

# CITY OF NORTHAMPTON

MASSACHUSETTS

*In City Council,*

July 12, 2012

Upon the Recommendation of City Councilor Maureen T. Carney, Councilor Paul D. Spector, and Northampton Human Rights Commission

## Resolution: The Right to Organize

WHEREAS, unions have historically helped to bring economic and social democracy to American society; and

WHEREAS, the City of Northampton wishes to promote respect for human rights, including workers' freedom to form unions without employer interference and bargain collectively, and has a history of support for the freedom to form unions and the important public benefits inherent in collective bargaining; and

WHEREAS, the current federal framework under the National Labor Relations Act does not protect the rights of all workers to freely decide whether or not to join a union of their own choosing; and

WHEREAS, failure to protect freedom to form unions is exacting a heavy economic, social, and political price from workers and communities throughout our city, Commonwealth, and nation, including, but not limited to, increased risk to workplace health and safety hazards resulting in increased injuries and illness, suppressed wages, decreased job quality, and worsened economic inequality; and

WHEREAS, immigrant workers, though they have the legal right to organize, are much more susceptible to labor rights abuses because they do not have equal access to ameliorative relief; and

WHEREAS, protecting the freedom to form unions is also vital to public health because union members are far more likely than non-union workers to enjoy better wages, health benefits, and safer working conditions;

NOW THEREFORE BE IT RESOLVED THAT the City Council of Northampton, Massachusetts

1. Supports the rights of workers to organize and bargain collectively.

2. Calls upon employers to:
  - a. Recognize the rights of those who work for them either directly or indirectly (under contractual arrangements) to be treated with dignity, to be paid a living wage, and to work in a healthy, safe, and secure workplace;
  - b. Respect that the question to unionize or not is for employees to decide and agree not to express an opinion either pro or con on the merits of unionization.
  - c. Abide by their employees' decision when a majority indicates (by card check, an election supervised by the NLRB or other neutral body, petition, or other public statement) that it supports union representation and engage in collective bargaining to achieve a written agreement without undue delay;
  - d. Refrain from abusing National Labor Relations Board elections and appeals by using them as means for delaying or avoiding representation for their employees; and
  - e. Refrain from abusing the rights of undocumented immigrant workers.
3. Calls upon the United States government to amend the National Labor Relations Act to:
  - a. Provide for increased and meaningful penalties for the commission of unfair labor practices;
  - b. Ensure timely conduct of elections following the filing of representation petitions by referring issues to post-election proceedings whenever possible; and
  - c. Ensure that employers and labor organization representatives have equal access to potential members of a bargaining unit during representation elections campaigns.
  - d. Include domestic and agricultural laborers as workers with the legal right to organize.
4. Calls upon the Commonwealth to address labor issues on the state level by:
  - a. Improving state labor laws to provide organizing and collective bargaining rights for workers in our Commonwealth so that contracts must be negotiated within a specific time frame; and
  - b. Improving and enforcing state laws against the use of public funds to oppose unions; and
  - c. Ensuring that state and local government employers continue to collectively bargain with unions and respect pre-existing contracts.
5. Calls upon Congress to give its full support to the National Labor Relations Board so it can continue to protect workers in the United States; and

BE IT FURTHER RESOLVED THAT

The Human Rights Commission will support attention to workers' human rights in accordance with the Universal Declaration of Human Rights Article 23 which refers to workers rights<sup>1</sup>

Each year the local chapter of the Western Massachusetts Workers' Rights Board shall provide the Human Rights Commission with a list of employers who respond affirmatively to Section 1 and 2 above. The Human Rights Commission shall examine the list and convey it to the Northampton City Council for public announcement.

If the Workers' Rights Board finds that any employer has violated their workers' rights to organize and bargain collectively in a repeated manner that is egregious and against the spirit and instructions of this resolution, then the board shall notify the Human Rights Commission of such findings.

The Human Rights Commission may then decide to take any of the following actions:

- a. Notify the employer via letter that the Commission is aware of these claims of conduct. The letter may request a meeting with the employer to discuss how these claims relate to their workers human rights.
- b. May request a discussion between the employer and the employees with the Human Rights Commission or other non-partisan appointed board as the mediator.
- c. May refer the claimed conduct to the National Labor Relations Board, the Commonwealth Relations Board, or other labor rights board or office.

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<sup>1</sup> Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of their interests.