



January 21, 2016

## Cosponsor the Workplace Action for a Growing Economy Act (WAGE Act)

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights and the 39 undersigned organizations, we urge you to co-sponsor the Workplace Action for a Growing Economy (WAGE) Act (S. 2042/H.R. 3514). Introduced by Senator Patty Murray (D-WA) and Representative Bobby Scott (D-VA), this important legislation would amend the National Labor Relations Act (NLRA) by strengthening protections for working people who organize and promote change through collective action. The WAGE Act would increase protections for all working people and will help open up pathways to equal pay, increased safety in the workplace, and higher wages. **The very best way to raise wages and turn the tide back in favor of working people is to protect and strengthen their right to speak out together.** We applaud Senator Murray and Representative Scott for their work on this legislation, and urge you to co-sponsor it.

The Leadership Conference believes that our current labor laws protect American working people on paper, but that they lack tangible deterrents or penalties for employers that break the law and violate workers' rights. This deficiency has a particularly pernicious effect on people of color and women. The WAGE Act would put teeth into the 80-year-old NLRA by establishing penalties for employers that illegally fire a worker or violate a National Labor Relations Board (NLRB) order. The WAGE Act is a long overdue and much needed update to the NLRA that will protect working people's fundamental right to discuss such topics as their wages, fair scheduling, sick leave, and equal pay. Currently, the NLRA protects the right of working people to join together in mutual aid and protection to make positive change at their workplaces – whether they are seeking to form a union -- but the penalties are too weak to meaningfully deter employers from breaking the law.

The WAGE Act would increase workers' rights and protections by<sup>i</sup>:

- Tripling the back pay that employers must pay to workers who are illegally fired or retaliated against by their employers, regardless of immigration status.
- Recognizing that labor rights are civil rights, by providing workers with a private right of action to bring suit to recover monetary damages and attorneys' fees in federal district court, just as they can under civil rights laws.
- Providing for federal court injunctions to immediately return workers who are fired illegally to their jobs.
- Ensuring employers will be jointly responsible for violations affecting workers supplied by another employer.

Furthermore, the WAGE Act would put an end to the perverse incentives for employers to interfere with workers' rights by<sup>ii</sup>:

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- Establishing civil penalties up to \$50,000 for employers that commit unfair labor practices and doubled penalties for repeat violations. This would bring the NLRA in line with other workplace laws.
- Giving the NLRB authority to impose penalties on officers and directors of employer violators.
- Allowing the board to issue a bargaining order upon finding that an employer prevented a free and fair election, provided that a majority of employees signed authorization cards within the previous 12 months.
- Setting a 30-day time limit for employers to challenge an NLRB decision, after which the NLRB decision becomes final and binding unless a court directs otherwise. The NLRB could then go directly to district court to enforce its orders.

With the greater protections from the WAGE Act, we believe that women and people of color would be better able to advocate for better wages and benefits at their jobs, helping to better sustain their families and these communities and decrease the gender wage gap. According to the Institute for Women's Policy Research<sup>iii</sup>, while there is an overall 11.3 percent wage boost that comes with union membership, women and people of color have much more to gain from joining a union.

- Asian workers saw a nearly 15 percent wage boost for being in a union, while Black workers got an extra 17 percent. Hispanic workers saw an even larger 23 percent premium.<sup>iv</sup>
- Men see a 20 percent boost from union membership while women who work full-time and are represented by a union make about 30 percent more a week on average than women who do not belong to a union.<sup>v</sup>
- Women who belong to unions have also demonstrated a much smaller gender wage gap than in the overall economy. Unionized women make about 89 percent of what unionized men make, compared to an overall 78 percent wage gap.<sup>vi</sup>
- Women of color get an even greater wage improvement with unionization. Hispanic women in a union see a 42 percent wage advantage compared to a 40 percent wage advantage for Hispanic men, while Black women get a nearly 34 percent gain versus 28.5 percent for Black men. And Asian women see a wage improvement of about 15 percent with unionization.<sup>vii</sup>

We urge you to support and cosponsor the WAGE Act, which would make labor law enforcement more effective and is one of many reforms needed to give working people a real chance at being paid fairly for the work that they do, and in working conditions that they deserve. Thank you for your consideration. If you have any questions, please contact Emily Chatterjee, Leadership Conference Senior Counsel, at (202) 466-3648.

Sincerely,

9to5, National Association of Working Women  
American-Arab Anti-Discrimination Committee (ADC)  
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)  
American Federation of Teachers  
Asian Americans Advancing Justice - LA  
Asian Pacific American Labor Alliance

Association of University Centers on Disabilities  
BiNet USA  
CenterLink: The Community of LGBT Centers  
Coalition on Human Needs  
The Employee Rights Advocacy Institute For Law & Policy  
Equal Rights Advocates  
Family Equality Council  
Institute for Science and Human Values, Inc  
International Union, United Automobile, Aerospace, & Agricultural Implement Workers of America (UAW)  
Japanese American Citizens League (JACL)  
Lawyers' Committee for Civil Rights Under Law  
The Leadership Conference on Civil and Human Rights  
League of United Latin American Citizens  
Marriage Equality USA  
NAACP  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Social Workers  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Council of Jewish Women  
National Council of La Raza  
National Education Association  
National Employment Law Project  
National Employment Lawyers Association  
National LGBTQ Task Force Action Fund  
National Partnership for Women & Families  
National Women's Law Center  
National Workrights Institute  
People For the American Way (PFAW)  
PFLAG National  
Southern Poverty Law Center  
Women Employed  
Woodhull Freedom Foundation

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<sup>i</sup> Quinell, Kenneth. "Introducing the WAGE Act to Strengthen the Rights of Working People." AFLCIO.org. September 16, 2015. <http://www.aflcio.org/Blog/Political-Action-Legislation/Introducing-the-WAGE-Act-to-Strengthen-the-Rights-of-Working-People>.

<sup>ii</sup> Ibid.

<sup>iii</sup> Anderson, Julie, Hegewisch, Ariane, Hayes, Jeff. "The Union Advantage For Women." *Statusofwomen.org*. August 26, 2015. <http://statusofwomendata.org/app/uploads/2015/08/R409-Union-Advantage.pdf>.

<sup>iv</sup> Mishel, Lawrence. "Unions, inequality, and faltering middle-class wages." Economic Policy Institute. August 29, 2012. <http://www.epi.org/publication/ib342-unions-inequality-faltering-middle-class/>.

<sup>v</sup> Anderson, Julie, Hegewisch, Ariane, Hayes, Jeff. "The Union Advantage For Women." *Statusofwomen.org*. August 26, 2015. <http://statusofwomendata.org/app/uploads/2015/08/R409-Union-Advantage.pdf>.

<sup>vi</sup> Ibid.

<sup>vii</sup> Ibid.