



Labor Policy Overview

Resetting the Balance

By Jared Bernstein and Ross Eisenbrey

Summary

The American workforce labors harder and smarter, yet most working families have little to show for it. The main reason for this disconnect is the failure of policies and institutions designed to provide workers with the bargaining power they need to claim their fair share of the economic growth they themselves helped to generate. Repairing this damage calls for leveling the playing field for union organizing by passing the Employee Free Choice Act, strengthening and enforcing the Fair Labor Standards Act, and reforming and limiting guest worker programs.

Introduction

The most critical shortcoming of the U.S. economy for the majority of working families in the United States is the gap between the growth of the overall economy and their stagnating living standards. The most recent business cycle, which began in early 2001, was productivity rich, with the productivity rate growing about 20 percent over the current cycle to early 2008. Yet this historically healthy clip was accompanied by a higher poverty rate and a lower real median family income (after adjusting for inflation) by the end of 2006 than in 2000, according to the most recent available data.¹ Wages for most workers, even those with college educations, gained little ground over this business cycle. And as an apparent recession takes hold in 2008, economic insecurity and dissatisfaction with the economy dominated both the headlines and the presidential election.²

What is at the heart of these negative trends and sentiments? Many politicians and policy analysts will assert that these developments reveal a failure of education, implying the opportunities are out there but many in our workforce are not skilled enough to capture the economic returns from these opportunities. This is largely a ruse. First of all, even the



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real wages of college-educated workers have been relatively flat in recent years, up only 2.5 percent between 2000 and 2007. Secondly, less than a third of the American workforce is college-educated, which means 70 percent of the workforce has never had the chance to gain the education they need to get ahead.

While all agree that more education is always better than less, it is time to stop relying on supply-side explanations that “blame the victim” for falling real wages amid solid productivity growth. It is highly implausible that all of those efficiency gains are generated solely by the top 1 percent of the U.S. workforce—the only segment that has enjoyed rapid real income growth over the past decade. Americans are working harder, smarter, and longer to bake a bigger, better pie, but most are taking home smaller slices.

The culprit is not education, it is inequality. The benefits of economic growth have accrued almost exclusively to those at the very top of the economic scale. Most of these people at the top of the pyramid are college-educated, but that is far from sufficient explanation of the causes of the increasing split between growth and living standards. In fact, this gap is largely the result of the steep loss of bargaining power for most American workers. Blue-collar workers in heavy industry as well as service-sector workers across the occupational spectrum are experiencing the same loss of bargaining clout.

One reason why wage, income, and wealth inequality has so widened over the past few decades is that important distributional mechanisms in our economy are broken. These include macroeconomic mechanisms, most importantly full employment, as truly tight labor markets are clearly associated with more equitable distribution of earnings, as was evident most recently in the latter 1990s. But also broken are policies and institutions designed to provide more workers with the bargaining power they need to claim their fair share of the economic growth they themselves helped to generate.

In the absence of better labor policies, our labor market and thus our economy lacks balance, leaving workers without the bargaining power they need to ensure better economic outcomes for themselves and their families. But if instead we reset the balance by rebuilding good labor policies, then we can repair the broken distributional mechanisms, and begin to achieve lasting, broadly shared prosperity.

The challenges facing the American workforce

The National Labor Relations Act—passed in 1935 to balance the economic power of corporations and employees by encouraging collective bargaining and thus unions—has fallen far short of meeting its legislative purpose in recent years. Court decisions and administrative actions have removed important issues from collective bargaining, given employers new economic weapons to use against employees and unions, narrowed the coverage of the NLRA, and excluded millions of employees of its protections. As employer

lawlessness has increased, the National Labor Relations Board, the enforcement agency charged with protecting employee rights, has cut staff, weakened many of the NLRA's remedies, and refused to use the most powerful tools to compel compliance with the law.

These are not insurmountable problems. Specific legislation to repair and strengthen the NLRA includes the Employee Free Choice Act, the RESPECT Act, the Anti-Striker Replacement Act, and the protection of common *situs* picketing, which allows unions to picket and appeal to workers at an entire work site rather than limiting access to a single subcontractor's employees. To reset the balance for American workers, it is critical that each of these legislative pieces be part of a comprehensive progressive labor policy overhaul by the new Congress and presidential administration.

Employee Free Choice Act

The EFCA may be the single most important piece of labor market policy currently in play. The legislation would give workers the right to form a union based on a "card check," a condition that is met when the majority of eligible workers sign a card requesting union representation. Today, employers do not have to recognize a union under these conditions, and may instead demand a secret ballot be held, often after a delay of many months.

And that's where the problems start. The balance of power tilts so heavily toward employers during this period that the union lacks a fair chance to make their case. Outside union members are blocked from advocating the pro-union case on the worksite, but employers can hire consultants to constantly and incessantly lobby their workers against the union. While employers are legally prohibited from retaliation or direct, punitive threats, many ignore the law. Indirect threats by employers are permitted, such as warnings that other unionized employers have shut down or moved to Mexico, but those who are caught violating the law because they have fired workers or reduced their pay for engaging in union activities face no penalty beyond a back pay award that can usually be delayed for years.

One case in point: Blue Diamond Growers, the world's largest tree-nut processor, based in Sacramento, CA, fired union supporters a week after they announced an organizing campaign in September 2004. Blue Diamond was found guilty of 20 labor law violations, and was forced by the government to rehire two workers, yet it continued to intimidate and fire. Almost four years later, the workers are still trying to unionize.³

The most comprehensive study of employer tactics to fight union organizing found that what happened at Blue Diamond is all too common. The report, by Cornell University professor Kate Bronfenbrenner, found that employees are subjected to threats in most campaigns, are illegally fired in one out of four election campaigns, are compelled to attend captive audience, anti-union meetings in the workplace, and are subjected to one-on-one anti-union meetings with managers in a majority of election campaigns.⁴

The EFCA would impose civil fines up to \$20,000 per violation for employer violations of the right to organize. The legislation would also award triple back pay to workers fired for their union activity. Putting teeth like this behind efforts to achieve a first union contract is essential to union strength and survival. Yet even when unions win elections, employers often refuse to bargain or drag out negotiations for months or years, hoping the union will lose support. That's why the EFCA also allows a union to request mediation by a federal agency after 90 days of negotiations and, if mediation fails, to settle the contract by arbitration.

In short, the EFCA would empower workers to reclaim their right to bargain collectively, which has been lost over the past 60 years. Private-sector union membership has declined to about 7 percent of the private sector workforce today from about 30 percent in the 1960s. This trend was not inevitable given that collective bargaining coverage remains above 60 percent in Belgium, Germany, France, the Netherlands, Sweden, Italy, and Spain. Part of the union decline in the United States is due to the loss of jobs in the most unionized industries, especially manufacturing, but an increasing part of the decline can surely be assigned to the National Labor Relations Board policies and practices that the EFCA is designed to address.

The RESPECT Act

The Re-Empowerment of Skilled and Professional Employees and Construction Tradeworkers Act would reverse a troubling recent trend where employers classify workers as supervisors to prohibit them from joining unions. Many hospital nurses, for example, are often denied NLRA protections and the right to organize. Similarly, any skilled or professional employee whose only supervisory duty is directing the work of another, for as little as 10 percent of his or her work week, can be considered a supervisor even though he or she does not hire or fire other employees, impose discipline, or have the power to promote or reward other employees.

The RESPECT Act would prohibit employers from denying NLRA protections and the right to unionize to workers because a small part of their work involves assigning tasks to other employees. Today, assigning a task or directing work without having the power to hire or fire, promote, or discipline is enough to make you a statutory supervisor. The RESPECT Act would restore a common-sense definition of supervisor, and require that true supervision be the primary duty of anyone classified as a supervisor.

The Anti-Striker Replacement Act

The Anti-Striker Replacement Act would overturn a 1938 Supreme Court decision that deeply undercut union leverage in collective bargaining. The NLRA protects the right to strike, and prohibits employers from firing strikers. But the Supreme Court in *NLRB v.*

Mackay Radio & Telegraph Co., ruled that an employer may permanently replace economic strikers—even if it can't fire them.

Employers, of course, saw no practical difference between firing or permanently replacing a worker. After the Supreme Court's decision few employers took advantage of this weapon for 40 years, but employers turned to the *Mackay Radio* ruling in force after President Reagan fired 11,000 striking air traffic controllers at the Federal Aviation Administration in 1981. Suddenly employers began to use *Mackay Radio* to lawfully eliminate all their union employees, sometimes “locking out” the employees even before a strike was called.

Strikes are now so dangerous for workers that they have become rare. In 2007, there were only 21 strikes, and only 1.2 million workdays were lost, compared to 1981, when there were 145 strikes involving 1,000 workers or more, and 16.9 million work days were lost. Legislation to reverse *Mackay Radio* would make it illegal for employers to permanently replace lawful strikers who make an unconditional offer to return to work.

Common *Situs* picketing

Common *situs* picketing would permit unions to picket an entire construction site rather than limiting them to a single gate reserved for employees of an employer with whom the union has a dispute. The power of a picket line, of course, is its signal to other workers to choose sides between workers and their employer. If a picket line is restricted to an area or entrance that other employers' workers never use, then other workers never have to choose whether to cross it, and the picket line loses its effectiveness.

Allowing a union to picket all construction site entrances gives the strikers an opportunity to inform all employees on the site about the labor dispute, and creates the potential for broader employee support of the strike. Common *situs* picketing also helps assure that the ultimate financial interests—the construction owners and general contractors—are aware of the union concerns. The broader the employee support, the more likely the owners and general contractors will feel pressure to help settle the dispute between the subcontractor and its employees.

Giving the American workforce a fair shake

Working Americans get precious little help from their government in securing a fair wage, or even the minimum wage required by law. Every year hundreds of thousands of workers are forced to resort to private lawsuits to win back wages owed to them by employers who work them off the clock, fail to pay overtime premiums, or pay less than the state or federal minimum. They also get little help in balancing the needs of their families and the

demands of work, most importantly when they or family members are sick. And neither the federal government nor any state requires employers to provide a minimum amount of paid vacation time to employees.

But there are solutions to all of these problems, which state and local governments (those famous laboratories of democracy) are now beginning to address, and which a more activist federal government could implement. They include setting a fair minimum wage; simplifying and enforcing the overtime laws; expanding the Family and Medical Leave Act; and enacting new laws to guarantee that the needs of America's families are not sacrificed to employers who are either uncaring or selfish, or who believe that they can't afford humane policies because their competitors might gain a competitive advantage.

Fair Labor Standards Act

The Department of Labor over the past eight years has been seriously derelict in monitoring the enforcement of labor standards, including wage laws, overtime regulations, and classification of workers under the Fair Labor Standards Act. Urgent action is needed to re-enforce this critical set of labor market regulations, beginning with a significant increase in the number of inspectors and attorneys at the department assigned to ensure that employers adhere to our nation's labor laws.

DOL's Wage and Hour Division today enforces more laws than it did in 1975, including the Family and Medical Leave Act and laws to protect migrant farm laborers. The division also must police a workforce that boasts more than a million additional employers, and a workforce that is 38 percent larger than in 1975. Yet the division's inspector staffing fell by 14 percent between 1975 and 2004 and then suffered another 16 percent decline over the following four years.

Similarly, without sufficient attorneys to bring cases against employers, DOL can only settle cases that are contested. Yet the Solicitor's Office at DOL today employs only 588 full-time equivalent attorneys, compared to 744 as recently as 1995. The upshot: Attorney staffing has to increase at the same pace as inspector staffing.

DOL must also tackle the problem of overtime pay across our country. We need to raise the salary threshold below which overtime pay is automatic to the level of the national average wage—regardless of a worker's duties. This step would do away with the often-arbitrary and increasingly complex process of using occupational tasks to assign eligibility or determine whether employees are paid on a true salary basis.

DOL should also amend the overtime regulations to simplify the tests for executive, professional, and administrative exemptions. The rules governing these tests are so arcane that neither employers nor employees understand them. Why, for example, should a soil

analyst be exempt from overtime as an “administrative employee”? Why should an assistant manager in a restaurant who makes no budgetary decisions and has no authority to hire or fire, to promote or discipline other employees, be exempt as an “executive”? Why should one kind of insurance adjuster be exempt, but not another? Why should inside sales employees have the right to overtime pay, but not outside sales employees?

Finally, the next president and Congress must amend the Fair Labor Standards Act to raise the federal minimum wage to 50 percent of the national average wage, and then index it to inflation. Even with the recent three-stage increase in the minimum wage to \$7.25 an hour, its inflation-adjusted value will be less than when the minimum was raised in the Clinton administration and far below its value at the end of the Carter administration and throughout the 1960s. At the same time, the new Congress and president must raise the penalties for child-labor violations, especially when a child is injured or killed.

Family Medical Leave Act

The FMLA is important legislation intended to help workers balance work and family responsibilities, but it is underutilized, in large part due to the fact that leave is unpaid. Employers with 50 or more employees are required to give up to 12 weeks of unpaid leave, guarantee the same or equivalent job upon return to work, and continue health insurance for employees who must care for a seriously ill family member, parent, or themselves, or who are giving birth to or adopting a child. Research has found that a majority of workers who report either needing family leave and not taking it, or returning from leave before they were ready, did so because they could not afford to take anymore time off without pay.

The solution: Apply the FMLA to businesses with 15 or more employees and make it paid leave. The Family Leave Insurance Act would provide eight weeks of paid leave. But a serious legislative agenda to balance work and family would need to go well beyond the FMLA. Congress should enact legislation to give employees the right to ask for flexible work hours and get a response from the employer. Such legislation, though limited to parents, has been implemented with great success in Great Britain since 2003, where it has led to much greater flexibility for workers and widespread acceptance by employers.

Congress should also enact the Healthy Families Act, which requires employers to provide seven days of paid sick leave annually. Finally, the United States is rare among advanced economies in that we do not mandate any vacation. While Bureau of Labor Statistics data show that 77 percent of private-sector workers get paid vacations, the share for low-wage workers is 39 percent. Requiring two weeks of paid vacation for everyone is an ambitious but necessary step toward work/family balance.

Wages and workers

The federal government spends hundreds of billions of dollars each year to purchase goods and services from the private sector. Its spending has a tremendous impact on the economy and must be done in a way that promotes, rather than undermines, middle-class living standards. Because government contracts are generally awarded to the lowest bidder, it is critical that contractors and vendors not compete by driving wages down below community standards.

That's why Congress and the new president need to apply Davis-Bacon Act wage standards, which enforce the payment of prevailing occupational wages on government construction sites, to all construction that receives federal support, whether through loans, grants, or direct payment. In addition, Congress and new administration should amend the Walsh-Healy Act, which applies prevailing wage requirements to all work done by contractors that supply materials and manufactured goods to the federal government. The Walsh-Healy Act, though still on the books, has been a dead letter because its wage determination procedures were struck down by the federal courts.

Ensuring wage gains for U.S. workers that match the productivity they display on the job every day also means we need to confront the issue of guest workers. When many workers' wages are consistently lagging productivity growth, and even inflation, it makes no sense to quickly offset labor shortages by importing guest workers, be they high-tech engineers, construction workers, or summer landscape gardeners. Specifically, if there is no structural shortage of U.S. workers, there is little economic rationale for guest workers.

“Structural,” however, is an important qualifier. It is not at all uncommon for certain sectors of the economy—as defined by occupation, by industry, by service, or even by geographical areas—to experience temporary labor shortages. In fact, such shortages provide important market signals—when demand exceeds supply in an occupation, market forces will cause compensation to rise, signaling workers who may be underutilized to fill the gap. If policymakers react too quickly and increase supply through programs such as offering H-2B visas for landscape laborers and grounds maintenance workers, then they will jam the market signal and prevent a necessary adjustment.

To jam market signals by resorting to a visa program for a special type of worker has the potential to prevent the optimal allocation of labor, leading to market distortions. One such distortion is the dampening of wage gains that should accompany tight labor markets. In 2007, for example, 60,000 landscape laborers and grounds maintenance workers were admitted to the United States as H-2B non-immigrant “guest workers.” Yet unemployment has been rising for this occupation, and wages have fallen since 2000, after adjustment for inflation. Establishing the existence of a true, structural shortage is therefore of fundamental importance.

To reform this part of labor market policymaking, the new president should fix the H-2B visa program to require wages at the 75th percentile of prevailing wages, require more recruitment of U.S. workers before permitting importation of foreign workers, and give U.S. workers the right to a job until one week before foreign workers depart their country for the United States. In addition, the new administration should provide legal rights and legal representation for “guest workers,” and crack down on fraudulent or abusive recruiting. In the Hamptons, a tony Long Island resort and residential area, 47 out of 49 companies using H-2B landscapers paid them less than \$8.50 per hour, even though the statewide prevailing wage is over \$12.50 an hour.

The new president should also press Congress to pass the Agricultural Job Opportunities, Benefits and Security Act to regularize the use of foreign labor in U.S. agriculture. The Ag Jobs bill would adjust the status of undocumented immigrant farm workers who spend half the year working in the fields, and would put them and their families on a path to citizenship. It would also make it somewhat easier for employers to import farm workers through the H-2A visa program, which governs agricultural guest workers.

Finally, the new administration should require employers who want guest workers in the high-technology, engineering, or education sectors to first offer wages to U.S. workers at the 75th percentile of prevailing wages, and prohibit the displacement of U.S. workers by requiring meaningful domestic recruiting before H-1B visas can be offered to foreign high-skill workers. The reason: In 2007, 8 of the 10 companies that received the most H-1B visas were companies that specialize in global information technology outsourcing, among them India’s top five IT outsourcing firms. These specialized offshoring companies use H-1B visas to train foreign workers in the operations of U.S.-based companies, after which the U.S. companies move these jobs offshore.

Occupational Safety and Health Act

OSHA, like the Fair Labor Standards Act, has been seriously underenforced over the past eight years. Construction injuries and deaths are on the rise, enforcement of the duty to prevent ergonomic hazards has been almost totally abandoned, and only a single new health regulation was issued—and only because a court ordered its issuance. To correct this problem, we recommend several specific steps for the new president to take. First of all, with OSHA inspections at an all-time low, we need to double the number of inspectors. The compliance staff needs to do more enforcement and agree to fewer cooperative agreements with employers.

Secondly, we also need to double the number of attorneys. The Solicitor’s Office is forced to settle far too many of the cases it brings for very low penalties because it doesn’t have the attorney resources needed to prosecute the inevitable appeals. Willful and repeat violations that deserve \$70,000 penalties are settled as \$7,000 serious violations in order to conserve resources.

Third, we need to raise penalties for serious violations from the \$7,000 maximum to \$25,000, and willful violations from \$70,000 to \$150,000, especially if they cause injury, illness, or death. In addition, the criminal penalty should be raised from misdemeanor to felony in these cases.

Finally, the Occupational Safety and Health Administration needs to issue standards to cover more effectively the broad range of carcinogens to which workers are exposed—but of which few are regulated. Alongside these, OSHA must issue new standards for neurotoxins—the broad range of chemicals that cause damage to brain, spinal cord, and nerve cells—and respiratory threats such as diacetyl, which causes bronchiolitis obliterans, or “popcorn lung” disease. OSHA also needs to issue specific standards on ergonomic hazards that cripple manufacturing, service, and knowledge workers alike, as well as on combustible dust.

Dislocated workers

With increased globalization and its associated competitive pressures, the dislocation of workers through layoffs is increasingly costly and problematic for the American workforce and our national economy. One useful legislative mechanism already passed by the House of Representatives is the Globalization Act, which reforms unemployment insurance programs; the Worker Adjustment and Retraining Notification Act, or WARN Act; and trade adjustment assistance.

The Globalization Act provides \$7 billion to states that amend their unemployment insurance laws to help low-wage and part-time employees qualify for benefits. The legislation also amends the WARN Act to lengthen the required period of advance notice of impending mass layoffs, authorizes federal and state enforcement of the WARN Act, and expands WARN Act coverage to more plant closings and layoffs. Specifically, the new president needs to eliminate the “one-third rule,” which excludes from WARN Act coverage layoffs that affect fewer than 500 employees if less than one-third of the workforce is laid off.

According to the Government Accountability Office, the WARN Act is ignored by most employers and rarely enforced by private lawsuits. Jevic Transportation, a New Jersey trucking company, for example, recently laid off 1,000 employees without a single day of advance notice. The Globalization Act also amends trade adjustment assistance to cover service workers, to increase the health care tax credit, to allow certification of entire industries for trade adjustment assistance (which provides weekly compensation payments and job training), and to double the amount of money for training. These are positive steps that the Senate should join the House in passing, and which the new president should support.

More, however, also has to be done to help workers hit by the effects of globalization. The increasing share of long-term unemployed persons, even at historically low unemployment rates, suggests the need for both longer periods of standard benefit provision and

a more responsive trigger for extended unemployment insurance benefits. We suggest changing the so-called Unemployment Insurance-Extended Benefits, or UI-EB, program that pays additional weeks of unemployment benefits to make 39 weeks of benefits standard for regular unemployment insurance, instead of 26 weeks, as is now the case. And we ought to extend unemployment insurance benefits automatically an additional 20 weeks when the long-term unemployment rate exceeds 1 percent.

Congress recently enacted, and President Bush signed into law, a 13-week extension of unemployment benefits. But this extension comes very late for the hundreds of thousands of jobless workers who have been without benefits for many months since the economy began slowing in 2007.

Denmark's experience with extended unemployment insurance provides proof that longer periods of entitlement do not necessarily lead to higher unemployment. Denmark provides four years of much more generous benefits, yet boasts an unemployment rate of about 2 percent. Unemployment insurance is important not just to protect workers from catastrophic income loss—most cannot survive financially for more than three months without a job—but also as a countercyclical stimulus during economic downturns.

Finally, the new president must recognize that the federal government's latest attempt at consolidating our job training initiatives, the Workforce Investment Act, has failed. With the exception of the Job Corps program—an education and training program for disadvantaged young workers that is worth saving—the WIA program is a bureaucracy without a clear mission, without sufficient oversight, and without sufficient funding. The Bush administration's current incarnation of the WIA program only extended a 25-year track record of failure. The roughly \$3.5 billion spent on the WIA program every year could be more effectively spent on all of the labor policies noted above; as well as on more, and more sizable, Pell grants to help low-income families get their kids through college or a trade school; on more vocational education for adults looking to change professions; or on more child care for low-wage workers who need help taking care of their kids while trying to make ends meet.

There are, of course, many other changes that could and should be made to support progressive labor policy. These include an executive order to promote project labor agreements, which determine wages and benefits for an entire construction project in exchange for a no-strike provision and a guaranteed supply of skilled labor, and provisions to reward or punish contractors in the awarding of federal contracts depending on their compliance with labor law. The new president should also embrace the idea of requiring employers to pay a living wage to their employees, alongside much stronger prosecution of employee misclassification, where employers treat legitimate employees as independent contractors in order to avoid paying unemployment insurance taxes, social security taxes, worker's compensation premiums, and other costs associated with employee status.

Taken together, all of these changes will help to restore some degree of balance to an economy fraught with severe imbalances that harm the vast majority of U.S. workers. The pace of globalization and technological change has heightened the need for these labor protections, yet in every case their scope has been diminished over the past eight years. Resetting the balance in the labor market to better distribute the fruits of our nation's powerful productivity growth is long overdue.

Opponents will claim that undertaking these changes will be costly in terms of overall macroeconomic growth. But there is no convincing evidence that restoring balance to labor markets will crimp growth. On the contrary, in the short run our economy cannot experience sustainable, lengthy expansions without a more equitable distribution of the fruits of growth and the broad-based demand it generates. There is no obvious asset bubble to replace housing or tech stocks as the source of consumer spending power—fairer compensation for America's workers is the only alternative. In the long run, such excessive inequality threatens to undermine one of the most basic and deeply cherished American values: equality of opportunity.

In the United States, everyone should get a fair chance, regardless of his or her initial wealth, to succeed in life. If you work hard, play by the rules, and contribute to our nation's economic progress, then you and your progeny should benefit. In our current economy, equality of opportunity is truly under siege. The new president and his administration have an obligation to enact a new, progressive economic policy that once again gives all Americans an equal chance at the American Dream.

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Endnotes

1 This assumes the 2000s business cycle went from the first quarter of 2001 to the fourth quarter of 2007.

2 Jennifer Agiesta and Jon Cohen, "Public's View of Economy Takes Fast Turn Downward," *The Washington Post*, April 18, 2008, p. A7, available at <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/17/AR2008041703769.html>.

3 Ivo Camilo, Testimony before the House Education and Labor Committee, Subcommittee on Health, Employment, Labor, and Pensions, on "Strengthening America's Middle Class Through the Employee Free Choice Act," February 8, 2007, available at <http://edlabor.house.gov/testimony/020807IvoCamilotestimony.pdf>.

4 Dr. Kate Bronfenbrenner, *Uneasy Terrain: the Impact of Capital Mobility on Workers, Wages, and Union Organizing* (U.S. Trade Deficit Review Commission, 2000).