

# RESIST & rebuild

CALIFORNIA LABOR FEDERATION 2017

## FACT SHEET

### AB 52 (Cooper) & SB 285 (Atkins)

#### PROTECTING THE RIGHTS OF WORKERS IN THE PUBLIC SECTOR

##### **Purpose**

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To ensure public sector workers know their rights and do not face employer pressure when they try to exercise them.

##### **Background**

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Teachers, nurses, firefighters, and other public employees provide essential services in every community, respond to emergencies, care for students and seniors, and ensure schools and local governments run efficiently and effectively.

Traditionally, public sector jobs have had little turnover, but that is changing. Governor Brown's 2016 budget summary stated: "With more than 40 percent of the state workforce entering retirement by 2018, more work is needed to develop and support the next generation of employees." California is also facing a teacher shortage crisis, and with one-third of all teachers nearing retirement we can anticipate substantial turnover.

New public employees will also face added responsibilities and job duties. State and local budget cuts during the recession reduced public sector employment, shifting new responsibilities onto existing employees and adding duties to new positions.

As California welcomes this coming influx of new public servants, we should ensure that all employees have the opportunity to attend a new hire orientation. These orientations allow workers to hear from management about their new responsibilities and from the union about their workplace rights.

Orientations allow for a comprehensive and balanced discussion of job responsibilities, health care benefits, retirement, wages, hours, and other services available to them. In addition, there are legal issues like mandatory reporting and whistleblower protections that workers should learn about upon hire. Employees can also ask questions about employment rights and health and safety practices.

The balance of power at the workplace is heavily tilted in favor of employers. Workers, individually, have little power or control over issues affecting wages, working conditions, and benefits. The ability to have a voice in these matters is a key reason why workers choose to join a union. Unions are just workers standing together to try and create balance in a system that is currently unbalanced.

Unions have consistently provided the most reliable pathway to the middle class and financial security for working people. The Labor movement continues to raise standards for all workers. Workers that have the opportunity to understand the value of their union are more likely to join and to participate.

Current law prohibits public employers from interfering with, intimidating, restraining, coercing, or discriminating against public employees while exercising their right to form or join a union or participate in union activity.

Current law also prohibits public employers from using state funds or facilities to assist, promote, or deter union organizing and activities, including encouraging or discouraging union membership.

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## LEGISLATIVE AGENDA

However, there is a loophole in the law that allows public agencies to coerce or intimidate public employees who are current union members. Right now, there is nothing to stop public employers from coercing their employees to withdraw their union membership.

Workers should have the right to decide for themselves if they want to create or join a union without fear or intimidation from their employer.

Public employees face new threats on the federal level, both through the courts and legislatively, that threaten the continued existence of public sector unions. Some anti-union public employers may view these threats as an opportunity to discourage employees from remaining union members.

If employers successfully convince their employees not to become union members or to withdraw from the union, this weakens the employees' collective power through union representation and unfairly increases the employer's power. This effectively undermines California's collective bargaining statutes and threatens hard fought protections for California's public servants.

### What These Bills Will Do

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**SB 52 (Cooper)** requires that all public employees have a new hire orientation and ensures that workers learn about their rights and responsibilities from the union that represents them.

**SB 285 (Atkins)** will close a loophole in existing law and ensure that public employees remain free to exercise their choice as to whether or not to become union members, without being deterred or discouraged from doing so by their employer.

### Support

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- ~ California Labor Federation
- ~ SEIU California
- ~ AFSCME
- ~ California Nurses Association

### Key Contact

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