

THE WORKPLACE ACTION FOR A GROWING ECONOMY (WAGE) ACT

S. 2042, H.R. 3514

Introduced by Rep. Bobby Scott (D-Va.) and Sen. Patty Murray (D-Wash.) on Sept. 16, 2015

Workers' wages have been stagnant for years and continue to fall behind, even as the economy slowly improves. This has launched a national debate about how to deal with growing income inequality, raise workers' wages and rebuild the middle class. Nonunion workers across the country are holding marches and demonstrations and going on strike to demand higher pay and fair treatment. Millions of union workers are returning to the bargaining table this year for new contracts to win their fair share of the economic recovery that they helped build. Forming a union and addressing wages through collective bargaining is the best way to raise workers' pay, and yet collective bargaining coverage in the United States has plunged behind every other industrialized nation.

The National Labor Relations Act protects the rights of private-sector workers—union and nonunion—to engage in collective, concerted activity with their co-workers to win improvements on the job like equal pay, scheduling flexibility, paid sick days, and training and promotional opportunities. But the legal playing field is slanted dramatically against working people who expect justice under this law. Penalties against employers

who interfere with or retaliate against workers for exercising their rights are laughably weak and do not adequately protect workers' rights or deter employer law-breaking. And the years it can take to resolve an unfair labor practice under current procedures has proven the adage: justice delayed is justice denied.

The National Labor Relations Act needs to be strengthened so that workers' rights to engage in collective action to win improvements on the job get the same sort of protection as workers' civil rights, and so that employers who violate workers' rights face the same sorts of penalties as employers who pollute our environment or break civil rights laws. Working people deserve no less.

The Workplace Action for a Growing Economy (WAGE) Act strengthens protections for working people who join together with their co-workers to win improvements at work. It would discourage employer retaliation against workers for exercising their rights and provide prompt and fair remedies. This bill to make labor law enforcement more effective is one of many reforms needed to give working people a fair shot at winning the wages and working conditions we deserve.



HERE'S HOW THE WAGE ACT WOULD STRENGTHEN PROTECTIONS FOR WORKING PEOPLE

1. Provide for swift temporary reinstatement when workers are fired or retaliated against for exercising their rights to join together to seek improvements on the job.

- The WAGE Act directs the National Labor Relations Board (NLRB) to go to court to seek a preliminary injunction to get a worker his/her job back when there is reasonable cause to believe the worker was wrongly fired for exercising his/her rights. Courts would be required to grant preliminary reinstatement unless there is no reasonable likelihood the board would succeed on the merits.

2. Strengthen the remedies for workers who are fired or retaliated against, and give workers the ability to bring their case directly to court.

- Workers who have been fired or retaliated against by their employers could file charges with the NLRB or bring suit to recover monetary damages and attorneys' fees in federal district court, just as they can to enforce their rights under civil rights laws.
- Where the NLRB finds that workers are discharged illegally, the WAGE Act establishes triple back pay without deductions as the standard remedy.
- Workers receive full compensatory remedies regardless of immigration status.

3. Establish strong penalties against employers who violate workers' rights.

- The WAGE Act establishes civil penalties for violations to bring the NLRA in line with other workplace laws—\$50,000 for illegal retaliation that results in serious economic harm, with penalties doubled for second violations.
- It authorizes personal liability for corporate officers and directors, similar to the Fair Labor Standards Act.
- The WAGE Act establishes joint/several liability for host employers for violations affecting temporary workers or other contract employees.

4. Provide real, meaningful, timely remedies when employers interfere with fair elections.

- The WAGE Act requires the NLRB to issue a bargaining order when NLRA violations or interference by the employer prevent a fair election if a majority of workers has designated the union as their representative in writing in the past 12 months.

5. Streamline the NLRB's processes.

- The WAGE Act establishes a 30-day time limit for employers to challenge an NLRB decision, after which the NLRB decision becomes final and binding. The NLRB then could go directly to district court to enforce its orders, with stiff penalties (\$10,000/day) for noncompliance.

6. Improve workers' knowledge of their rights.

- The WAGE Act requires employers to inform workers of their rights under the NLRA by posting a notice developed by the NLRB and by informing workers of their rights at the time of hiring.

