

Center for American Progress

Will the NLRB Be Able to Protect Workers' Rights?

Introduction:

**Neera Tanden,
President, Center for American Progress;
Counselor, Center for American Progress Action Fund**

Moderator:

**Amanda Terkel,
Senior Political Reporter and Politics Managing Editor,
The Huffington Post**

Speakers:

**Senator Jeff Merkley (D-OR)
Richard Trumka,
President,
AFL-CIO**

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NEERA TANDEN: Good morning, everybody. My name is Neera Tanden and I am president of the Center for American Progress. Today I'm here to welcome you on behalf of the Center for American Progress Action Fund. I'm glad all of you could be here to join us for this important discussion on the future of the National Labor Relations Board.

We've seen all week that this is really an urgent conversation. As many of you know, the current board chairman's term ends in August, and unless the Senate acts quickly to confirm new appointees the board will effectively cease to function. President Obama has put forward five bipartisan nominees but all of them are still sitting on the Senate floor awaiting a vote.

The stakes are incredibly serious. If the president's nominees are not confirmed, scores of labor laws that protect both union and nonunion workers could cease to be enforced. Indeed, because the NLRB has exclusive authority over much of American labor law, failure to confirm these nominees could undermine a sweeping range of workers' rights, such as the right to organize, the right to join together to both oppose abusive conditions, and the right of unions to bargain with employers.

And I really think that this whole conversation is part of a kind of broad effort to undermine government. Really what we're seeing is that conservatives, Republicans, have opposed the NLRB itself. They don't like the functioning itself and therefore are using their powers of delay to end the work of the NLRB, and that is simply wrong.

So essentially we are at a critical juncture. I think people have seen news reports of gathering efforts to address the issue of congressional and really Republican opposition to the NLRB itself. Really this is part of an unprecedented effort of Senate Republicans to use the filibuster to achieve their political ends. They have blocked the president's nominees for the NLRB. Obviously they're blocking many other agencies. And the obstruction is really part of a larger effort to ensure that their opposition to, really, workers' rights is enshrined in their inability to act.

So with that, we are excited to have the discussion today. We really could not have better people to discuss this issue. Senator Jeff Merkley is here. And he has been a strong fighter on behalf of a working Senate and working people. Generally those should go hand in hand. And obviously he's been a leader in reform of the Senate rules to actually have this function on behalf of the American people. And so we celebrate his work and look forward to the discussion today.

We also have here President Trumka of the AFL-CIO. I can honestly say there are few people on the planet who work harder for American workers. We have fought side by side on numerous issues, and he is really a role model for a passionate commitment to social justice, to workers' rights, to making clear that America should be a place that is fair for all Americans. So we are thrilled to have him here.

But first, it is my great honor to introduce Katherine (sic) von Eitzen, who will discuss her personal story. She is really going to describe why we need a functioning NLRB and why, if it doesn't function, it's America's workers who will lose. Kathleen works as a baker at Panera Bread – at a Panera Bread franchise in Battle Creek, Michigan.

Like many hardworking Americans, Kathleen struggles to make ends meet on her wages. She has been part of a really courageous effort to unionize. And so we celebrate that courage, but what's really daunting about the moment we're in is that if we don't have a functioning NLRB, you know, her courage could really be cause for harm for her. And so she'll describe why it's so important that we have NLRB, and we're excited to have her.

After her remarks, Amanda Terkel from Huffington Post will start off our panel. Can I mention that you're a former ThinkProgress blogger? And we're excited to have Amanda back here. She is a fantastic, fantastic reporter and we're proud of her as an alumni.

So with that, please let me welcome Kathleen. (Applause.)

KATHLEEN VON EITZEN: Good morning. Usually I'm in bed at this time, so if I'm not quite as precise as I should be you'll have to excuse me. I work third shift at a Panera bakery in Battle Creek, Michigan.

Our work is specialized. The job training I went through took me four months, yet the pay is very low and I'm unable to purchase health insurance for my husband and I because the premiums would cost me half my paycheck. Somehow, you know, this just doesn't seem fair to me. I work hard at my job. I hone my skills. I work the third shift, which I'm sure a lot of you wouldn't like to work. I enjoy working it, but it is a hard shift to work.

So my coworkers also agreed with this and we decided that maybe we should form a union so we could actually receive pay and benefits that would cover our basic needs. So it's really not easy to form a union at all nowadays. (Chuckles.) So the company is very determined to stop us. Right now the laws are slanted more toward the employer than the employees. We had to attend mandatory meetings where we were told why we shouldn't organize a union, because our particular franchise is owned by a good Christian man that would take care of us so – because of his beliefs.

So yet five months into this battle – well, five months after we discussed forming, we presented a letter of recognition to the company, and the changes in the five months before we presented the letter were just adverse. We were expected to come into work, work harder, have more productivity. We had our hours cut, so we had to achieve this in less time. And instead of having two bakers on premise, we would go down to one-and-a-half bakers. So twice the work, less the time, and half the people. (Chuckles.)

So it was hard. So they wanted us to give up. We had to attend – I don't know if you know how this goes, but you present a letter of recognition saying, we would like to form a union. Then the company has the right to tell you why you shouldn't do it. These mandatory meetings you have to attend. You can't opt out of them. And they can take a long time. The second meeting we had, I left after five hours because I had to get some sleep. I'm not sure when the meeting ended, but after five hours I had to go.

So this did not deter us. We did not give up. And in March of 2012 we voted 11 to 7 to form a union with the BCTGM. We are very proud of the support and help that they have given us in guiding us through this process. And we are very proud that we prevailed.

So this is the first time Panera workers have organized anywhere in the country. Eighteen bakers, again, made that courageous decision to do it. And Panera, our franchise owner, refuses to negotiate a contract with us. We're talking 18 months later and the golden hoop – if you're on a merry-go-round you're always reaching for that golden ring. We have not achieved it. We have not achieved a contract.

In fact, it has – the work attitude has gotten worse. There is constant scrutiny of all the vocal bakers. There are intimidation measures. We have test scores that have plummeted in our bakers that were vocal in the union. And this does affect my pay raises and my performance bonus, which I wasn't eligible for this year.

So one of our most outspoken union supporters was terminated. This has scared the rest of our members because, you know, we depend on our paychecks. Granted, they're not much, but we depend on them. We try to pay our bills with them. We try to provide for our family with them. And when you see one of the workers get fired because he exercised his right to form a union, it sort of makes you back off of things.

So why health benefits have been so important, that's been – they call me the one-trick pony at Panera because I have pushed for health benefits. My husband had a major heart attack and we don't have health insurance. So it took him three years to recover from this. He's now able to work part time. And unfortunately nobody wants to hire him, so he started his own self-employed business, and of course, you know, the rates for insurance aren't very fair when you're self-employed.

So there are some weeks I have to make the decision whether or not I'm going to pay my light bill or buy food for my husband and I, or buy his prescriptions. His prescriptions cost \$300 a month. So I'd just like to be able to have an NLRB that has decided during this whole 18 months that we were right, that we did everything right. We presented our letter. We went to the mandatory meetings. We proceeded with our campaign. They have founded in our favor every step of the way. They have ordered the company to negotiate with us, yet the company refuses to.

I need NLRB to function for the worker. I need to have five people so we can have a quorum so these decisions just don't go float off in space and hopefully disappear and are never resolved. So I need our nominees to be confirmed, and I need good friends that are going to help us achieve this. So thank you for listening to my story. (Applause.)

AMANDA TERKEL: Thank you all for coming today. I'm especially excited about this panel discussion today because it comes on the heels of yesterday's news that Senate majority leader Harry Reid is seriously looking at rules reform. Senate Democrats are expected to discuss this in their caucus meeting on Thursday and vote on some of these stalled nominees, including the NLRB nominees. It could come as early as next week. So it's a great, great day for this panel.

So I wanted to start with you, Senator Merkley. I know that you met with the Senate majority leader yesterday. So I wanted to just hear from you a little bit how did that meeting go, how likely is reform, and what would you like to see?

SENATOR JEFF MERKLEY (D-OR): Let me start just by thanking Kathleen for sharing her story, and the courage of attempting to have workers come together to fight for a living wage and health care benefits. It takes enormous courage because of all the obstacles. And well done, and you gave an excellent presentation.

And I think this one story is representative of thousands of stories across the country about the challenges people face when you have a dysfunctional Senate that can't get confirmations done, can't have up and down votes on nominations, therefore is affecting the executive branch.

I mean, here we are with a situation where our Constitution calls for the Senate to give advice and consent and calls for a supermajority on treaties but has the framework for a simple majority on nominations. But the Senate has now decided – the minority has decided that they are going to use their power for asking for continuous debate to block nominations from ever getting an up and down vote.

And the background here is that in January, Leader Reid felt that he had a deal, and the deal was that the Republican leader, Mitch McConnell said we would return to the customs and traditions of the U.S. Senate regarding nominations. What are those customs and traditions? It's that nominees get a timely up and down vote with rare exception.

But what we have is not rare exception. What we have is continuous obstruction on virtually every major nomination. We immediately had the first-ever filibuster of a defense secretary, Chuck Hagel. Then we proceeded to have a letter from 43 colleagues who said they would vote against anyone who was proposed as a nominee to head the Consumer Financial Protection Bureau. We've had Gina McCarthy facing a denial of quorum in committee to be able to get her out. We've had folks say they will never allow an up or down vote on the labor secretary nominee, Tom Perez. And the list goes on and on.

And then we have the topic today of the fact that in August we will have no quorum of the National Labor Relations Board, a group that is essential for protecting workers' rights across this country. And so the Republican minority has said: We aren't going to try to change the law and eliminate the NLRB; we're going to try to eliminate it by preventing there from being a functioning quorum. So it's essentially – it's an attack on workers and it's an attack on the legislative process through abuse of the filibuster.

So that's the framework for the conversation. And what Harry Reid has said publicly is that this is unacceptable, that we're going to have a major debate on restoring the functionality of the Senate on executive nominations. I'm very much looking forward to that debate within the caucus starting tomorrow, and then I assume we'll be taking that to the floor.

And it is so important that the Senate take a strong stand and restore its functionality. Advice and consent was not pictured as a strategy in the Constitution for one co-equal branch, the legislative branch – and actually a minority in this case of just the Senate – to be able to do deep damage to the two other branches. So we must take this on and I'm looking forward to that debate.

MS. TERKEL: And so this is sort of maybe a first step in reform. It's about Cabinet, federal appointees – or nominees, rather than judicial and legislation filibusters.

SEN. MERKLEY: Yes, all executive nominations. That's the piece that we're going to be focusing on.

MS. TERKEL: OK. Good.

And so, President Trumka, I was hoping that you could tell us a little bit. When we talk about the NLRB, a lot of people think about how the gridlock affects unions, and obviously it does. But I was hoping that you could talk a little bit more about why all workers should be concerned about the fact that the NLRB could be rendered essentially ineffective. And who does this gridlock benefit, if anyone?

RICHARD TRUMKA: Well, it benefits probably big business. It doesn't benefit workers or whether they're union or nonunion.

First let me make this statement about our law. Our law is too weak and it's too slow, but it is the only law that we currently have that protects workers now. They try to portray this as something that benefits unions. It benefits workers. For instance, let's say you have two nonunion workers out there and they have a machine that is unsafe to operate, and they say, we're not operating this machine, and they get fired. They say, you will operate it or be fired. They say no. They get fired.

Those nonunion workers could get the protection of the NLRB because they took concerted action. Two of them acted together. So it's any worker out there that can benefit from the National Labor Relations Act and from the board. Now, if you file an unfair labor practice act, if you don't have the board that operates, nothing happens. It's like filing a complaint somewhere and it sits on the desk. We need a functioning board to operate.

And then even after the board rules, unlike a court case where a judge rules, these rulings aren't self-enforcing. The employer then frequently says: I don't care what the board says; I'm not going to listen to it. So then you have to go to court and you have to have a court order them to do it, and the whole process takes literally years and years.

But if you look at this last year, the National Labor Relations Board, even in its weakened state, achieved \$46 million in back pay for workers that had been fired. These aren't union workers. These are workers that were either standing together for their rights, for their health and safety, or to get a voice on the job – \$46 million.

And I might add, in the NLRB when I said the law was too weak, if you get fired under the rules of the NLRB and you get another job while you're waiting to get your job back from your employer, any wages you earn during that period of time are deducted from the back pay that you're entitled from your employer. So if you had a \$10 an hour job and you got fired and you happened to pick up another \$10 an hour job, there would be no back pay.

That's the way the rules are operated. I mean, and obviously you can see it's not much of a deterrent. Last year 1,200 workers were put back to work that were unfairly fired. Roughly 25,000 a year get fired illegally for trying to do concerted activity. They get strung out for three or four or five years under a good functioning board because of the slowness of the law.

So everybody out there, including, by the way, employers, get benefitted by the act as well because there were things that the act prohibits unions from doing. You can't do secondary boycotts. You can't do hot cargo clauses. You can't do a number of things that protect employers as well. And without a board, those employers aren't protected either.

So virtually everybody out there in the labor relations realm is benefitted by a functioning NLRB and everybody will be hurt by the lack of a functioning NLRB.

MS. TERKEL: And I guess this question is for both of you. I've seen reports that some of the Republican members who seemed to not be upset that the NLRB isn't functioning properly have received donations from a lot of these corporations that are benefitting from the gridlock. And so I would love your thoughts on, you know, is that sort of what is behind their opposition, or is there something larger of why they oppose a fully functioning NLRB?

SEN. MERKLEY: Well, I wouldn't be able to say that campaign donations directly are attributable, but certainly the role of big money in politics is a problem. It has stood the principle of the American vision – that is, “we, the people” – on its head. And we are now not “we, the people.” We are “we, the powerful.”

And campaign donations are an enormous part of that. Super PACs and Citizens United ruling are a huge piece of that. It becomes harder and harder to get folks elected who believe in this vision of our democracy that fights for the fundamental success of ordinary people. And so in general, yes. In specific, I wouldn't want to say that any particular person was influenced by those donations.

MR. TRUMKA: Well, there's a group out there called the National Right to Work Association and I can tell you who they're funded by. They're funded 100 percent by corporate America.

And I want you to go back and think about what Jeff said at the beginning in his opening statement about all the agencies that are being filibustered right now: the Consumer Protection Agency, the EPA, the NLRB and the Labor Department. Now, what do all of those have in common? They're all enforcement agencies that protects the rights of workers or the general public – consumers and the general public. They are being attacked and assailed in an unconscionable way.

I have a slide that I'll show you in a little while about the number of times that they've invoked the filibuster recently and how disproportionate it is to any other time in history. I will put that up in a little while. But that's being backed by corporate America.

Republicans get 79 percent of their money from corporate America. You decide. Seventy-nine percent of their money comes from the big corporations. So you ask yourself, does it have any effect on them? I happen to think it does. I happen to think that's who they represent. And that's why they're willing to turn

their back on people like Kathleen or another one of our friends, Marcus (sp) from Indiana. And I'll tell you his story quickly.

Marcus (sp) was a printer. Marcus (sp) had a friend come over to his shop that was also a printer, and the friend wanted to look through the printing shop. Marcus (sp) was also a union leader, by the way. I should have said that. He goes to his supervisor and says: My friend would like to see our shop. Can I give him a tour? And the supervisor says: Absolutely, give him a tour. So he gives him a tour, and after the tour is over the owner comes in and fires Marcus (sp).

The case goes to the NLRB. The NLRB quickly decides in his favor, saying it's the most pretextual thing they've ever seen: You violated his rights so we're putting him back to work. Then there was no functioning NLRB and now they can't make a decision and then that decision gets appealed. And in the meantime Marcus (sp) has lost his home because he's been out of work, couldn't find additional work. He's lost his home.

I wish that Marcus (sp) and Kathleen were rare examples, but in today's labor relations they're more common than it is the other way where the law actually works. And so this is all an attempt to stand up for the people that support them. Corporate America supports them. They support corporate America. And they attack four agencies – four agencies: the Consumer Protection Agency, the NLRB, the Department of Labor and the Environmental Protection Agency. Kind of odd.

MS. TERKEL: And, Senator, I know that there have been some senators who have been a little bit nervous about changing the rules because they're worried about the precedent it could set, and if the Democrats are in the minority some day that this could backfire on them. Do you find that that concern is sort of lessening as people continued to be stalled more? Sir, what's your counterargument to that?

SEN. MERKLEY: Well, it is lessening because the frustration is growing. In other words, it's a modest amount of obstruction and an occasional request for a supermajority. If it happened once or twice a year that might be one thing, but when it's continuous on person after person after person, it becomes just a very clear strategy to disable an administration re-elected by the American people.

The president won the election, and now the effort is to absorb the energy from that re-election to prevent him from actually running the country according to the values he espoused during the campaign. And that's really unacceptable in a democracy.

And so there are members who are concerned: Well, if we're in the minority, do we need to be in a position to use a supermajority to obstruct a president we disagree with? Well, the fact is that that is not an opportunity we will have anyway. And that was demonstrated in 2005 when Bill Frist, then-majority leader, said: Either you will quit filibustering nominations or we will change the rules. And the Democrats agreed to quit filibustering. The main focus of that point was on judicial nominees.

But the message was loud and clear, and if anyone thinks a future President Perry or a future President Palin and a future Majority Leader Mitch McConnell are not going to work together, if necessary change the rules as they proposed in 2005 to get nominations considered, I think you're probably in very much a, should I say, imaginary world. That's not the real world that we've experienced in the U.S. Senate or will experience in the future.

And there's something to be said for this principle, that you should, in the majority, only change rules or the application of rules in ways that you can live with in the minority. But I think that the democracy is better served by a situation where a president can get an up and down vote on nominations.

That doesn't mean there wouldn't be a robust debate. That wouldn't mean that we didn't – in the minority didn't vote against nominations. I voted against one of the president's nominations for the majority position that I disagree with, and I'll probably vote against some more. But that's different than obstructing a simple up and down vote.

So I think our country has to return to the norms and traditions of the Senate where essentially you get up and down votes.

MS. TERKEL: I feel like we've come close to rules reform before, but then Republicans have promised to back off, and they have a little bit. Could that happen again where we again – Republicans promise to back off and Democrats step away?

SEN. MERKLEY: This has very much been Lucy and the football and Charlie Brown. And we went through this in the gentleman's agreement in January 2011. We went through this January of this year in which Mitch McConnell promised to return to the norms and traditions of the U.S. Senate. So a second gentleman's agreement accompanied by some very minor rule changes.

And the fact that that has failed twice has not gone unnoticed, not by members of the caucus, not by members of the leadership, certainly not by the public. And so I think we are now set for a debate to recognize that a third gentleman's agreement is not an acceptable outcome. We have to have a very clear path to get up and down votes on executive nominations.

MS. TERKEL: And, President Trumka, I was wondering what the AFL-CIO is doing to convince Democratic senators to go along with some sort of rules reform, or something like this. I know that the CWA has floated withdrawing support from Democrats who don't endorse the nuclear option. I was just wondering sort of what you're doing to convince Democrats.

MR. TRUMKA: Well, first off, if you could I'd love to have the chart put up on the screen, wherever it is. Those of you that can see that chart over there, that's the number of filibusters. And if you see how disproportionate it is the last couple of years, it pales every other year before that. So the system is being abused and the minority is using a rule that was designed to foster debate. They're using it to stifle debate, to end debate. And again, they've focused on four agencies, agencies that they don't like.

As Jeff said, when it came to the Consumer Protection Agency, they said they would nominate no one. That's not their job. Their job is to advice and consent. It's not to negotiate and extort, which is what they've tried to do recently. The EPA, they've finally relented on Gina McCarthy, but you still have Tom Perez at the Labor Department. So there's no question that they're clearly abusing the system and stopping democracy from working.

Now, what we're doing is we're trying to educate as many people as we can. We're educating our members. We're educating our partners. We're educating the general public. We're going to run a full-fledged – we're running a full-fledged campaign on this thing out in the field. I've been personally meeting with senators, explaining to them how important the NLRB is, how the system is being abused.

And it doesn't take much explaining when you say the system is being abused. Everybody says yes, yes, it's being abused. The question is, what are you going to do about it? And when you get that glazed look that says, well, it's abused but I don't think I'm going to do anything, then we've been trying to educate, cajole and say to people, this is an issue of fairness.

I'm not saying that you have to agree with the president's nomination, but a president is entitled to have a functioning Cabinet. He's entitled to have a board. He's entitled to have somebody at the EPA, at the

Department of Labor, at the Consumer Protection Agency. He's entitled to have something there. So he should at least get an up or down vote.

We're meeting with them regularly. We're having people come in from their home states to meet with them there and meet with them back in their home states. Some are very, very quiet meetings. Some are less-quiet meetings. (Laughter.)

MS. TERKEL: So I wanted to turn to questions now, and first just wanted to see if there are any members of the press here who would like to ask a question first.

Yes? And could you stand up? You'll get the mic. Give your name and your publication.

Q: Bill McMorris with the Washington Free Beacon. I actually have a two-part question.

Senator, you mentioned that – you mentioned that you cannot create – or change the rules unless you can live with them when you're in the minority, but when Democrats were in the minority, Senator Reid created the pro forma session to deal with nominees that Democrats disagreed with, and now Republicans use that pro forma session to spur debate on the NLRB nominees. Do you think President Obama was right to ignore the pro forma session and appoint these two NLRB nominees?

SEN. MERKLEY: Yeah, I think he was. And essentially the question is unsettled – an issue of unsettled law, which is, when is the Senate actually out of session? And is the fact that they're in recess for three days and then coming back in for one minute to gavel in and out, are they in session or out of session?

Functionally they were out of session. And the president, having been frustrated by getting up and down votes, consideration on key nominees, had to basically take a stand and say it's unacceptable for a minority of the Senate to handicap or undermine the ability of the executive branch to function. And so it's good that he put the nominations forward. That's now being contested with a lower court ruling that will go to the Supreme Court.

But it brings this whole conversation to a head, because if you combine basically a pro forma session, gaveling in every three days for one minute and gaveling out so you're never out of session – if you combine that with the minority being able to block any up and down vote when the Senate is in session, then you have a complete package of an ability for a minority of the Senate – and that's less than half of one chamber of the two chambers of the legislative branch paralyzing the executive branch – defeating the will of the American people who have elected the president to run the country, certainly operating completely out of sync with the vision of three co-equal branches.

And so the president did the right thing in pressing the envelope. Certainly we're doing the right thing now in preparing to have a major debate over the ability to have executive nominations.

MR. TRUMKA: I'd like to add to that. Just take the NLRB itself. There have been 39 recess appointments to the NLRB, going back to Jimmy Carter. Carter was the first to do a recess appointment. Every president since then has done a recess appointment to the NLRB, including one of the lawyers that is now suing to prevent recess appointments, Scalia – young Scalia, Scalia's son. He was a recess appointment and now he's the lead attorney saying you can't have recess appointments.

But look what was at stake. You had a Senate that refused to confirm anybody to the NLRB. And if the recess appointments weren't made, the NLRB would become nonfunctional. That's an enforcement agency that could not function. It would be like saying that the courts couldn't function somehow. The president had no choice but to do a recess appointment.

And as Jeff said, they tried to complete the box and the stalemate and eliminate the ability of these agencies to function by, on the one hand, filibustering, and on the other hand saying, we're never leaving session, even though none of us are here, even though we gavel in for a minute. Now, let's use common sense. If every three days somebody walked in here and hit the gavel for one minute and said, we're in session, how many of you actually believe that there is a session going on?

The president did what he had to do to keep a board functioning to protect the nation's workers, both union and nonunion, to protect the nation's businesses, both small and large, and we applaud him for what he did. He appointed quality people that no one can question their qualifications. They're absolutely qualified to do the job that they were appointed to do.

This isn't about people. This is about a bigger issue of them trying to prevent agencies that protect the rights of workers from being able to even function at a minimum level, and that is beyond the pale of reason.

MS. TERKEL: One more question? In the back row. I think you had your hand up.

MR. TRUMKA: There's one over here too.

Q: Hi. Excuse me. Kevin Bogardus with the Hill Newspaper.

President Trumka, I mean, do you think – what do you hope comes out of the meeting tomorrow with the Senate Democratic meeting on rules reform? I mean, basically do you think the Senate majority leader, Harry Reid, needs to pull the trigger on the nuclear option?

MR. TRUMKA: Well, I think what you're going to have is a unified caucus coming out of there saying, you've proven to us that you won't keep your word. You've broken it twice. You've proven to us that this isn't about the capabilities or qualifications of the president's nominees. This is about obstructionism, and if you continue to obstruct, we will use the rules to force you not to be able to obstruct.

So I think what will come out – I hope what comes out is a unified caucus saying, the choice is in your hands. Either give – in the Republican hands, that's right – give these people an up or down vote or we'll make sure that they get an up or down vote.

MS. TERKEL: I've been told we have time for one more question, so I will go to the woman with her hand up here. Very enthusiastic.

Q: Thank you. Hi. Good morning. Bridget Early with Working America.

And, Kathleen, thank you so much for your story because I think you note a symptom of the bigger problem, which has been the demolition of workers' rights. And I think this NLRB crisis that we're in really shows how, you know, workers' rights have been completely demolished – excuse me – and how you said how hard it is for workers to organize.

So, you know, I know the end goal right now is to get to the NLRB, get the board completely functioning, but then after that, what are the options inside and outside of Congress to really strengthen workers' power? Thank you.

MR. TRUMKA: Well, as I said, our current laws are too weak and too slow. And if you look at this, the International Labor Organization has issued 175 or (1)76 conventions, six of which deal with workers' rights. All the rest of the civilized countries in the world have adopted those ILO conventions. The United States has not adopted a single one of them – not one resolution or convention dealing with workers' rights.

So what we need is to have a functioning board. We need to have a change in the laws, at least a debate over those laws. They're too weak. And we need to have a push to have the United States become a member of civilized society and adopt the standards that they insist other countries adhere to. They insist that other countries adhere to those conventions and condemn them when they don't, and the United States has not adopted those conventions itself. All of those things can help out.

And let me just add this: The law of the land says that it is the law of the land to encourage the process of collective bargaining – not to tolerate, not to allow, but to encourage. And I would hope that the administration and Congress, both sides, would begin the process of encouraging collective bargaining so that people that are getting underpaid, that are working in unsafe conditions, that don't have benefits, that work for an employer that is very capable of providing those benefits, so that we can actually have collective bargaining come from those decisions and build a better economy that really does work for everybody and not just an economy that works for those at the very top like the current system does.

SEN. MERKLEY: I might add here that if you look at what's happened over the last several decades, it's not been good for working Americans.

Essentially from the time I got out of high school until now – so we're four decades – we have had a situation where workers' wages have been flat and then declining. And that is during a time period when our national wealth has increased fabulously. And the pressures now we're seeing are really crushing the middle class. While wages have been flat, the costs of everything else have been going up. The cost of housing has gone up. The cost of health care has gone up. So on and so forth.

And you find a real situation where working families, such as my family growing up – my father was a mechanic. He was able – my parents were able to buy a house on a single working income. And they were able to have some extras – an occasional vacation, if you will. They were able to save and contribute a little towards college, which enabled me to be the first in my family to ever attend college. That was the situation for a working family in 1974.

Now, four decades later, much harder to get a job that is 40 hours a week, much harder to get a job that is a living-wage job. And we have seen in this last recession that 60 to 80 percent of the jobs we lost were living wage and only 40 percent of the jobs recovered are living wage.

And I want to paint this broader portrait, because there's many forces coming to bear on working families. And it just says how much more important it is that workers be able to organize, that we have functioning protections for workers. The economy is not operating independently by itself in a way that creates living-wage jobs. And certainly for workers to be able to share in the tremendous increase of wealth of our nation, it requires workers to be able to join together and to advocate.

And so we have not – we don't have that as the current situation. We have a situation where the vast increase in the wealth of this nation is going to the very few at the very top, reinforcing where – I started this conversation with saying that we have a challenge with “we, the people,” the vision for our nation being replaced by “we, the powerful.” Certainly this is a very important battle.

This battle to be able to confirm the president's nominees, to be able to have a functioning National Labor Relations Board, is a key piece of the picture, but it should not be the end story. It should be with many more battles to come to fight to restore an America that works for working Americans.

MS. TERKEL: Great. Well, I wanted to thank Kathleen, CAP, the senator and President Trumka for joining us today. Thank you. (Applause.)

(END)