US states declare war on workers' rights

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An analysis of pending legislation in dozens of US states makes clear that both the Republican and Democratic parties are pursuing an agenda whose central aim is to eradicate the ability of workers to resist wage- and budget-cutting. The primary difference is that the Democratic-sponsored legislation maintains a role for the union bureaucracies in implementing the cuts, while a number of Republican bills aim to weaken or destroy the unions outright.

The attack on the rights of government workers arises from the fiscal crises in the states, which have been created, in an immediate sense, by declining tax revenue, higher demand for services, and the refusal of the Obama administration and Congress to provide adequate aid. In the longer term, these fiscal crises have been consciously created by tax policies that benefit the rich and the corporations. Now the state deficits are being seized upon as a means of establishing a new authoritarian legal framework for impoverishing millions of workers and their families.

The following is a partial analysis of anti-worker legislation under consideration in a number of states, based on a database compiled by the National Conference of State Legislatures.

If a series of laws in Arizona are passed into law, as is very likely, it is not an overstatement to say that the democratic rights of public workers will be no more advanced than in a police-state dictatorship.

Arizona Senate Bill 1350 strips from public employees some of their most basic political rights. Government employees may not, the bill asserts, “be a member of any national, state or local committee of a political party, an officer or chairman of a committee of a partisan political club, or a candidate for nomination or election to any paid public office, shall not hold any paid, elective public office or shall not take any part in the management or affairs of any political party or in the management of any

partisan or nonpartisan campaign or recall effort.”

Arizona House Bill 2367 bans collective bargaining, forcing workers to approach the state as individuals. The bill “provides that [the state] or a political subdivision of this state shall not negotiate with a labor organization or employee association representing public employees concerning wages, hours of work, employee benefits or any other financial issue, including public safety employees, probation officers or surveillance officers.”

Arizona Senate Bill 1363 is deemed an “employer protection law.” It would outlaw any sort of resistance to the corporations, including, “unlawful picketing, trespassory assembly, unlawful mass assembly, concerted interference with lawful exercise of business activity and a secondary boycott.” This would be enforced by the granting of “a temporary restraining order” and “injunction against harassment...defamation, fraud, duress, violence or breach of the peace.”

Arizona Senate Bill 1563 prohibits employees from engaging in a “sickout, work slowdown or strike that will disrupt delivery of services.”

It is significant that Arizona is the same state that last year passed the most far-reaching attack on the rights of immigrant workers—requiring local authorities to racially profile them, the carrying of documentation to prove residency, and prohibiting individuals or groups from aiding immigrants. The *World Socialist Web Site* warned at the time that the bill was a prelude to a far broader assault on the working class. This has already come to pass.

Legislation pending in Tennessee is equally draconian. Senate Bill 1033 would designate any form of resistance to corporations a criminal offense. Deemed a crime in Tennessee would be any activity that “Restricts a business, or the owners or employees of a business, from exercising their rights, which are protected under state and federal law, in an effort to obtain something of value for a

union or employee organization....

“Any otherwise lawful activity, such as the participation in a union or employee organized event, may constitute a riot if the public peace is disturbed by tumultuous or threatening conduct...creating a hazardous or offensive condition that may include picketing, mass picketing, or the targeted picketing of a residential structure.

“It is no defense to prosecution [that an individual’s offense was undertaken] for purposes of an organizing campaign or any other lawful purpose.”

Another Tennessee bill bans groups of workers from giving money to any political party or candidate. “No labor organization shall use any of the funds, moneys, or credits of the labor organization for the purpose of making contributions to any candidate with respect to any election,” the bill states. “A violation of this section is a Class C misdemeanor.”

Tennessee Senate Bill 1032 outlaws not only strikes and any form of work stoppage or slowdown by state workers, it even proscribes discussing strikes among workers. Violators of the no-strike law would be levied fines of \$1,000 per day. If it is determined that over 10 percent of any given state office or work site engaged in a strike, the union overseeing that site could be punished by having its right to collect dues revoked for the entire state.

Twin bills pending in the Tennessee House and the Senate proudly declare that they will “abolish teachers’ unions ability to negotiate terms and conditions of professional service with local boards of education,” according to their summaries.

A number of states are advancing or have passed legislation that will strip collective bargaining rights from most or all of the public sector workforce, among them Wisconsin, Ohio, Iowa, Idaho, Indiana, Florida, Kansas, Nebraska, Alaska, Arizona, and Oklahoma.

States dominated by Republican leadership are pushing bills that would decimate public sector unions (which now account for the majority of total US union membership) including Wisconsin, Iowa, Arizona, Florida, New Jersey, Tennessee, Pennsylvania, South Carolina, and Texas.

Among the legislative methods meant to achieve this are: outlawing or limiting the automatic dues-check off; requiring individual permission be gained for using union dues for political purposes; and by requiring regular recertification elections. Several states are also pushing laws that would mandate secret ballot-style elections for union certification, rather than card drives, the prevailing custom.

Meanwhile, in states dominated by the Democratic

Party, attacks on workers’ rights are being directly linked to wage-cutting.

In Connecticut a pending House bill would outlaw any wage increase awards in binding arbitration whenever unemployment in the state exceeds seven percent. A second bill would limit binding arbitration wage-increase awards to no more than the Consumer Price Index. (Binding arbitration occurs when workers and employers reach an impasse in negotiations, at which point a federal or state mediator may dictate a settlement.)

Hawaii’s Senate has passed a bill out of committee that “makes employer contributions to the employer-union health benefits trust fund non-negotiable under collective bargaining.” A number of other bills are circulating in its House and Senate that would increase worker contributions to health care and pensions, and another passed out of House committee that would eliminate Medicare Plan B reimbursements for retired government workers and their spouses.

A number of state legislatures, including New York and Illinois—both dominated by Democrats—are advancing bills that would force arbitration panels to limit awards to workers based on “the ability of a public employer to pay an award,” according to the language used in the New York bill. The bill, versions of which are active in Albany in both the House and Senate, would force arbitrators to give this factor the highest priority in making decisions. Its transparent purpose is to give all levels of government, from the state to the schools, the ability to force dramatic pay cuts by claiming financial duress.

A similar measure being advanced in Republican-controlled Michigan would allow workers’ contracts to be torn up in government units that have gone into bankruptcy or receivership.

A bill pending in Washington’s legislature, also controlled by Democrats, “Amends the Constitution to allow salary reductions for public officials during an economic crisis.”



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