



Empowering Women



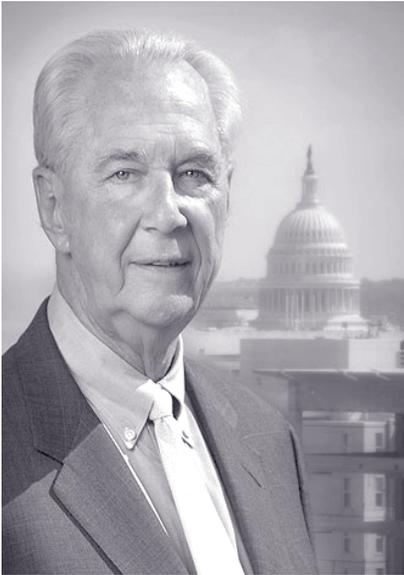
The IBEW Woman's Resource Guide



Your Resource Guide On
Leadership
Mentoring
Organizing
and
Mobilization

GREETINGS FROM INTERNATIONAL PRESIDENT EDWIN D. HILL

July 21, 2010



Edwin D. Hill

Sisters and Brothers:

Welcome to the 2010 IBEW International Women's Conference. The theme for this year's conference is Sisters in Solidarity: Strength Through Activism. This conference is a place to celebrate, recognize, and learn more about the power of solidarity exhibited by the women and men of the IBEW. It is an opportunity for you to come together to make connections, learn strategies for overcoming barriers, and develop ways to turn ideas into action. Now, more than ever, your union needs you.

Our opponents have been working to trade away our jobs, take away our health care, cut back our pensions, and thwart our organizing efforts. These are our basic union rights. To protect these rights, we need to mobilize and reach out to unrepresented workers who share our interest in workers' rights, fair wages, and a safe workplace. The more members we bring in and the more workers we expose to our union principles, the stronger we will be when we face challenges not only at the bargaining table but also in the political arena.

A lot was at stake in our last presidential election. With your support, women's voices were heard loud and clear. The economy, health care, and the balance of work and family responsibilities continue to be issues of major concern to working families and have finally become priorities for our country's leadership. We hope our triumphs in the last election will motivate you to become increasingly active leaders in the political process and in your local union.

It is my hope that you leave this conference inspired to work to make change in your local union and serve your community. We need to keep this feeling alive throughout the year and remind everyone of their power to strengthen our union through activism, mentoring, and leadership. After all, we are "Sisters in Solidarity"!

Edwin D. Hill

A handwritten signature in black ink, appearing to read "Ed Hill". The signature is fluid and cursive, with a large initial "E" and "H".

International President
Washington, D.C.

GREETINGS FROM INTERNATIONAL SECRETARY-TREASURER LINDELL K. LEE

July 21, 2010

Sisters and Brothers:

I join President Hill in welcoming you to the 2010 IBEW International Women's Conference. I am honored and privileged to be here with all of you.

I know you are working hard every day to make the IBEW a stronger and more effective union. This conference aims to focus those efforts into more innovative and effective ways that women and men can make a mark in all aspects of their lives—from their communities to their local unions and beyond. It is important for us to continue this momentum after this conference and to keep moving forward for the working families of the United States and Canada.

If we all work together, we can bring about great change. The IBEW is currently working on new organizing programs to grow our membership and improve the lives of working families. We need the strength of each of our members to ensure that the politicians listen and deliver the real changes that workers, families, and communities deserve.

I hope this conference will inspire you to become involved in the leadership of your unions and your communities. I hope it will inspire you to work to make change happen. We are depending on you to exhibit the strength I know you possess to raise the voice of workers everywhere.



Lindell K. Lee

A handwritten signature in black ink that reads "Lindell K. Lee". The signature is written in a cursive, flowing style.

Lindell K. Lee
International Secretary-Treasurer
Washington, D.C.

CHAPTER 1

Leadership, Mentoring, and Activism

Attendees at previous IBEW Women’s Conferences have demonstrated an almost palpable energy and vibrancy that can be shared throughout our great union. The IBEW needs your energy and your enthusiasm to inspire all our members to confront the challenges of today’s workplace and fight for the laws that protect workers’ health and safety, wages, hours, benefits, working conditions, and job security.

Our union leaders must also serve as mentors to the members, especially newer members. You can encourage, advise, and share your knowledge, expertise, and union savvy with other members. In your role as a leader, mentor, and activist, you can help develop the knowledge, skills, abilities, and leadership potential of other members.

LEADERSHIP

The Webster’s Third New International Dictionary, Unabridged, 2002, defines a leader as “a person who by force of example, talents, or qualities of leadership plays a directing role, wields commanding influence, or has a following in any sphere of activity or thought.” You don’t have to be a Kennedy, Gandhi, or George Meany to aspire to positions of leadership. Many of you already serve as leaders within your community groups and local unions.

True leadership is about power with people, not power over people. True leadership requires the kind of personal influence that elicits the cooperation and participation of others in the creation of desired results.

The following sections discuss the attributes of a leader and show how you can acquire influence and attain leadership within your local union. We hope you use this information to become the great leaders that the IBEW needs for the future.

Qualities of an Effective Leader

- Decisiveness
- Boldness
- Enthusiasm
- Energy
- Honesty and integrity
- Ability to formulate a vision and communicate it clearly and enthusiastically
- Ability to be a good listener, to “take good notes,” and to respect and seek to understand the concerns and opinions of others
- Ability to encourage others and to bring out the best in others
- Ability to cultivate leadership in others
- Interest in learning new things and continuing her education, either formally or informally
- Flexibility
- Ingenuity
- Ability to keep an open mind about people and ideas
- Ability to maintain a positive, “can-do” attitude
- Self-confidence
- Expertise, wisdom, and credibility
- Orientation to action, problem solving, and getting things done
- Willingness to be uncomfortable
- Willingness to share power

It is not necessary for a leader to have all of these qualities, nor is this list exhaustive. There are many different kinds of leaders with various skills that make a leader the right fit for any given group. It is important to assess what the people in your union need and want in a leader and to recognize that what might work for one group will not necessarily work for another. Any successful leader will admit that trial and error is a normal part of his or her growth process.

Conducting an informal inventory of your character traits can help you determine the traits you already have that are valuable for leadership. **Figures 1.1** and **1.2** are informal inventories of traits related to leadership. Answer each question by placing a check in the appropriate column. “Yes” answers are good signs that you possess valuable character traits for leadership. “No” answers indicate areas to work on.

Fig 1.1
CHECKLIST FOR LEADERSHIP DEVELOPMENT

	Yes	No
1. Are you a woman of action?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you have enthusiasm for your local union and for your job?	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you easily win the confidence of other people?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do people usually like to follow your advice?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you think you know yourself—your weaknesses as well as your strong points?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do people really like to do things for you?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do people like to work together under your guidance?	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you like to make decisions?	<input type="checkbox"/>	<input type="checkbox"/>
9. Can you laugh at yourself and demonstrate a good sense of humor?	<input type="checkbox"/>	<input type="checkbox"/>
10. Do you enjoy helping other people to make progress and to succeed?	<input type="checkbox"/>	<input type="checkbox"/>
11. Can you stimulate other people to come up with ideas?	<input type="checkbox"/>	<input type="checkbox"/>
12. Do the people who work with you like you?	<input type="checkbox"/>	<input type="checkbox"/>
13. Do the people who know you respect you?	<input type="checkbox"/>	<input type="checkbox"/>
14. If you are a member of a work team, do most of the people on your team work together willingly?	<input type="checkbox"/>	<input type="checkbox"/>
15. When you are working on a project with other people, do you encourage everyone to be enthusiastic about the tasks at hand and do good work?	<input type="checkbox"/>	<input type="checkbox"/>
16. Are you confident of yourself and your abilities on your job?	<input type="checkbox"/>	<input type="checkbox"/>
17. Are you confident of yourself and your abilities in serving your local union?	<input type="checkbox"/>	<input type="checkbox"/>
18. Do you enjoy seeing your local union membership work together to attain the goals of the IBEW?	<input type="checkbox"/>	<input type="checkbox"/>
19. Would you say that you are a “leader” and not a “driver” of people?	<input type="checkbox"/>	<input type="checkbox"/>
20. Do you refrain from criticizing others when they don’t meet your standards?	<input type="checkbox"/>	<input type="checkbox"/>

Fig 1.2

INFORMAL INVENTORY OF CHARACTER TRAITS FOR LEADERSHIP

	Yes	No
1. Are you proud to share successes with others in your local union?	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you willing to serve as a spokesperson for others?	<input type="checkbox"/>	<input type="checkbox"/>
3. When people really get to know you, do they still trust you?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are you dependable?	<input type="checkbox"/>	<input type="checkbox"/>
5. Do you keep your word?	<input type="checkbox"/>	<input type="checkbox"/>
6. Are you loyal to your friends, your family, your union?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you like the challenge of solving a difficult problem or attacking a difficult or complicated job?	<input type="checkbox"/>	<input type="checkbox"/>
8. Can you admit your own mistakes?	<input type="checkbox"/>	<input type="checkbox"/>
9. Can you learn from your own mistakes and turn them into positive opportunities for learning and growth?	<input type="checkbox"/>	<input type="checkbox"/>
10. Do you work hard when there is a job to be done?	<input type="checkbox"/>	<input type="checkbox"/>
11. Can you relax during leisure time?	<input type="checkbox"/>	<input type="checkbox"/>
12. Do you easily defend your fellow IBEW members when you know they are right?	<input type="checkbox"/>	<input type="checkbox"/>
13. Can you take “the heat” when you are criticized?	<input type="checkbox"/>	<input type="checkbox"/>
14. Do you treat other people with respect and human dignity?	<input type="checkbox"/>	<input type="checkbox"/>
15. Are you willing to help your fellow IBEW members and advance the goals of your union?	<input type="checkbox"/>	<input type="checkbox"/>
16. Are you a good listener?	<input type="checkbox"/>	<input type="checkbox"/>
17. Are you always eager to learn new things and expand your horizons?	<input type="checkbox"/>	<input type="checkbox"/>
18. Can you share the fundamental values of the IBEW?	<input type="checkbox"/>	<input type="checkbox"/>
19. Can you articulate the values on which organized labor has built the U.S. labor movement?	<input type="checkbox"/>	<input type="checkbox"/>

Keys to Effective Local Union Leadership

Becoming an effective local union leader is a process. There are four central pillars that help to build a strong and successful local union leader: having a vision, becoming an agent for change, exhibiting strong speaking skills, and building a team. Next, we discuss how to develop each of these skills.¹

1. *Begin with a vision.* A vision is a realistic, credible, attractive future for your local union. It is an idea so energizing that, in effect, it jump-starts the future by calling forth the skills, talents, and resources to make that future happen. The vision must be so compelling that every member will want to make it happen.

2. *Become a change agent.* Anticipate developments in the outside world. Assess their implications for your local union. Create the sense of urgency and priority for changes that your vision requires in light of these developments. Promote experimentation and empower your members to make the necessary changes.

3. *Learn speaking skills.* Communicate skillfully to your members who look to you for guidance, encouragement, and motivation. A local union leader must be an effective spokesperson with other organizations, the press, politicians, and the general public. You and your vision must become the message that expresses what is worthwhile, attractive, and exciting about the future of your local union.

4. *Become a team builder.* A team builder should empower the members to passionately “live the vision.” You must let your members know where you stand, what the vision means to you, and what you will do to make it happen. You must also be committed to the success of everyone in your local union—respect them, build trust, and teach them how to improve their ability to achieve success.

Management vs. Leadership

Although the terms *management* and *leadership* are related, they are not equal. The manager’s job is to plan, organize, and coordinate. The leader’s job is to inspire and motivate.² Some of these differences are listed in **Figure 1.3**.

¹ Enlightened Leadership: Getting to the Heart of Change by Ed Oakley and Doug Krug (New York: Simon & Schuster, 1991).

² What Is the Difference Between Management and Leadership? Accessed June 16, 2010, from <http://guides.wsj.com/management/developing-a-leadership-style/what-is-the-difference-between-management-and-leadership/>

Fig 1.3
MANAGEMENT VS. LEADERSHIP

Classical Managers	Effective Leaders
1. Have subordinates	1. Attract willing followers
2. Dominate others	2. Cultivate leadership in others; empower others
3. Hold on to power	3. Share power
4. Use influence based on formal authority	4. Develop influence beyond authority.
5. Operate within prescribed pathways	5. Find their own pathways
6. Are given “a position”	6. Take the initiative to lead without needing a particular “position” to do so
7. Rely on traditional procedures	7. Rely on their own sense of how to get things done
8. Do things right	8. Do the right thing

Achieving Influence and Leadership

The following tips are adapted from a speech on September 14, 1996 by Elaine Bernard, Executive Director of the Harvard Trade Union Program.

1. Know that it is not going to be easy. Achieving influence and leadership in any organization is not easy. It takes time, patience, and perseverance. Many people who presently have power are not willing to share it. As trade unionists, we know that the strength of the union depends on the participation and contribution of all its members. Educating sisters and brothers to understand this principle (i.e., the need for broad union participation by all members) must be part of our strategy to achieve union leadership.

2. Achieving leadership means overcoming two types of barriers: overt and covert, and the overt are the easy ones. “No girls need apply.” These types of barriers can usually be struck down relatively easily by simple public (or legal) exposure. The tough ones are the covert barriers. They are shielded in language of fairness, due process, equality, etc. For example, does your union use the word chair or chairperson, or does it still refer to chairman? Regardless of the sex of the individual who holds this position, using the word chairman sends a message that this is not a position for a woman. Another example of a covert barrier would be if all of a union’s committees have female secretaries and male committee chairs.

3. Barriers to participation and gaining leadership are protected by a system of internalized cultural norms. These norms need to be challenged. For example, the top leaders of our union are usually its spokespersons. Obviously, it is important to have strong, articulate leaders who speak for the membership. However, we need to find new ways to give others the opportunity to speak for the membership. For example, at union meetings the president could give all the reports, or presentations could be given by other officials and chairpeople. At union-sponsored rallies

the president could be the sole speaker, or presentations could be given by others in the union, thus helping to communicate the union's diversity and commitment to fairness and equality.

4. *Barriers are to be dismantled, not hurdled.* Women who achieve leadership have a responsibility to both help change the union so it is more responsive to the needs of women as well as a responsibility to attempt to eliminate barriers so that other women can more easily participate in the union.

5. *Don't let yourself be isolated.* Women need to avoid being siloed into just speaking on women's issues or becoming the token female. The best way to accomplish this is to help other women break the barrier and join you in leadership roles.

6. *Avoid the hierarchy of oppression.* Some believe that women trade unionists have to make a choice—a choice of whether it is more important to support women's issues or trade union issues. This is a choice that neither has to be made nor should be made. The labor movement is dedicated to fighting against discrimination—all discrimination, including sex discrimination. We need to educate others in our union about labor's commitment to the principles of equality, including support and advocacy for women's issues.

7. *Remember the importance of collective action.* As trade unionists, we know the importance of collective action, i.e., the strength of getting together to create change and promote the common good of the majority. There are those, however, who profess that institutions such as unions take away, eliminate, and/or hamper individual rights and freedoms. As trade unionists, we need to understand, communicate, and defend the democratic principles of trade unionism.

8. *Get radical!* Women need to stand up and be heard! We will never get anywhere by being polite or being silent. As Mother Jones said, "Mourn for the dead, but fight like hell for the living." Our society, economy, and institutions are out of whack with our needs as humans. For example, work time is increasing, pensions and health care are being cut back and threatened with privatization, and our work and social structures are still based on a nuclear-family-based society. As trade unionists, we need to build inclusive communities.

9. *Seek equality—don't seek revenge.* Don't carry a grudge or try to get even. We need to keep an eye on the prize—seek equality instead of trying to hurt someone who has hurt you.

10. *Become a communicator and a demystifier.* Communicating our message is key to our success. Reach out to those in the union and outside of the union. It is important to speak up and to be heard.

11. *Ask for help and give help to others, especially about the hidden rules.* All organizations have "hidden rules." Share those rules with others. Build formal and informal networks within your union and among other union women. Become a promoter of women and people of color.

12. *Be yourself—only more of it!* We sometimes try to act the way we are supposed to act as a leader or spokesperson. We need to learn from others but we also must remember to be ourselves. The best leaders are not caricatures of others but are themselves.

Creating an Effective Committee

The following section provides information on how to create your committee and make it effective within the local union structure. A committee begins with the local union president establishing the committee and a chairperson by appointment or through an election process. It is recommended that at least one local union officer serve on the committee.

One of the first orders of business for the committee is formulating a statement of purpose and establishing a set of goals and objectives to carry out its stated mission. The committee should also establish a regular meeting time and place and appoint a designated person to take the minutes of each meeting. The minutes should be retained for future use or distribution. Before each subsequent meeting, either the chairperson or another designated individual should create an agenda to be sent out with a reminder notice at least one week before each meeting. This keeps committee members in the loop and allows them to prepare materials or formulate ideas they wish to discuss at the meeting.

The committee should also make periodic reports to the local union President or the local union Executive Board on its activities and make recommendations to the local union when appropriate. Keeping the leaders of your local union informed opens up communication lines and increases the committee's legitimacy.

To be effective, the committee must have a sound working knowledge of the collective bargaining agreements, *IBEW Constitution*, local union bylaws, and any other provisions that might affect the work to be done. If necessary, set up some training sessions to familiarize committee members with the most essential information.

To get more committee members involved, you may want to set up subcommittees or special task forces to perform the committee's work. Dividing the tasks is an efficient way to research and obtain information the committee will need.

It is also important to make sure the committee is inclusive and represents the workplace in terms of diversity of race, gender, ethnicity, age, and job classification. Having a variety of people on your committee helps to round out the committee by gathering knowledge from people in different trade classifications or with different employers.

Figure 1.4 is a list of specific committee activities to consider. Please note that these suggestions can be tailored to your specific local union and committee.

A Human and Civil Rights or Women's Committee

Each committee is a standing committee appointed by the local union President, with the advice and consent of the local union Executive Board. The term of the committee may be the same term as the officers or other standing committees, or as decided by the president.

The human and civil rights or women's committee works in close cooperation with other committees in the local union to advance human and civil rights policies and programs for the union. It is not a separate bargaining committee for

Figure 1.4

COMMITTEE ACTIVITIES

- Prepare articles for the union newsletter covering committee activities
- Conduct educational workshops for shop stewards and members
- Plan fundraising activities to cover expenses
- Distribute resource information at conferences
- Lobby at local and state levels on pertinent issues as they arise
- Build coalitions and working relationships with other unions, associations, schools, and community groups to advocate on issues of mutual interest
- Create mentoring programs to advance opportunities for women and minorities

women, minority, disabled, or older workers who may experience discrimination.

By participating in union activities that foster and promote equality for all workers, the committee can become a valuable resource in unifying and strengthening the membership.

Once you have established a committee, what can it do to help female workers, minority workers, disabled workers, and older workers? **Figure 1.5** includes various suggestions for reaching out to other groups within your local union.

These are only suggested activities; each committee will have other issues peculiar to its workplace that it will want to pursue. Findings and recommendations should be presented to the local union President/Business Manager or the local union Executive Board for consideration before adoption.

MENTORING

The dictionary definition of mentoring refers to a relationship between a wise and trusted counselor or teacher (the mentor) and a less-experienced student (the protégé) who is learning from the mentor. Mentoring can occur within the local union or in the workplace and can encompass a variety of relationships, both formal and informal. One common characteristic of all mentor–protégé relationships is that the mentor is actively involved in encouraging, advising, and sharing expertise with the protégé. A mentor is not a passive role model, but an involved coach who seeks to develop the knowledge, skills, abilities, and potential of the protégé.

Figure 1.5

WHAT CAN A COMMITTEE DO TO HELP WORKERS?

- Work with the local union president/business manager to set up special sessions to listen to the problems confronting women, minorities, and other groups of workers. Determine to what extent, if any, discriminatory practices exist in the workplace or in the union.
- Actively encourage workers, particularly women and minorities, to participate in union activities through internal or external organizing efforts.
- Study contract provisions to see whether any clauses have a discriminatory impact on these groups or if they need other revisions or improvements.
- Review arbitrations undertaken for women or minorities to decide where contract language needs strengthening.
- Examine wage patterns for possible discrimination in placement, promotion, wages, merit, and other terms of employment.
- Where discrimination exists, propose an equity program to end discrimination in hiring, assignments, and promotions; to end job classification segregation by sex or race; and to create openings to nontraditional jobs and assignments for all workers.
- Conduct child-care and dependent-care surveys to determine employee/member needs.
- Recommend that the local union negotiate a nondiscrimination clause and an antisexual harassment policy in all of its contracts; both should be distributed to all supervisors, managers, and employees.
- Examine pension- and fringe-benefit provisions in the contract(s) to see whether they discriminate based on sex, race, age, or disability. Recommend ways to equalize benefits in the next contract.
- Review parental leave provisions to determine whether they adequately protect the income, seniority, and well-being of parents and dependents and whether they meet the requirements of the Family and Medical Leave Act or any other federal, state, and local legislation. If not, prepare recommendations for improvement and expansion of those provisions.
- Support workers striking or picketing over issues of special concern to women, minorities, and other workers.

The word *mentor* traces its origins to a story in Greek mythology. A man named Mentor was the trusted advisor and counselor of Odysseus, who led the Greeks in the Trojan War and later traveled home on an exciting but difficult journey. The Greek poet Homer told the story of this journey in the epic poem the *Odyssey*.

Mentoring Can Take Many Forms

The mentoring relationship can occur on the job (career mentoring) or within the local union (mentoring for union leadership). It can occur between members of

the same sex (same-gender mentoring) or between a woman and a man (cross-gender mentoring).

In the traditional sense, mentoring refers to an experienced person working with an inexperienced person, or an older veteran working with a younger newcomer. However, in some cases, a mentor can be younger than the protégé. Some community-based mentoring programs recruit younger individuals to serve as mentors to senior citizens who may lack the self-confidence needed to re-enter the job market in their later years. These mentors encourage the seniors to seek training to enhance their employability and to seek additional supportive services that may help them find a job. This is also called *intergenerational mentoring*.

Mentoring can be a formal arrangement, such as the relationship between the apprentice and the journeyman, or an informal relationship, such as the relationship between a member of the local union’s Executive Board and a new member who is willing to volunteer time for the local and eventually assume the responsibilities of a leadership role.

Workplace Mentoring

Mentoring relationships have always existed in the workplace. Mentoring occurs whenever a senior person “takes under her wing” a junior person to teach her the techniques, politics, and methods of succeeding in a particular job or role. Some companies have established formal mentoring programs for minorities and women who have been traditionally excluded from the informal mentoring process.

In the skilled trades, the relationship between the apprentice and her supervising journeyman is a formal mentoring relationship. Less-formal mentoring for tradeswomen occurs when journeymen at the jobsite help the newcomers understand how the industry operates, encourage them to stay on the job, and help them persevere through their first days.

Several organizations provide individual support to women and apprentices of color. These organizations seek to improve the apprenticeship graduation rates of women and people of color, to increase their numbers in the skilled trades, and to address some of the economic and social barriers that prevent successful completion of apprenticeship training programs in the skilled trades. You can find a listing of organizations at the end of this chapter in the “Additional Resources” section.

Local Union Mentoring

Less-formal mentoring relationships can be formed between members in the local union. Retirees can mentor active members of their local union. Older members can mentor younger members. Men and women who have served in leadership positions in the local union and in their bargaining units can mentor less-experienced women who are eager to serve and who show enthusiasm and leadership potential.

Cross-Gender Mentoring

In today’s union environment, most leadership positions are occupied by men.

The level of diversity within the leadership may be low. Consequently, a union woman must often find a union mentor from among the male leadership. Her mentor may also come from a racial or ethnic group different from her own. In such circumstances, the mentoring relationship also becomes a practical opportunity to build strong bridges between genders, races, and ethnic groups within the Brotherhood. The mentoring relationship itself can serve as a highly visible example of one of IBEW's slogans: the "union of hearts and minds." Mentoring should embody the type of cooperation, mutual benefit, and enrichment that celebrates diversity and equality within the local union and the workplace.

Federal Glass Ceiling Commission and Mentoring

The term *glass ceiling* refers to the invisible barriers that women confront as they approach the top of their occupations. In March 1995, the Federal Glass Ceiling Commission issued its fact-finding report entitled *Good for Business: Making Full Use of the Nation's Human Capital* (see the "Additional Resources" section for a link to the full report). The report cited mentoring relationships as one of the tools that can help women to crack the glass ceiling and overcome barriers to admission to positions of greater authority and responsibility.

The Federal Glass Ceiling Commission was a 21-member bipartisan body appointed by President George H.W. Bush and congressional leaders and chaired by the secretary of labor. The commission was created by Title II of the Civil Rights Act of 1991. Its mandate was to identify glass ceiling barriers that have blocked the advancement of minorities and women as well as the successful practices and policies that have led to the advancement of these individuals into decision-making positions in the private sector. In conducting its work, the commission systematically gathered information on barriers, opportunities, policies, perceptions, and practices as they affect five target groups that historically have been underrepresented at the top levels in the private sector: women of all races and ethnicities, African American men, Native American men, Asian and Pacific Islander men, and Hispanic American men.

The report of the Federal Glass Ceiling Commission cited research showing that having a mentor can significantly affect a woman's career development and advancement. In general, mentors can be depended upon to share personal insights and provide guidance and support to enhance the performance and career development of their protégés. They provide advice and bring the accomplishments of their protégés to the attention of others in higher positions.

WHY MENTORING?

Mentoring has two primary functions, whether it is career mentoring or mentoring for union leadership:

- (1) Mentoring helps the protégé understand how to succeed and advance
- (2) Mentoring enhances the protégé's self-confidence through advice, friendship, and experience based on the real-world lessons acquired by having a mentor as a role model

Without a mentor, women may stagnate and remain in one position for too many years, missing new challenges and opportunities because they have not been encouraged to develop their leadership potential. These women are extremely capable of handling responsibility and leadership but need to learn how to apply their talents to become more involved within the local union or within their occupational setting.

Benefits of Mentoring

There are many benefits of mentoring for union women, including education, coaching, networking, and leadership training.

Mentors Help the Protégé Learn the Ropes

One of the most important contributions of a mentor is to help the protégé understand the political environment—the unseen structure of authority, power, and influence that affects the workings of every organization and workplace. It is important to understand who really gets things done, whose endorsement is needed to accomplish a goal, and who has the power to make or break a project. Political knowledge is often the most difficult to acquire because it usually results from experience and is acquired over time. A mentor can share with the protégé a deeper understanding of why things work in certain ways politically. If a mentor has power and exerts influence within the organization, then by association, the protégé automatically acquires a certain level of acceptance to others who are part of the power structure. The other side of the mentoring relationship, however, requires that the protégé exert significant effort to demonstrate positive qualities to show that the mentor's trust has been properly placed in the protégé. Mentors introduce the protégé to the union leadership and open doors to persons in authority. Mentors can act as sponsors, helping to get the protégé on an election slate within the local union. Mentors also gain from this relationship, as they acquire additional respect for helping to develop new talent and leadership abilities.

Mentors Enhance Self-Confidence Most people need a certain amount of honest and reliable feedback in order to know that they are on the right track in accomplishing their objectives or pursuing a goal. Mentors serve a coaching function by suggesting strategies for achieving objectives and letting the protégé know whether a strategy is good or a strategy will be successful. Most important, the mentor will take time to explain why or why not the strategy will work.

While coaching the protégé, the mentor has the best interests of the protégé at heart. The mentor is motivated to protect the protégé during this learning phase, before the protégé has established a good, positive track record of her own on which to be judged. The mentor also tries to minimize the protégé's involvement in political controversy or in controversial projects.

Mentors Help the Protégé Build Networks Mentors enhance the visibility of the protégé by introducing her to key players and people who serve in leadership positions. A mentor provides access and introduction to individuals, committees, and groups. Mentors should be able to speak freely and confidently about the

abilities and potential they see in a protégé. This kind of free publicity from a credible mentor helps to build up the organization's opinion of the protégé.

Mentors Prepare Tomorrow's Leaders One of the responsibilities of leadership is to groom those who will follow in their footsteps. Leaders of today's union movement are preparing their successors as they tap the talented, dynamic, and diverse voices of women and men to represent the future membership of organized labor.

Tomorrow's leaders must reflect the racial, gender, and ethnic composition of the labor movement. Women in greater numbers must confidently exercise their own leadership abilities and prepare themselves to assume union leadership. More women should establish mentoring relationships with a local union leader who can teach them the inner workings of the union and introduce them to the leadership network.

Selecting a Union Mentor

It is generally difficult for a woman in the labor movement to obtain a female mentor. Relatively few women hold positions of high rank in the labor movement, so the potential pool of female mentors is limited. Consequently, cross-gender mentoring within the union is frequently a woman's only option. Regardless of gender, it is important to keep in mind the following considerations when selecting a mentor:

- The mentor should be both powerful and competent
- The mentor's personality should be compatible with your own
- The mentor should be able to motivate you and be willing to help you grow by giving you credit for your successes
- The mentor should be good at giving constructive criticism
- The mentor's personal habits and ethics should reflect positively on your own career
- The mentor does not have to be the most powerful person in the local union
- Individuals at lower levels may be more open to the idea of mentoring a woman, since higher officials may feel as if they are placing themselves at risk should the mentoring relationship fail
- A prospective mentor will be evaluating you as the prospective protégé in terms of the following considerations:
 - How the mentoring relationship might affect the mentor's established reputation
 - How the mentor's reputation might suffer if you do not succeed
 - Whether a mentoring relationship with you will elevate or diminish the mentor's status
- If your prospective mentor is male, your mentoring relationship may come under close scrutiny by others. Your mentor may be particularly anxious to avoid the mentoring relationship being perceived as having sexual overtones.

- If you, the protégé, are considered to be more intelligent or more charismatic than your mentor, the mentor may experience difficulties. If the mentor begins to feel upstaged by your performance, the relationship may begin to affect the mentor's self-image and could spill over into the mentoring relationship in the form of anger, irritability, unfair criticism, or jealousy.

Deprivation behavior is an anti-mentoring attitude that can surface if the mentor begins to feel upstaged by the protégé. Signs of deprivation behavior include the overt or subtle discouragement of women from seeking promotions to positions of greater responsibility, visibility, and authority. There are four aspects of the deprivation behavior used to discourage the ambition of women in the workplace:

- (1) **Responsibility deprivation.** This occurs when a woman is given responsibility only for the preliminary work on a project. It can also occur when a woman is given full responsibility for completing the work on a project but no real authority to make certain that the work is accomplished.
- (2) **Information deprivation.** This occurs when information is selectively communicated to the woman, keeping her “out of the loop” so that she remains unfamiliar with the overall scope of a project. Another type of information deprivation occurs when evidence of the work contributed by the woman “vanishes” because the work is either altered from its original format or not recorded at all. It can also occur when someone else attempts to take credit for the woman's contribution.
- (3) **Recognition and approval deprivation.** This occurs when the specific contributions of women are ignored and all the praise, credit, and recognition go to the men who worked on a particular project.
- (4) **Solidarity deprivation.** This occurs when deliberate attempts are made to pit women against each other in the workplace. This is an effort to undermine the solidarity of women.

Male and female mentors typically approach the mentoring relationship in different ways. Female mentors are more likely to provide emotional support and personal advice to female protégés and are usually more sensitive to the challenges of being a wife, mother, worker, and union leader. Male mentors are more likely to view their mentoring role in terms of discrete tasks, such as giving the protégé access to people in union leadership positions, sponsoring the protégé in high-visibility assignments, or introducing the protégé to key players in the community.

Standards are often held higher for women than for men. What might be described as a man's “mistake” might be described as a woman's “failure.” If there is a double standard, discuss it with your mentor.

Selecting a Protégé

The following list includes some of the characteristics that a union mentor might hope to find in a protégé. Keep in mind that a protégé need not have all of these attributes to be considered by the mentor.

- Demonstrated leadership ability
- A high probability of success as a leader because of the qualities she has demonstrated
- Skill in interpersonal relationships and ability to form alliances
- Loyalty and commitment to the union and the union’s goals and values
- Assertiveness, ambition, and ability to think independently when necessary
- Capability to accept power and responsibility and take the necessary risks in exercising it
- A high profile, built by volunteering for important tasks in order to be noticed by the current leadership
- Eagerness to learn and can accept criticism in the spirit in which it was given
- Political astuteness and ability to read nonverbal messages when they are communicated
- Intelligence and the ability to be a “quick-study”

Stages of the Mentoring Relationship

Mentoring is a growth process and a helping relationship. It is characterized by the typical four distinct phases involved in the growth of human relationships: (1) getting to know the other person, (2) developing the mentoring relationship in all its aspects, (3) giving more independence to protégé, and then (4) terminating the formal mentoring relationship.

Phase 1: Initiation

In this stage the mentor and the protégé get to know each other and learn how to work together in the mentoring relationship. The mentor learns how to motivate, teach, encourage, promote, and coach the protégé. The mentor begins to help the protégé assume increasingly visible roles or assignments. The protégé demonstrates a willingness to learn from the mentor and gain from the experience and knowledge base that the mentor is sharing. This phase can last from six to 12 months, as the mentor and protégé get to know each other well.

Phase 2: Cultivation

This is the stage of the mentoring relationship that is most crucial; the bulk of the real work of mentoring occurs here. This phase lasts from two to five years on average. The mentor and the protégé concentrate on career functions—the specific skills, knowledge, and traits that must be cultivated to become a leader in terms of the protégé’s occupational career or union leadership career. The goal of this stage is to develop a high degree of friendship, trust, and respect between the mentor and protégé. If you are a woman with a male mentor, it is important to be aware of the public perception of your mentoring relationship as it evolves in this phase.

Phase 3: Separation

During this phase the mentor begins to work less closely with the protégé because less guidance is needed. The mentor encourages the protégé to independently apply and exercise the lessons learned from the mentoring relationship. By this time, the protégé should have formed some strategic relationships of his or her own and should be able to rely on these relationships while branching out on various projects.

The mentor always encourages the protégé to branch out and form new relationships on the job or within union leadership. During this phase the mentor observes how the protégé has absorbed the lessons of mentoring but is still willing to lend support, guidance, advice, and encouragement when needed or asked.

In local unions in which there are very few leadership positions, the mentor may experience disappointment, anger, or jealousy about having helped the talented protégé. In some cases, the mentor may try to block the protégé from advancing into leadership positions despite having invested time and effort in mentoring the protégé.

At the conclusion of this phase, both the mentor and the protégé should be ready to move to another stage of growth, as the mentoring relationship comes to a close. On average, this separation phase lasts from six months to two years.

Phase 4: Redefinition

At this point, the active mentoring relationship has ceased. The mentor and the protégé see each other less frequently and no longer discuss issues from the perspective of teacher and student. The protégé should have his or her own independent ideas, suggestions, and solutions to discuss with the mentor as a valued and trusted equal in the relationship. At this stage, the mentoring relationship has evolved into a friendship or association between peers.

Workplace Mentoring Programs

The Federal Glass Ceiling Commission found that businesses vary in their awareness of glass ceiling issues and in their efforts to overcome glass ceiling barriers. Some businesses pioneered initiatives to remove the barriers and continue to work on expanding less-represented groups' access to the highest levels of jobs. The work and family programs offered by these employers have great impact on the lifelong career paths of women and people of color who share responsibility for their families' daily care. Such family-friendly programs also affect the ability of women to take on promotions and opportunities if they are offered. Companies are recognizing that family-friendly policies are good for productivity, foster high performance, and enable their workers—particularly women—to assume greater job responsibilities.

Some employers have focused on mentoring as a tool to help their employees advance. They have established formal mentoring programs for minorities and

women who have traditionally been excluded from the informal mentoring process. Formal mentoring programs make the process more widely available, more efficient and meaningful, and more equitable than is often the case with informal mentoring. Research for the Federal Glass Ceiling Commission shows that the following elements are common to the most effective formal mentoring programs:

- Objectives are linked to a business goal
- The program has the support of the top level of management and the top level of the union
- Comprehensive planning takes place, including development of written guidelines and a training strategy
- The protégé’s supervisor is involved in the mentoring process
- Voluntary participation
- The program and participants are consistently monitored and evaluated

The mentoring relationship can be a crucial tool for a woman’s career advancement. The ability to network has always been an important skill to bring to a career and to any organization, including the union. During your mentor–protégé relationship, it is important that you do not neglect to develop your own network, make your own contacts, and develop allies among the people you meet through your mentor as well as branch out on your own. Remember to dedicate yourself to protecting the welfare of your local union, support and respect your fellow IBEW sisters and brothers, and maintain a high standard of personal and professional excellence in all that you do.

ACTIVISM

Throughout the history of the IBEW, women have vigorously promoted the ideals of the organization and trade unionism at all levels and in all branches—as organizers, shop stewards, officers of local unions (including Executive Board members, Business Managers, and Financial Secretaries), International Representatives, and Directors of departments within the International Office. Most recently, former Executive Assistant to the International President of the IBEW, Elizabeth “Liz” Shuler, became the first woman elected as Secretary-Treasurer of the AFL-CIO. At age 34, she was the highest-ranking woman in the IBEW and now holds the second-highest position in the labor movement. Shuler also became the youngest officer ever elected, rising through the ranks from her first union position with IBEW Local Union 125 in Portland, Oregon. Liz’s successor as Executive Assistant to the International President is Sherilyn Wright. Wright, prior to her appointment, was International Representative in the Political/Legislative Department and IBEW’s Political Mobilization Coordinator.

These success stories would not be possible without the perseverance and bravery of a long history of trade women starting with the formation of the labor movement. Although women have been active in trade unionism since the early 19th century and employed in the electrical industry since the formation of the

National Brotherhood of Electrical Workers in 1891, their initial attempts to join with the ranks of men were rebuffed and they had to struggle to gain the respect they deserved.

The articles found in Appendix A illustrate how, throughout history, women have proven themselves to be skilled tradeworkers, determined organizers, and effective union leaders.

Women in Supporting Roles

A discussion of women in the trade union movement would not be complete without mentioning the women behind the scenes. From the 1920s through the 1950s, most women active in the IBEW played supporting roles. They worked hard to build up their husbands' local unions: organizing ladies' auxiliaries that prepared refreshments for union functions, raising money for community charities, and teaching family members about the importance of trade unionism.

Women also played crucial supporting roles in their work for the International Office. Primarily, men headed the branch departments at IBEW headquarters and women controlled the day-to-day administrative departments that kept the organization running smoothly.

However, Marie Downey, longtime managing editor and head of the IBEW Journal Department—and a trade unionist in her own right—supervised the publication and distribution of the monthly *IBEW Journal*. She researched and wrote much of the material that appeared in the magazine and, at the same time, directed public relations for the union. Downey seemed to personify the selfless behind-the-scenes assistance that the Brotherhood had come to expect from women. “For her there was no overtime,” President Charles H. Pillard explained. “Anything that anyone wanted done, and done to perfection, they took to Marie.”

Women Turn the Tide

In the second half of the 20th century, the combination of anti-labor activity, automation, and economic recession took its toll on the Brotherhood, which added only 35,000 members between 1958 and 1962. Forced to reassess its strengths and weaknesses, the IBEW faced the fact that some local unions—particularly small but long-established inside construction local unions—must broaden their notions of trade unionism if they expected to survive. Like it or not, the days of a locally based, locally controlled construction industry were numbered.

So were the days of an all-white, all-male workforce. Women comprised a substantial portion of the IBEW's membership by 1962, and they were by no means all new recruits. In fact, the first woman member had already earned her pension; others would soon follow.

Society began changing rapidly in the 1960s and '70s, and women challenged their traditional social roles and expectations. Women demanded equal rights within the organization, and they were willing to use whatever power they could muster (including the 1964 Civil Rights Act) to persuade recalcitrant local unions to amend longstanding discriminatory practices.

Women Attack Barriers to Construction Industry Jobs

The battle to open building-trades apprenticeships to women proved particularly difficult. Because construction work required physical strength as well as technical skill and knowledge, contractors and unions found no good reason to train women. They believed women could not be counted on to carry their own tools and equipment, and that women would waste their training by leaving the trade when they married. Even worse, men in the trades thought that women would be taking jobs that “rightly” belonged to family men. The men’s reluctance to train women also reflected a selfish desire to exclude women from the trades: Construction sites were considered men-only clubs. Hardworking hard hats, who faced physical risks daily, depended on one another for their safety and an exclusive macho camaraderie had evolved that could not be easily extended, or even explained, to female workers. Until 1978, very few women were willing to storm these barriers. However, when U.S. President Jimmy Carter signed Executive Order 11246 in April 1978 (which amended the 1964 Civil Rights Act and established hiring goals and timetables for female construction workers), women began to compete for jobs in this high-paying field. “For some men, getting rid of the ‘invaders’ was a personal mission,” Susan Eisenberg, a member of Boston Local Union 103, remembered. “One of my first foremen constantly warned me of ways I might get killed in this dangerous trade: be electrocuted, have my head severed from my body, be boiled alive by steam.” Rather than making sure she was properly instructed, this foreman chose to test her ingenuity and her nerve, one day asking her to open a tightly coiled, 200-foot-long snake (a thin piece of steel used to pull wires through pipes), which could spring apart with great force if not opened correctly.

However, not all of her experiences with her supervisors were negative. Her next foreman treated her seriously and assigned her to work with an excellent mechanic who was willing to teach her the trade.

The number of women in construction was never high, and many felt isolated on jobs and in their local unions. But pioneers like Eisenberg went the distance and formed their own support networks to get them through their apprenticeships. Of the six women who entered Local Union 103’s program in 1978, five made it through—a higher ratio than that achieved by their male classmates. “We owed that largely to the support, information-sharing and prodding we gave each other,” Eisenberg explained. “Four of us carpooled together to our two-nights-a-week of school for four years [and] our . . . conversations made up somewhat for the isolation of usually being the only woman—of any trade—on our jobs. As more women entered the building trades, we formed a group, meeting together for personal support and to identify and address the common problems we faced as women in our union.”

As they acquired more experience on the job and more confidence in their skills, women also developed a sense of craft pride that transcended gender. Sounding like any journeyman electrician, Eisenberg recalled the fierce sense of loyalty she felt toward the “older mechanics who . . . taught me their special techniques” and the enormous pride she took in her ability to master her tools. “Everywhere I would go—movies, airports, restaurants—immediately, I would notice the wiring: where fixtures were placed and how they were fed; whether receptacles were two-pronged or three.” She was disappointed, however, that after 10 years the local

union still sent her letters addressed “Dear Brother” and warned her that if prevailing-wage guarantees were defeated, her wife would be forced to go to work.

Equal Rights for Women Members

Some men would always resist the idea of female electricians, but were not supported by the International Office. The proportion of women in the electrical workforce had increased dramatically since 1970, and the leadership understood that the IBEW needed to recruit and retain female members if the organization intended to grow. “Women not only have to compete with men for predominately male jobs,” Vice President Ken Woods admitted at a conference for IBEW women in Canada, “they also have to fight for recognition and proper representation from their own unions!” As for protecting women’s rights on the job, the August 1971 *Journal* editorial could not have been more clear: “Equal pay for women is a fundamental principal of all IBEW contracts. Under our agreements, women earn the same rate of pay for the same job men do. The IBEW...guarantees equal rights for women.”

Determined to improve relations with female members, the International Office hosted regular meetings for female activists in the mid-1980s in conjunction with district progress meetings. The IBEW also hired an education coordinator who conducted workshops for both men and women on issues such as identifying and combating sexual harassment on the job. The International Office also focused on women’s issues: childcare, maternity and family leave, and flexible hours. “If we do not incorporate women into the workforce on a more equal footing, professionally as well as economically,” the IBEW’s leadership insisted, “U.S. competitiveness will suffer [and] we will all feel the consequences.” To achieve real workplace equality, the union pointed out to workingmen that they needed to change their attitudes and start pulling their weight at home: “An awful lot of husbands still see their wives as the only ones responsible. . . for the home, the children, the laundry, and a lot of employers shy away from giving highly responsible jobs to their female employees, because they are afraid of a crisis at home and the employee’s priorities. . . .If you’re a man, think about what you would do if you were expected to handle it all...[and] if you are a working mother, demand help from your mate.” The Brotherhood also advised workingwomen to demand that their union representatives negotiate contracts that include family leave, childcare provisions, and other programs to help workers—both men and women—balance their home and work lives. “It’s not a handout,” the IBEW reminded them, “it’s your right.”

Additional Resources

The following sources are intended to help you get more information about leadership, mentoring, and activism. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

Coalition of Labor Union Women

<http://www.cluw.org>

Good for Business: Making Full Use of the Nation's Human Capital

<http://www.dol.gov/oasam/programs/history/reich/reports/ceiling.pdf>

Institute for Women's Policy Research

<http://www.iwpr.org>

I Knew I Could Do This Work: Seven Strategies That Promote Women's Activism and Leadership in Unions

<http://www.iwpr.org/pdf/I917.pdf>

Overcoming Barriers to People of Color in Union Leadership

<http://www.iaff.org/hr/resolution2/PDF/overcomingbarriers.pdf>

Overcoming Barriers to Women in Organizing and Leadership

<http://www.aflcio.org/issues/civilrights/upload/overcomingbarrierswomen.pdf>

Sisters in the Building Trades

<http://www.sistersinthebuildingtrades.org>

Wider Opportunities for Women

<http://www.wowonline.org/>

AFL-CIO 2005 Convention Constitutional Amendments and Resolutions Related to Women and Diversity

Constitutional Amendment 1: Expanding the General Board

<http://www.aflcio.org/aboutus/thisistheafclcio/convention/2005/upload/amend1.pdf>

Constitutional Amendment 3: Promoting Greater Gender and Racial Diversity in the Federation's Governing Bodies

<http://www.aflcio.org/aboutus/thisistheafclcio/convention/2005/upload/amend3.pdf>

Constitutional Amendment 28: Establishing an Executive Committee of the Executive Council

<http://www.aflcio.org/aboutus/thisistheaficio/convention/2005/upload/amend28.pdf>

Constitutional Amendment 31: Composition of Executive Council

<http://www.aflcio.org/aboutus/thisistheaficio/convention/2005/upload/amend31.pdf>

Resolution 2: A Diverse Movement Calls for Diverse Leadership

http://www.aflcio.org/aboutus/thisistheaficio/convention/2005/upload/res_2.pdf

Power in Diversity: Make Resolution #2 Real

<http://www.aflcio.org/issues/civilrights/upload/ECdiversityreport.pdf>

AFL-CIO 2009 Convention Constitutional Amendments and Resolutions Related to Women and Diversity

Constitutional Amendment 9: Authority to Expand the Executive Committee

<http://www.aflcio.org/aboutus/thisistheaficio/convention/2009/upload/amend9.pdf>

Resolution 7: A Diverse and Democratic Labor Movement

http://www.aflcio.org/aboutus/thisistheaficio/convention/2009/upload/res_7amend2.pdf

Resolution 14: Women, Work and Families [amended]

http://www.aflcio.org/aboutus/thisistheaficio/convention/2009/upload/res_14amend.pdf

Resolution 18: Unions Should Give People With Disabilities a Voice and a Face

http://www.aflcio.org/aboutus/thisistheaficio/convention/2009/upload/res_18amend.pdf

CHAPTER 2

Membership Development and Organizing

IBEW MEMBERSHIP DEVELOPMENT

The Objects of the IBEW are clearly stated in the Constitution of our union. One of the most important and fundamental objectives deals with organizing:

To organize all workers in the entire electrical industry in the United States and Canada, including all those in public utilities and electrical manufacturing, into local unions.

Henry Miller, our first President, welcomed all who were employed in the electrical trade to become part of the young Brotherhood in our earliest days. He wanted everyone to share in the benefits of a union. The organizing goals of our founding President are shared by our current International President, Edwin Hill, who has repeatedly reminded the membership of the importance of organizing to the future of our union. At the 36th International IBEW Convention in San Francisco in 2001, President Hill spoke eloquently about the challenge of organizing:

Now, as we assemble in this great hall, we all know, as stated at every Convention, that this issue of organizing is a primary goal of this Brotherhood. Brothers and sisters, I submit to you that for the most part, we have failed. We've failed to protect our own future, let alone the future of those who will come after us. There may be some in this great gathering of union leaders that do not believe in organizing. Well, brothers and sisters, organizing is the job of every local union, to protect the IBEW's jurisdiction.

At the 2003 organizing conference, President Hill renewed his organizing challenge to the sisters and brothers of the IBEW:

We are going to grow this union. We are going to do what we said we would do at every International Convention of the IBEW since 1986—four in all—that the IBEW and its local unions will intensify their efforts to organize and take into membership all unorganized workers in all branches of our Brotherhood so that these workers may improve their working and economic lives.... We are going to grow the IBEW together. Organizing is the number one priority of this Brotherhood. Nothing trumps it. Nothing surpasses it. Every activity of this Brotherhood will be measured by how well it supports our organizing efforts.

At the 37th International IBEW Convention in Cleveland in 2006, President Hill emphasized that we must reverse the continuing loss of membership:

Over the past two decades, the International has conducted education programs on the need to organize, particularly in these branches. We've run several campaigns with some varying degrees of success and exhorted locals: please, get involved. The results have been a steady loss of our membership in all of our branches. It's time to stop the bleeding, Brothers and Sisters, and stop beating our heads against the wall and try something new.

A review of the IBEW's past organizing efforts revealed that there were several serious flaws in many of our organizing programs as well as internal obstacles to real growth in the IBEW. Considerable time was spent identifying those internal obstacles, creating solutions, and correcting any flaws in the original organizing premises. As a result of this forward thinking, the IBEW organizing program has gone through many major structural changes during the last several years, including establishing an entirely new department at the International Office—the Membership Development Department. It became obvious that the revitalization and refocusing of the organizing program was absolutely critical to the future of the IBEW. Steps were taken to restructure and combine all organizing efforts under one department within the International Office (the Membership Development Department) and President Hill assigned a Special Assistant to the International President to oversee the department operations. The old Special Projects Department was renamed Professional and Industrial Organizing (P&I) and became part of the Membership Development Department. A director oversees the professional and industrial portion of the Membership Development Department and reports to the Special Assistant to the International President. The industries included under the P&I umbrella are listed in **Figure 2.1**. The inside and outside line construction branches also have a director who reports to the Special Assistant to the International President for Membership Development, that section of the department is called Construction Membership Development. These changes and others are designed to assist all local unions in organizing, but the original mission has not changed. ORGANIZING is and will remain our number one priority.

Figure 2.1
PROFESSIONAL AND INDUSTRIAL
MEMBERSHIP DEVELOPMENT

Utility
Manufacturing
Broadcasting
Telecommunications
Railroad
Government

Although the P&I branch and the construction branch are inherently different due to the nature of their industries, both industries require a long-term, comprehensive plan and—more importantly—a strong support structure for growth and expansion. While the methods, personnel, and tactics for organizing may be different in each industry, a robust internal local union structure is required for real sustainable growth. Everything we do as a union depends on our members' involvement and support. The shift in emphasis to the total membership development philosophy requires the realization and acceptance that a narrowly defined term, organizing, is only one of many pieces needed to solve the larger growth puzzle.

PROFESSIONAL AND INDUSTRIAL ORGANIZING

The method of organizing in the P&I branches is employee-driven. P&I sector employees can organize a union in their workplace if 50 percent plus one of the employees vote for the union in a National Labor Relations Board representation election. Alternatively, the employer can agree to “card check” recognition for proof of majority status, recognizing the union voluntarily. The IBEW also represents and is actively organizing employees in industries subject to labor laws other than the National Labor Relation Act, such as the Railway Labor Act, the Federal Labor Relations Act, or any number of state, county, city, municipal, or special district labor laws. In some circumstances, no labor laws are in place and union recognition for bargaining purposes is up to a city council, civil service commission, or a similar governing body. When organizing a professional or industrial unit, it is important for the organizer to identify and become knowledgeable about the laws and procedures that will drive the organizing campaign.

Although winning recognition as the representative of the bargaining unit is a major achievement for an organizer, this alone does not automatically equate to securing a union-negotiated agreement. The popular notion that employees are voting in a representation election for the purpose of becoming union members is a false premise. The employees are voting to force the company to recognize that the employees are collectively represented by the union. For the most part, the employees’ motivation for obtaining union representation is based on their expectation of getting a favorable, union-negotiated agreement that improves their standard of living and working environment. All methods of organizing, whether in the construction branches or P&I branches, require the ability to convince someone (either the employees or the employer) of the value of a collective bargaining agreement. The structure necessary for a local union to assist company employees in winning union representation and ultimately negotiating an acceptable collective bargaining agreement is labor-intensive, time-consuming, and often expensive. Negotiating an agreement also requires special skills generally learned through past organizing experiences. Many IBEW P&I local unions do not have the personnel, finances, or expertise to adequately organize in their respective industries; but it starts internally. The membership development concept encompasses not just organizing but also the development of a strong local union support structure that will facilitate long-term sustainable growth. The Membership Development Department at the IBEW International Office, in cooperation with the International Vice Presidents, is charged with diligently assisting local unions in removing internal barriers and obstacles to growth.

To help overcome the barriers to organizing in the P&I branches, delegates approved a new structure for P&I organizing at the 2006 IBEW International Convention. Sponsored by International President Hill and administered by the International Office, Regional Organizing Councils were created throughout the United States and Canada. International organizers were assigned as regional organizing coordinators to be responsible for all organizers in their region. Lead organizers are assigned to each council as organizing campaigns are developed. The map in **Figure 2.2** and organizational chart in **Figure 2.3** illustrate the IBEW Regional Organizing Councils.

Figure 2.2
IBEW ORGANIZING COUNCIL REGIONS

September 6, 2006

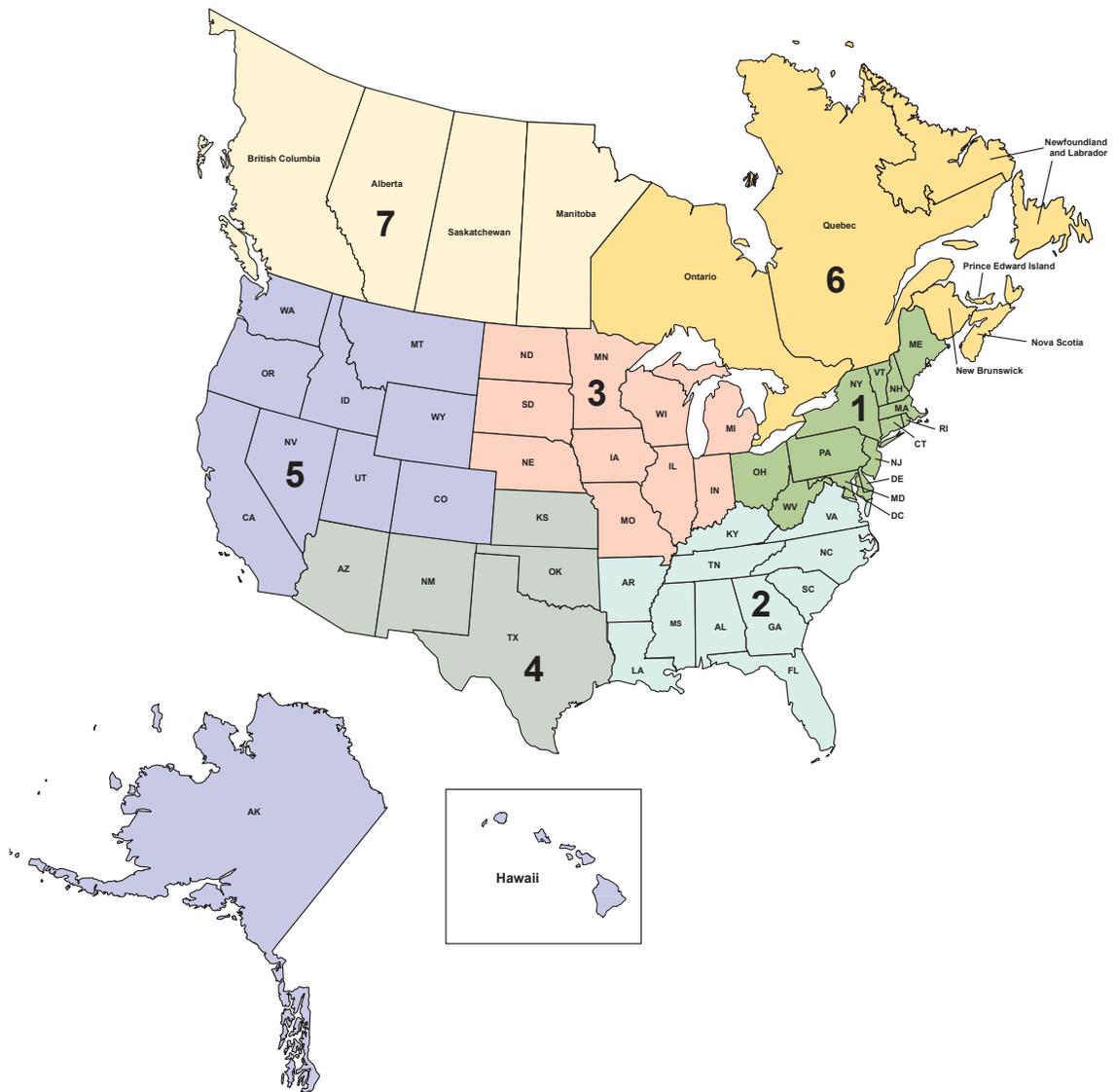
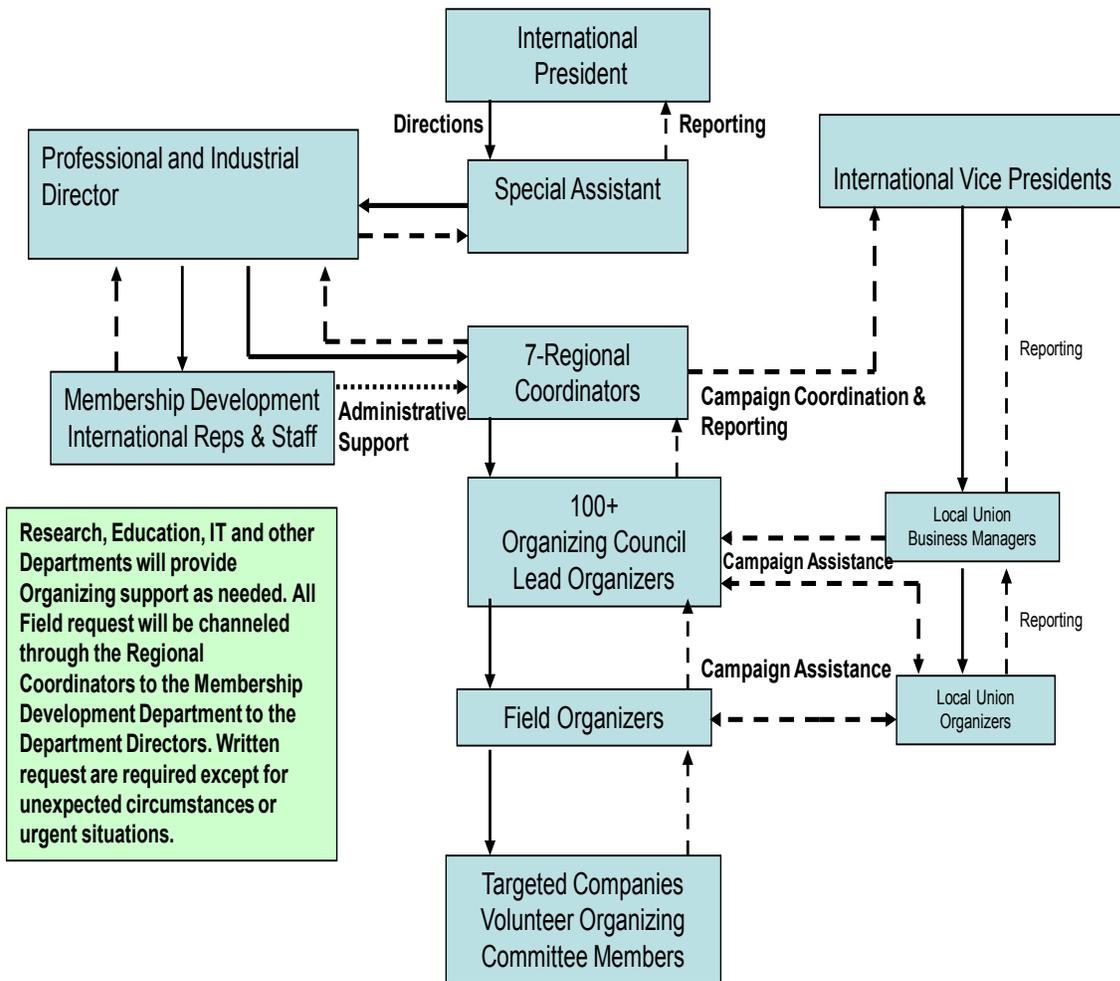


Figure 2.3
ORGANIZING REGIONS AND COUNCILS:
DIRECTIONS AND REPORTING FIELD OPERATIONS



External Organizing

External organizing requires that a local union reach out beyond its existing unit or employers to organize. This type of organizing may require dedicating a high level of time, financial resources, and human resources in addition to membership, community, and political involvement.

Internal Organizing

Internal organizing of represented nonmembers is critical. These are the women and men who work under the benefit and protection of the collective bargaining agreement negotiated by the union but are not members of the IBEW. In most circumstances, labor laws require that the local union represent everyone in the bargaining unit, whether they choose to be a union member or not. This can create an opportunity for division among the bargaining unit and a weakening of the solidarity and strength that is essential for unionism to flourish.

Another form of internal organizing is the organizing of nonunion units, or those not covered under the collective bargaining agreement, whose employees are working on the premises of an employer with whom the local union has an existing contract. It is considered “internal” because it is organizing within the property at which existing local union members work. It is similar to external organizing because of (1) the need to assess the viability of the target and (2) similarities in the election and voting process.

Construction Organizing

The organizing methodology of the construction branch has always been built around the concept that organizing all qualified electrical workers in a particular sector will result in forcing nonunion companies to sign with the union in order to obtain a qualified work force. This premise is supported by the IBEW Education Department’s Construction Organizing Membership Education and Training (COMET). However, the support structure required to obtain and retain that workforce is what has been lacking. Controlling the flow of manpower in a single sector or the entire electrical industry is the ultimate goal of organizing and can be used as an effective tool. However, there are many other critical factors that must be in place.

The IBEW can only grow in two ways: by expanding the volume of work for existing contractors, and by signing new contractors. The same critical factors needed for a nonunion employer to sign with the IBEW and prosper in a union environment also create tremendous growth opportunities for existing IBEW signatory contractors who are willing and capable of expanding. The organizing premise that says “organize the workers, the nonunion companies will follow,” has been reprioritized to say “organize the work, then organize the workers, and the nonunion companies will follow.” If the lessons of the 1980s and 1990s have taught us anything, it is that organizing by just “stripping” nonunion workers away from their employers does not lead to sustainable, long-term growth, but instead results in increased union membership in the construction branch.

By now, IBEW members and local unions have embraced the merits of organizing. As within many of the building trades unions, there is still a substantial philosophical debate involving the way to actually go about organizational growth. Many experienced organizers continue to champion the effectiveness of a heavy-handed, “boot-on-the-neck” style of economic pressure to convince employers of the benefits of representation. A growing number of business managers and organizers are crafting a more comprehensive package of polished organizing tools that address the critical factors directly tied to increasing the number of signatory contractors.

Behind the inclusion of this expanded arsenal is the recognition that employers can be recruited using a more professional business development approach designed to highlight the tangible economic advantages that result from an association with the IBEW. Although this tactic will certainly not work in every situation, a strategy that effectively and professionally demonstrates the rewards of affiliation is useful for potential contractors who operate in specific niche markets. The online Organizing Library on the IBEW Web site (<http://www.ibew.org/IBEW/departments/membership.htm>) contains many publications that demonstrate the proven results from organizing not only the contractors but also the work. These include, but are not limited to, the following: heightened compliance, innovative specification language that raises the qualification bar for those performing the work, and polished presentations. In addition to specific business development tools, there are genuine philosophical transformations at play in addressing the critical factors that allow the IBEW to sign future employers and grow the universe of signatory contractors.

For any organization to thrive, there is usually a set of factors that are critical to success. For the IBEW, sustained contractor growth amidst an environment dominated by nonsignatory competition will not take place until employers have competitive tools that allow them to effectively address real-world industry conditions. For this reason, the IBEW and the National Electrical Contractors Association (NECA) have agreed on two groundbreaking weapons to ensure future industry expansion: the construction wireman classification and the construction electrician classification.

Construction Wireman and Construction Electrician Classifications

Although the weighted value of each critical factor can probably be argued, few should debate the importance of effectively recruiting semiskilled electricians doing the lion’s share of the installations for nonunion contractors that currently dominate the electrical construction industry. Whereas the merits of other tools and strategies will always be discussed, nothing more directly affects future IBEW success as the ability to attract unrepresented workers into our ranks. Given this indisputable truth, the IBEW, NECA, and the National Joint Apprenticeship and Training Committee for the Electrical Industry (NJATC) created the innovative construction wireman and construction electrician classifications for local unions with low market share. This dramatic philosophical shift recognizes the paramount need to aggressively provide a real-world entry path for the hundreds of thousands (estimates are as high as 300,000) of non-journey-level electricians who are the backbone of the unorganized workforce. Most of these

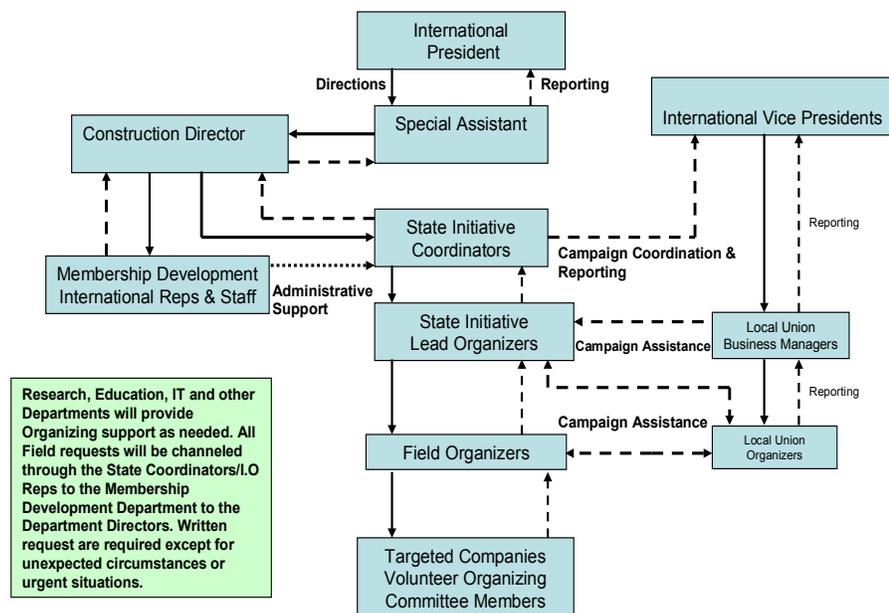
nonunion workers also do not qualify for, or for various reasons have no interest in, our apprenticeship programs. With the new classifications, the IBEW and NECA has a mechanism that allows for the efficient entry of workers and the needed training for those looking to progress to the journeyman level.

Statewide Initiatives

The entire states of Florida, North Carolina, South Carolina, Georgia, and the central portion of Pennsylvania were identified as areas in which to begin an intense organizing effort. Statewide initiatives are primarily organizing in the construction industry. However, Florida was expanded to include organizing in all IBEW branches. Several meetings were held with the appropriate International Vice Presidents, local union business managers, and officers to create innovative methods to recapture markets and gain IBEW density. The initiatives are long-term organizing efforts and it is too soon to evaluate the results; however, all immediate signs indicate that significant progress has already begun. These innovative approaches to organizing may provide a template for other areas experiencing low or decreasing membership. All local unions should study their market conditions and consider the need to cooperate on statewide initiatives to grow the membership. An IBEW unified voice, single-mindedness of purpose, and pooled resources will increase influence and therefore improve chances to organize. **Figure 2.4** shows the structure for directions and reporting when statewide initiatives are implemented.

Figure 2.4

STATE INITIATIVES: DIRECTIONS AND REPORTING FIELD OPERATIONS



ORGANIZING WOMEN

A 2003 paper by Kate Bronfenbrenner of Cornell University's School of Industrial and Labor Relations discusses the nature of union organizing efforts among U.S. women since the middle 1990s. Among unions in the United States, women nationwide have accounted for the majority of new workers organized each year since at least the mid-1980s. Bronfenbrenner reports the good news that the proportion of women in the labor movement is growing at an accelerating pace. The full text of Bronfenbrenner's report can be found on the website for the School of Industrial and Labor Relations at Cornell University:

http://www.ilr.cornell.edu/aliceCook100th/downloads/Bronfenbrenner_ORGANIZING%20WOMEN_final%20draft_111603.pdf

AFL-CIO REPORT ON ORGANIZING WOMEN

In March 2004, a report to the AFL-CIO Executive Council titled *Overcoming Barriers to Women in Organizing and Leadership* summarized research that the federation has conducted over the prior year and a half on women in unions. Included in the report were recommendations from the AFL-CIO Executive Council Working Women's Committee and female leaders from dozens of unions. Part I of the report examines the factors that affect women's decisions to join a union or become involved in union campaigns. Part II is based on interviews with women in union leadership roles and explores the factors that affect women as they become more involved in their unions and take on leadership positions.

The full report can be found online at <http://www.aflcio.org/issues/civilrights/upload/overcomingbarrierswomen.pdf>.

The report notes that women are nearly half of the U.S. workforce and are disproportionately employed in growing industries. Over the past 25 years, women have outpaced men as new members of unions. In addition, statistics show that organizing campaigns in which women are a majority of the workforce have been more likely to succeed. The report notes that 55 percent of newly organized workers are women.

The report's appendix contains interesting statistical data, based on focus group research, AFL-CIO public opinion surveys conducted every two years, and the research of Kate Bronfenbrenner at Cornell's School of Industrial and Labor Relations in Ithaca, New York. The statistics demonstrate that, overall, about two-thirds of U.S. women see unions as having an important role in society. Regardless of race, age, or education, women agree that employees are more successful in resolving problems at work as a group. Since 1999, women overwhelmingly favor workers over management in disputes. The appendix also reports that, in general, women think that protecting individual rights and uniting to improve the lives of everyone in the workplace are the two most important reasons for workers to join a union. In 2003, women ranked the following statements in descending order as the most important reasons for joining a union (with Reason 1 as the most important):

1. Protect the rights of individual workers on the job so they cannot be taken advantage of or discriminated against.

2. Gain a stronger voice on the job on safety, fair treatment, and ways to get the job done.
3. Unite to improve the lives of everyone in their workplace.
4. Stand up for all working people on health care, Social Security, and a higher minimum wage.
5. Help balance the influence of big business and work for laws protecting workers.

NEW BRUNSWICK RESOURCE GUIDE ON RECRUITMENT AND RETENTION OF WOMEN WORKERS IN NON-TRADITIONAL WORKPLACES

The Canadian province of New Brunswick (NB) recognized that it was facing a labor and skill shortage. New Brunswick also recognized that, although women make up nearly half of the labor force, they are not employed to their full potential and are an underutilized resource. Nearly two-thirds of NB women were shown to be employed in minimum wage jobs. Women were identified as a key factor in the solution to the labor and skill shortage. In 2005, New Brunswick launched its Five Year Wage Gap Action Plan (2005–2010) to encourage a more diverse workforce by ensuring that young women have a variety of career options from an early age, that women are educated to move into a wider range of jobs, and that workplaces are encouraged to become more gender-inclusive. The following link will take you to the full content of the report: <http://www.gnb.ca/0012/Womens-Issues/WageGap-e.pdf>.

THE EMPLOYEE FREE CHOICE ACT (EFCA): THE FIGHT FOR A VOICE AT WORK

EFCA was introduced as bipartisan legislation by former Senator Edward M. Kennedy (D-MA) and Representatives George Miller (D-CA) and Peter King (R-NY). The legislation passed the U.S. House of Representatives by a vote of 241-185 on March 1, 2007. The bill gained majority support in the U.S. Senate on June 26, 2007, but was blocked by a Republican filibuster. The latest version was introduced into both chambers of the U.S. Congress on March 10, 2009. The latest major action occurred on April 29, 2009, when the bill was referred to the House Subcommittee on Health, Employment, Labor, and Pensions.

The three major provisions of the bill are (1) certification on the basis of majority sign-up, (2) first-contract mediation and arbitration, and (3) stronger penalties for violations while employees are attempting to form a union or attain a first contract.

More than at any time in recent history, working women are trying to join together in unions to win better pay, health care, and more time to devote to their families and communities. The AFL-CIO has been working to expose and neutralize the interference of employers in workers' efforts to form or join a union. The long-term goal of the initiative is to protect the basic human right to choose a union. The policies of the George W. Bush administration made this a more difficult fight than in years past.

These policies are causing the hemorrhaging of American jobs to foreign markets at a time when unemployment and underemployment are soaring, causing more and more Americans to rely on public services to make ends meet. Not only does this affect individuals financially and psychologically, it also thrusts an inequitable burden on average Americans who are already overtaxed.

The ability of unions to counteract the political power of the corporate agenda must be bolstered in the face of business conglomerations in the news and entertainment media that deliver just one side of the news—their side. The demonization of unions is prevalent in print and on the airwaves. At the same time, highly paid CEOs who have plundered their workers' retirement funds and falsified their earnings statements absorb new companies to pillage and take home humongous financial bonuses.

The news media avoids telling the United States that more than 6.7 million working women in our country are union members, but millions more would join unions if they could. The AFL-CIO reports that in a recent survey, 59 percent of nonunion working women and 60 million nonunion workers say they would join a union if they could. The news media also fails to report that employers routinely use an array of tactics to block workers in their free exercise of the right to join a union.

The AFL-CIO enlists support from all elements of the community—women's groups, elected officials, religious leaders, and civil rights groups—to stand with working people to protect the freedom to choose a union. These community partners are also asked to speak out against employers who try to suppress that freedom.

The AFL-CIO reports the following:

- Ninety-two percent of employers force employees to attend anti-union, captive-audience meetings designed to change employees' minds about wanting a union
- Seventy-eight percent of employers enlist the aid of supervisors to put one-on-one pressure on workers when employees try to join together
- Twenty-five percent of employers will fire a worker during a campaign

Most Americans would agree that such employer tactics are wrong, but very few realize that these tactics are routine. There is a secret war on freedom in the workplace. This heavy-handed battle by employers especially hurts women and people of color—the individuals who often have the least amount of power at work and who have the most to gain by joining a union.

As IBEW women, we are fortunate to enjoy the benefits of union membership. Yet we also realize the resistance that employers can pose to our organizing efforts as we try to extend the benefits of union membership to our nonunion sisters and brothers.

The “Additional Resources” section at the end of this chapter contains several helpful documents expanding on the purposes and benefits of EFCA.

ADDITIONAL RESOURCES

The following sources are intended to help you get more information about organizing and EFCA. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

AFL-CIO

AFL-CIO Legislative Guide

http://www.aflcio.org/issues/legislativealert/upload/legislative_guide09.pdf

Corporate Interference by the Numbers

<http://www.aflcio.org/joinaunion/how/employerinterference.cfm>

Employee Free Choice Act

<http://www.aflcio.org/joinaunion/voiceatwork/efca/>

Key Facts on the Employee Free Choice Act

<http://www.aflcio.org/joinaunion/voiceatwork/efca/10keyfacts.cfm>

American Rights at Work

<http://www.americanrightsatwork.org/unionbusters/>

American Rights at Work, Allies Taking Action

<http://www.americanrightsatwork.org/employee-free-choice-act/home>

Employee Free Choice Act: Myth vs. Fact

<http://edlabor.house.gov/employee-free-choice-act-myth-vs-fact/index.shtml>

Library of Congress Searchable Database of Legislative Information (THOMAS)

<http://thomas.loc.gov>

Overcoming Barriers to Women in Organizing and Leadership

<http://www.aflcio.org/issues/civilrights/upload/overcomingbarrierswomen.pdf>

Working Families Activist Network

<http://www.unionvoice.org/wfean/home.html>

CHAPTER 3

Legal Issues: The Broad Scope of Our Rights

As employees, union members, and union representatives, you have rights and responsibilities under a broad array of labor and employment laws, as well as under the *IBEW Constitution*, your local union bylaws, and your collective bargaining agreements. This chapter provides an overview of rights and responsibilities established in the public laws promulgated by the U.S. Congress and enforced by federal agencies and courts as well as the private law established by your union through collective bargaining. This is not intended to be comprehensive or to give you legal advice, but rather to set out the basic contours of these laws and how they are enforced and provide links to further information.

YOUR RIGHTS UNDER U.S. STATUTES

Anti-Discrimination Laws Administered by the Equal Employment Opportunity Commission (EEOC)

Title VII of the Civil Rights Act of 1964

Title VII is a part of the Civil Rights Act of 1964, one of the most important pieces of federal civil rights legislation passed in the United States. Title VII prohibits employment discrimination and has been used by workers and their representatives to make employment practices more just and humane.

Title VII makes it unlawful to discriminate against any employee or applicant with respect to any term, condition, or privilege of employment based on any of the following characteristics, or based on stereotypes and assumptions about the abilities, traits, or performance of individuals who share a particular:

- Race
- Color
- Sex
- Religion
- National origin

Title VII forbids discrimination based on the above-listed factors with respect to:

- Hiring, firing, or disciplining
- Wages
- Fringe benefits
- Classifying workers

- Referring workers
- Assigning or promoting employees
- Extending or assigning facilities
- Training or retraining
- Apprenticeship
- Any other terms, conditions, or privileges of employment

Title VII prohibits employment-related discriminatory conduct by:

- Private employers, state and local governments, and educational institutions with 15 or more employees
- Labor organizations as employers, when they have 15 or more employees, and in their representational capacity, when they operate hiring halls that have 15 or more members
- The federal government
- Private or public employment agencies
- Joint labor-management committees for apprenticeship and training

Under Title VII, Indian tribes are exempt as employers. Religious institutions are exempt with respect to religious discrimination but are covered with respect to discrimination based on sex, race, color, or national origin.

Title VII Forbids Discrimination Based on Race and Color. “Race” and “color” are listed as separate protected categories under Title VII and refer to different concepts under the law. Even within a particular racial category, individuals could be discriminated against in employment decisions because of skin color.

Discrimination on the basis of a permanent characteristic associated with race or color—such as skin color, hair texture, or certain facial features—violates Title VII, even though not all members of a particular race may share the same characteristic. Title VII also prohibits discrimination on the basis of a condition that predominantly affects one race, unless the practice is job-related and consistent with business necessity.

It is a violation of Title VII to segregate minority employees by physically isolating them from other employees or from customer contact. Title VII also prohibits assigning primarily minorities to predominantly minority establishments or geographic areas. It is also illegal to exclude minorities from certain positions or to group or categorize employees or jobs so that certain jobs are generally held by minorities. In circumstances in which minorities are excluded from employment or from certain positions, the fact that the employer or employment agency has coded applications or resumes to designate an applicant’s race may constitute evidence of discrimination.

Title VII Forbids Discrimination Based on Sex. Sex discrimination exists when employment decisions are based on an employee’s gender or an employee is treated differently because of her or his gender.

The Pregnancy Discrimination Act of 1978 amended Title VII to make clear that

sex discrimination includes discrimination based on pregnancy, childbirth or related medical conditions. It is thus illegal under Title VII for an employer to discriminate intentionally against pregnant employees or maintain a policy that adversely affects employees based on their pregnancy, childbirth, or related medical conditions. Pregnant women or women with pregnancy-related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Thus, as long as a pregnant employee is able to perform the major functions of the job, an employer may not refuse to hire her because of its own prejudices against or assumptions about pregnant workers or the prejudices and assumptions of coworkers, clients, or customers.

Similarly, an employer may not single out employees with pregnancy-related conditions for special procedures to determine their ability to work. However, an employer may use any procedure it also uses to assess other employees' ability to work. If an employee is temporarily unable to perform her job because of pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, an employer that offers modified tasks, alternative assignments, disability leave, or leave without pay to employees with other temporary disabilities must provide similar options to employees temporarily disabled by pregnancy.

An employer may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth but must hold open a job for a pregnancy-related absence for the same length of time that it holds jobs for employees who are on sick leave or disability leave.

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. If a health insurance plan limits benefit payments for pre-existing conditions when the insured's coverage becomes effective, the plan may impose the same limitations—but not additional incentives—on benefits for medical costs arising from an existing pregnancy. Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Employers may not deny unmarried employees the pregnancy-related benefits that they provide to married employees. Even in an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions. If an employer provides any benefits to workers on leave, the employer must provide the same benefits to those on leave for pregnancy-related conditions.

Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

Title VII Forbids Discrimination Based on Religion. Title VII prohibits discrimination based on any sincerely held religious, moral, or ethical belief. Title VII defines the term *religion* as all aspects of religious observance and practice, as well as belief, and requires employers to make “reasonable accommodations” to such observances and practices, unless doing so would cause undue hardship to the conduct of the employer’s business.

A major issue raised under this portion of Title VII is the extent to which an employer is required to accommodate a worker's religious beliefs. The employer does not have to adopt an accommodation that would be an "undue hardship" on its business. In some circumstances, an employer must adjust work requirements to accommodate an employee's bona fide religious beliefs. However, Title VII does not require an employer to take steps inconsistent with an otherwise valid collective bargaining contract or to deny senior employees their shift or job preferences to accommodate an employee's religious beliefs.

Unions must also accommodate the religious beliefs of the employees they represent. For example, when confronted with an employee whose religious beliefs prohibit providing the union financial support, the union may not require the employee to pay dues or fees to the union, but may—as a "reasonable accommodation"—require the employee to satisfy his or her union security obligations by making a charitable contribution in an amount equal to dues.

Title VII Prohibits Discrimination Based on National Origin. Title VII also protects employees and job applicants against employment discrimination on the basis of national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. Equal employment opportunity cannot be denied because of marriage to or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples, or mosques generally associated with a national origin group; or a surname associated with a national origin group.

"English-Only" Rules

A rule requiring employees to speak only English on the job may violate Title VII unless an employer shows it is necessary for conducting business. An employer that believes an English-only rule is critical for business purposes must tell employees when they must speak English and the consequences for violating the rule. Any negative employment decisions for breaking the English-only rule will be considered evidence of discrimination if the employer did not tell employees of the rule.

Speaking With an Accent

An employer must show a legitimate nondiscriminatory reason for denying an employee employment opportunities because of that individual's accent or manner of speaking. Investigations will focus on the person's qualifications and on whether his or her accent or manner of speaking had a detrimental effect on job performance. Requiring employees or applicants to be fluent in English may violate Title VII if the rule is adopted to exclude individuals of a particular national origin and if the rule is not related to job performance.

Age Discrimination in Employment Act

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals 40 years of age or older from employment discrimination based on age. Under the ADEA, it is illegal to discriminate against a person because of his or her age with respect to any term, condition, or privilege of employment, including but not

limited to hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. It is also illegal to retaliate against an individual for opposing employment practices that discriminate on the basis of age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA. The ADEA applies to employers with 20 or more employees, including state and local governments, employment agencies, labor organizations, and the federal government.

The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA specifically to prohibit employers from denying benefits to older employees. An employer may reduce benefits based on age, only if the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

The Equal Pay Act

The Equal Pay Act (EPA) requires employers to pay men and women the same wages for performing “substantially equal work,” that is, work that requires equal skill, effort, and responsibility, and is performed under similar conditions in the same establishment. For purposes of the EPA, “wages” include all payments made to or on behalf of employees, including salary, vacation pay, sick pay and holiday pay; health and welfare benefits; bonuses; and clothing and food allowances.

The EPA permits wage differentials that are based on the following:

- Seniority
- Merit
- Quantity or quality of production
- A factor other than sex

Many incidents that lead to allegations of sex-based wage discrimination may be violations of both Title VII and the EPA. A sex-based wage discrimination complaint under the EPA may also be filed as a charge under Title VII. The EPA applies to most employers, regardless of the number of employees. Remedies for violations of the EPA include injunctive relief, back pay, and liquidated damages.

As noted, the EPA only applies to wage differentials for “substantially equal” work. Title VII’s reach is potentially broader, although it is not clear what other kinds of wage differentials it would prohibit. In particular, plaintiffs have not been successful in establishing that it violates Title VII to pay employees different wage rates for performing work that is of “comparable worth” to the employer. However, an employee who can demonstrate that the employer utilized different criteria for establishing the wage rates for jobs performed predominately by men and women—regardless whether the jobs are equal or comparable—may be able to establish a case of disparate treatment in violation of Title VII.

The Americans with Disabilities Act

Title I of the Americans with Disabilities Act (ADA) prohibits private employers,

state and local governments, employment agencies, and labor unions from discriminating against any qualified individual in job application procedures; hiring; firing; advancement; compensation; job training; and other terms, conditions, and privileges of employment on the basis of his or her disability”

The ADA greatly expanded federal rights for persons with disabilities by prohibiting discrimination not only in public and private employment but also in public accommodations, public services, transportation, and telecommunications. In enacting the ADA, the U.S. Congress attempted to correct the isolation and segregation that our society had inflicted on persons with disabilities. The language of the ADA states that the legislation was designed “to assure equality of opportunity, full participation, independent living, and economic self-sufficiency.”

The ADA defines *disability* as the following:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Being regarded as having such an impairment

A *qualified individual* is an employee or applicant who can perform the essential functions of the job in question, with or without “reasonable accommodation.”

The ADA defines a *reasonable accommodation* to include, among other actions,

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business.

An accommodation creates an “undue hardship” if it requires significant difficulty or expense when considered in light of factors such as an employer’s size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Medical Examinations and Inquiries Under ADA. Employers may ask job applicants about their ability to perform specific job functions, but they may not ask applicants about the existence, nature, or severity of a disability that is not obvious. Nor may employers require applicants to undergo medical exams before extending them conditional job offers. An employer may condition a job offer on the results of a medical examination, but only if it requires all applicants who receive conditional offers for similar jobs to take the exam. Medical examinations of employees must test abilities that are related to the applicant’s ability to perform the job and must be consistent with the employer’s business needs; also,

the results must be kept confidential.

Drug and Alcohol Abuse Under ADA. The ADA does not protect employees and job applicants from adverse employment actions based on their current use of illegal drugs. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees without making any accommodations for their conditions.

The Rehabilitation Act of 1973

Nearly 20 years before the ADA, the Rehabilitation Act of 1973 established the first substantial federal rights for persons with disabilities. Whereas the ADA reaches private entities, the Rehabilitation Act applies only to the federal government and to employers receiving federal funds.

Section 501 of the Act requires federal agencies to take affirmative action to seek out disabled individuals for employment. Federal government employers also have a duty to make reasonable accommodations for the disability limitations of job applicants or employees.

Section 503 imposes affirmative action requirements on federal contractors “to employ and advance in employment qualified individuals with disabilities,” and prohibits contractors from discriminating against individuals on the basis of their disabilities.

Section 504 of the Act prohibits any recipient of federal funds—whether in the private or public sector—from discriminating on the basis of disability.

Section 501 is enforced by the Equal Employment Opportunity Commission (EEOC), under the same procedures that apply to federal employees asserting claims under Title VII and the ADEA. Employees may also sue the federal government directly to enforce their rights under Section 501. Section 503 is enforced exclusively by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP); there is no private right of action. Finally, Section 504 is enforced by the agency that provides the employer with federal aid or by private lawsuits.

The Genetic Information Nondiscrimination Act of 2008

President Bush signed the Genetic Information Nondiscrimination Act (GINA) on May 21, 2008. Title II of the Act prohibits employers, employment agencies, labor organizations, and joint labor-management committees from discriminating against applicants or employees on the basis of their genetic information, whether that information is based on tests of the individual or his or her family members or manifestations of genetic diseases or disorders in the applicant or his or her family members. GINA also prohibits employers, employment agencies, unions, and labor-management committees from requesting, requiring, or purchasing an applicant or employee's genetic information, except in certain specified circum-

stances. As with the ADA, GINA requires employers, etc., to keep any genetic information they acquire confidential and in files separate from other personnel data.

Conduct That Violates Anti-Discrimination Laws

A number of forms of prohibited discrimination violate the various civil rights statutes. Each is surrounded by complex legal decisions. The categories are listed here as general background information—not as a substantive legal discussion or a substitute for the advice of legal counsel.

Disparate Treatment. *Disparate* treatment means “different” treatment. The essence of disparate treatment is the employer’s motive—i.e., that the employer intended to treat members of a protected group differently from other employees. Disparate treatment occurs when an employer treats some members of a group of “similarly situated” individuals differently from other group members because of their race, color, gender, religion, or national origin (in violation of Title VII), their age (in violation of the ADEA), their disabilities (in violation of the ADA), or their genetic make-up (in violation of GINA).

Title VII contains a very narrow exception to the ban on religious, sex, and national origin discrimination, when any of those classifications “is a bona fide occupational qualification (BFOQ) reasonably necessary to the normal operation of that particular business or enterprise.” The ADEA similarly permits age-based discrimination when age is a BFOQ. To establish that religion, sex, national origin, or age is a BFOQ, the employer must show that (1) all or substantially all members of the excluded class cannot perform the duties of the job, or that it is nearly impossible to determine on an individual basis whether they can perform those duties and (2) that the required job classification goes to the “essence” of the business operation. These are very difficult tests to satisfy.

Disparate Impact: Policies or Practices With an Adverse Impact on Members of a Protected Group, Not Justified by Business Necessity. This type of discrimination focuses on the discriminatory results of employment policies or practices, regardless of the employer’s intent. A policy or practice that is neutral on its face may nonetheless be unlawful if it has an adverse, disparate impact on a group protected either by Title VII, the ADA, or the ADEA. An employer may justify such a policy only by demonstrating that it is a “business necessity,” i.e., that the policy is necessary to the proper performance of the job.

Examples of disparate impact include requiring applicants to achieve a certain score on a screening test that disproportionately excludes members of particular minority groups and cannot be shown to be job-related or requiring applicants to weigh above a certain amount when the requirement adversely affects a man or woman’s job prospects and is not related to job performance.

There is no disparate impact claim available under GINA.

Harassment. The EEOC defines harassment as unwelcome conduct based on race, color, sex, religion, national origin, disability, genetics, and/or age. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive

enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Ethnic slurs, racial jokes, offensive or derogatory comments, or other verbal or physical conduct based on an individual's race, color, religion, or ethnicity violates Title VII when it interferes with an employee's ability to do his or her job or creates a hostile work environment. By the same token, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes unlawful sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects the employee's employment or work environment. For more information, see http://www.eeoc.gov/laws/types/sexual_harassment.cfm.

Failure to Make “Reasonable Accommodations”: Disability and Religious Discrimination. Title VII requires employers to make reasonable accommodations to employees' religious practices. The ADA similarly requires employers to make reasonable accommodations to enable otherwise qualified individuals with disabilities to perform the essential functions of the job. Although both statutes permit employers to defend their failures to make accommodations by showing that doing so would constitute an “undue hardship,” the tests under the two statutes are quite different. Under Title VII, an employer refusing to accommodate an employee's religious practices need only show that doing so would involve more than a “de minimis” cost. By contrast, the ADA requires an employer to demonstrate that accommodating an employee's disability would involve significant difficulty or expense, taking into account the size, financial resources, and nature of its enterprise as well as the nature of the accommodation. For example, the same accommodation might be “reasonable” under the ADA for a large employer with significant resources, but an “undue hardship” for a small enterprise.

Retaliation for Asserting Rights. Title VII, the ADA, and the ADEA all prohibit employers and other covered entities (including labor organizations) from retaliating against employees for opposing employment practices that are unlawful under those Acts, for filing charges with the EEOC, or for participating in any way in an investigation, proceeding, or hearing under the statutes.

Enforcement of the Discrimination Laws by the Equal Employment Opportunity Commission

The EEOC enforces Title VII, the ADEA, the employment provisions of the ADA and GINA, the EPA, and Section 501 of the Rehabilitation Act.

With the exception of the EPA, all of the statutes the EEOC enforces require individuals who believe their rights have been violated to file charges with the agency or with a state fair-employment-practices agency before they may take their complaints to court. The EEOC procedures for filing and processing charges are detailed on the agency's website at <http://www.eeoc.gov>. What follows is a brief summary of the main points to keep in mind when considering whether to pursue a charge under one of these statutes. This summary is for informational purposes only and is not intended as a substitution for legal advice. Be sure to check the agency's rules if you want to pursue a charge.

Coordination With State Agencies. Many states and localities have anti-discrimination laws and agencies responsible for enforcing labor laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). The EEOC and FEPAs have work-sharing agreements to ensure that a charging party's rights are protected under both federal and state law. They operate as follows:

- If a charge is filed with a FEPA and is also covered by federal law, the FEPA dual files the charge with the EEOC to protect federal rights. The FEPA will usually retain the charge for handling
- If a charge is filed with the EEOC and also is covered by state or local law, the EEOC dual files the charge with the state or local FEPA but ordinarily retains the charge for handling

Filing a Charge With the EEOC. Any individual who believes that his or her employment rights have been violated may file a charge of discrimination with the EEOC. In addition, an individual, organization, or agency may file a charge on behalf of another person to protect the aggrieved person's identity. A charge may be filed by mail or in person at the nearest EEOC office or, where applicable, the office of the nearest FEPA.

Time Limits for Filing a Charge. The statutes impose strict time limits for filing charges. An aggrieved employee who fails to file on time will be barred from pursuing a complaint before the agency and in court.

A charge must be filed with EEOC within 180 days from the date of the alleged violation. This 180-day filing deadline is extended to 300 days if the charge is also covered by a state or local anti-discrimination law. For ADEA charges, only state laws extend the filing limit to 300 days.

These time limits do not apply to claims under the EPA, because that Act does not require persons to file a charge first with the EEOC in order to have the right to go to court. However, since many EPA claims also raise Title VII sex discrimination issues, it may be advisable to file charges under both laws within Title VII's time limits.

EEOC Procedures for Processing Charges of Discrimination. After the charge is filed, the EEOC will generally conduct an in-depth interview with the charging party. If that interview does not produce sufficient evidence to support the claim and the agency does not believe that further investigation will establish a violation of the law, it will dismiss the charge at that time. When the agency dismisses a charge, it issues a right-to-sue notice, which gives the charging party 90 days to file a lawsuit on his or her own behalf.

If the agency does not dismiss the charge at the outset, it will conduct an investigation, during which it may make written requests for information, interview people, review documents, and perhaps visit the workplace where the alleged discrimination occurred.

During the investigation, the EEOC may offer the parties the opportunity to mediate the dispute in an attempt to resolve it quickly without a lengthy investigation. Mediation is voluntary and confidential and requires the consent of both parties. If the mediation is unsuccessful, the investigation will continue.

- When the investigation is complete, the EEOC will do the following:

If the EEOC determines there is insufficient evidence to support the charge, it will dismiss it and issue a right to sue letter;

If the evidence establishes that discrimination has occurred, the EEOC will inform the employer and the charging party of its findings in a letter of determination and will attempt conciliation with the employer to develop a remedy for the discrimination.

If the case is successfully conciliated, or if a case has earlier been successfully mediated or settled, neither the EEOC nor the charging party may go to court unless the conciliation, mediation, or settlement agreement is not honored.

If the EEOC is unsuccessful in conciliating the case, it will decide whether to bring suit in federal court. If the EEOC decides not to sue, it will issue a right-to-sue notice closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf. In Title VII and ADA cases against state or local governments, the U.S. Department of Justice takes these actions.

Filing a Discrimination Lawsuit in Federal Court.

As a general matter, a charging party may file a lawsuit within 90 days after receiving a right-to-sue notice from EEOC.

Under Title VII, the ADA, and GINA, a charging party may also request a right-to-sue notice from the EEOC if the agency has not acted within 180 days after he or she files the charge; and he or she may sue within 90 days after receiving this notice.

Under the ADEA, the charging party may file suit at any time 60 days after filing a charge with the EEOC, but not later than 90 days after the EEOC gives notice that it has completed action on the charge.

Under the EPA, a lawsuit must be filed within two years (three years for willful violations) of the discriminatory act, which in most cases is payment of a discriminatory lower wage.

Special Rules for Federal Employees. There are separate procedures for federal employees seeking to enforce the anti-discrimination statutes. Federal employees should visit http://www.eeoc.gov/federal/fed_employees/complaint_overview.cfm for more information.

Other Laws Affording Workplace Protections

The National Labor Relations Act

The National Labor Relations Act (NLRA), as amended, is the primary federal law regulating private sector labor-management relations. It is important for all trade unionists to remember that the NLRA begins, in Section 1, with the declaration that it is

the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. (Emphasis added.)

Section 7 of the NLRA contains the Act’s basic promise, guaranteeing employees the rights:

- to organize;
- to form, join or assist labor organizations;
- to bargain collectively through representatives of their own choosing;
- to engage in strikes, picketing, and other concerted activities, for their mutual aid and protection; and
- to refrain from those activities, except to the extent that such a right may be affected by an agreement between an employer and a union representing a majority of the workforce, requiring membership in a labor organization as a condition of employment.

Section 8 of the NLRA describes conduct by employers and unions that is unlawful under the Act – “unfair labor practices.” Among other things, Section 8 declares that it is an unfair labor practice for an employer to:

- interfere with employees in the exercise of their Section 7 rights;
- discriminate against an employee because the employee supported a union or otherwise engaged in any of the activities protected by the NLRA;
- refuse to bargain with a union chosen by a majority of the employees to be their exclusive bargaining representative.

Although the NLRA does not expressly prohibit race or sex discrimination, the Act does obligate unions, as the employee’s exclusive bargaining representative, to represent all members of the bargaining unit fairly. This obligation is known as “the duty of fair representation.” It is a violation of the duty of fair representation for a union, in carrying out its obligations as the bargaining representative, to discriminate on the basis of race, color, religion, sex, national origin, disability or age.

The labor movement believes that the promises of the NLRA have been substantially eroded in recent years by a highly politicized National Labor Relations Board (NLRB) and increasingly hostile employers. To meet the challenge this presents to the ability to organize and effectively represent working people, unions have made passage of new legislation, the Employee Free Choice Act (EFCA), a priority in coming years. EFCA would require employers to recognize unions as the exclusive bargaining representative of units of employees based on a showing of majority support through card checks, rather than requiring an NLRB-supervised election. It would also institute arbitration to resolve conflicts

over negotiations for first contracts, rather than permitting employers to drag out negotiations and thereby weaken union support.

The NLRA is enforced by the NLRB. Individuals aggrieved by unfair labor practices may file charges with the nearest regional office of the NLRB. For further information about the rights guaranteed under the NLRA and the process for filing charges, see the Board's website at <http://www.nlr.gov>.

The Family and Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) is intended to assist workers in balancing the demands of work and family. It applies to employers with 50 or more employees.

The FMLA entitles "eligible" employees to take up to 12 work weeks of leave during any 12-month period for one or more of the following reasons:

- the birth of a child and to care for the newborn child;
- the placement of a child with the employee through adoption or foster care, and to care for the child;
- to care for the employee's spouse, son, daughter or parent with a "serious health condition"; and
- because a "serious health condition" makes the employee unable to perform one or more of the essential functions of his or her job.

Employees are "eligible" for FMLA leave if they:

- have been employed by a covered employer for at least 12 months, which need not be consecutive;
- had at least 1,250 hours of service during the 12-month period immediately before the leave started; and
- are employed at a work site within 75 miles of which the employer employs 50 or more employees.

For purposes of the FMLA, a "serious health condition" is "an illness, injury, impairment, or physical or mental condition that involves ... [i]npatient care ... or [c]ontinuing treatment by a health care provider." An otherwise eligible employee seeking FMLA leave for his or her own "serious health condition" must obtain a certification from a health care provider that, due to that condition, the employee is unable to work at all or to perform one or more of the essential functions of the job.

Employees taking FMLA leave have certain important rights. At the end of FMLA leave, the employer must return the employee to the same job or to a job with equivalent pay, benefits, and other terms and conditions. The employee may not lose any rights or benefits accrued prior to the leave. While on leave, the employer must continue the employee's existing level of health benefit coverage.

The FMLA, however, has a serious limitation that interferes with the ability of many employees to take advantage of their rights: the Act does not require employers to pay employees for their FMLA leave. If an employer otherwise grants employees paid sick leave, it may require employees to use some or all of

that leave (with pay) as part of the 12-week FMLA leave.

Many states have their own statutes providing family leave. The statutes may apply to employers with fewer employees than those covered by the FMLA, and may provide more leave. When both the FMLA and a state law apply, the employee is entitled to whichever provides the more generous benefits.

In 2008 and 2009, Congress amended the FMLA to extend its benefits to the families of military personnel. The amendments permit a “spouse, son, daughter, parent, or next of kin” to take up to 26 workweeks of leave to care for a member or veteran of the Armed Forces, including the National Guard or Reserves, “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” The amendments also entitle family members to leave for “qualifying exigencies,” such as urgent childcare, related to a service member’s deployment to active duty overseas.

The FMLA is enforced by the Wage and Hour Division of the U. S. Department of Labor (DOL) and through private lawsuits. Employees denied FMLA leave or reinstatement may file a complaint with DOL, which will investigate and attempt to resolve the dispute and which has authority to file suit in the U.S. district courts. The employee may also choose to go directly to court, without pursuing administrative remedies. For more information about enforcing rights under the FMLA, check the DOL’s website at <http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>.

Title IX of the Education Amendments of 1972

Title IX of the Education Amendments of 1972 (Title IX) prohibits sex discrimination against students and employees by education programs and activities that receive federal financial assistance. The overall goal of Title IX was to bring gender equality in all aspects of higher education—academic programs, athletic programs, and any other program. If only one program at a particular institution receives federal funding, the entire institution must comply with the provisions of Title IX. Violations of Title IX can result in the loss of federal funding.

Title IX protects all full and part-time employees of covered institutions against sex-based discrimination in employment, recruitment and hiring under any education program or activity which receives or benefits from federal financial aid. Like Title VII, Title IX forbids sexual harassment and discrimination on the basis of pregnancy.

With the enactment of Title IX, most federally supported single-sex higher education institutions were no longer permitted. Women won access to many publicly funded educational institutions from which they had previously been excluded, and have gained access to a full range of athletic programs.

The Immigration Reform and Control Act

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to verify that their employees are authorized to work in the United States, by checking certain forms of identification. IRCA also prohibits discrimination based on national origin or citizenship.

An employer that only requires individuals of a particular national origin or individuals who appear to be foreign to provide employment verification may violate both IRCA and Title VII. Employers who impose citizenship requirements or give preference to U.S. citizens in hiring or employment opportunities may also violate IRCA, unless these are valid legal or contractual requirements for particular jobs. Employers may also violate Title VII if a requirement or preference has the purpose or effect of discriminating against individuals of a particular national origin.

IRCA was intended to curb illegal immigration by prohibiting employers from hiring individuals who are not authorized to work in the U.S. In policy statements issued in 2000, 2001 and 2006, and jointly with Change to Win in 2009, the AFL-CIO Executive Council has decried the Act, various guestworker programs and court decisions limiting the recourse of immigrants against whom employers have discriminated as not only completely failing to stem the flow of undocumented workers, but as giving employers tools for victimizing immigrant workers and degrading the working conditions of all employees. “[F]irmly and squarely set[ting] out [its] view that immigrants have played and continue to play an extremely important role in the workplace and society, and that they are entitled to full and fair workplace protection,” the Executive Council called on Congress to “replace [IRCA] with an alternative policy to reduce undocumented immigration and prevent employer abuse.” In “The Labor Movement’s Framework for Comprehensive Immigration Reform,” the Executive Council and Change to Win outlined five major, interrelated components of reform:

- An independent commission to assess and manage future immigration flows, based on labor market shortages determined on the basis of actual need;
- A secure and effective worker authorization mechanism;
- Rational operational control of the border;
- Adjustment of status for the current undocumented population; and
- Improvement, not expansion, of temporary worker programs, limited to temporary or seasonal, not permanent jobs.

The AFL-CIO Executive Council’s policy statements on immigration are available on the AFL-CIO’s website: <http://www.aflcio.org>.

The Occupational Safety and Health Act

The Occupational Safety and Health Act (“OSH Act”) created the Occupational Safety and Health Administration (“OSHA”) within the U.S. Department of Labor. It also created two other federal agencies: the National Institute of Occupational Safety and Health (“NIOSH”), a research agency within the Department of Health and Human Services, and the Occupational Safety and Health Review Commission (“OSHRC”), an independent agency that decides challenges to

OSHA enforcement actions.

The OSH Act gave OSHA the responsibility for promulgating standards that address safety and health hazards in the workplace, and for enforcing those standards.

The statute requires employers to comply with OSHA standards and generally to provide their employees with workplaces that are free from serious, recognized hazards. It also requires employees to comply with OSHA standards, although it does not give the agency the authority to cite employees for failing to fulfill those obligations.

Employee rights under the statute are explained in greater detail in Chapter 6 of this manual, and on OSHA's website, <http://www.osha.gov/as/opa/worker/rights.html>.

Executive Order 11246

Executive Order 11246 is a presidential order that applies to federal contractors or subcontractors that perform work on federal contracts valued over a certain dollar amount. The Executive Order prohibits contractors from discriminating on the basis of race, sex, religion, color or national origin, and requires affirmative action for women and minorities. The Executive Order has had a significant impact on fighting discrimination, particularly in the construction industry.

All of a contractor or subcontractor's facilities are covered by the Order, regardless whether it uses a particular facility in completing the federal contract. The Office of Federal Contract Compliance Programs (OFCCP) in the U.S. Department of Labor is responsible for enforcing the Order. The sanctions for violating E.O. 11246 include cancellation, termination or suspension of the contract, or debarment—i.e., disqualification from entering into additional government contracts—for a period of time. For more information, see <http://www.dol.gov/compliance/laws/comp-eeo.htm>.

As noted, Executive Order 11246 requires federal contractors not only to refrain from discrimination, but also to implement affirmative action programs – programs that are the subject of much controversy and misinformation. The following information is intended to clear up some of the myths and to provide a context for understanding affirmative action requirements.

What Is Affirmative Action? Affirmative action programs are intended to ensure that eligible workers from all segments of society have equal opportunities to compete and succeed in the workplace. “Affirmative action” refers to a wide variety of tools intended to expand job and educational opportunities for members of groups that have been subject to systematic discrimination. Its goal is to end discrimination through rules, programs or other endeavors that ensure equal access and equal opportunities. Although affirmative action has been used effectively in education and training, its principal focus has been in employment.

Some examples of affirmative action programs are special recruitment efforts, outreach targeted towards minorities or women, training and promotional op-

portunities and holding employers and educational institutions accountable for employing or admitting minorities and women.

History of Affirmative Action. President John Kennedy first used the term “affirmative action” in 1961 when he signed Executive Order 10925, requiring federal contractors to ensure that applicants are employed, and that employees are treated, without regard to their race, creed, color or national origin. President Johnson signed Executive Order 11246 in 1965, establishing affirmative action obligations for federal contractors. Executive Order 11246 was signed after extensive studies demonstrated that employment discrimination often resulted from the failure of employers to establish positive nondiscrimination policies. Gender was added to the Executive Order as a protected category in 1968. The Nixon administration introduced the concept of “goals and timetables” on the advice of prominent corporations and business leaders who recognized that a diverse work force freed of job discrimination was good for business.

Importance of Affirmative Action. Women and minorities have made progress in the workplace as a result of affirmative action programs—experiencing new job and promotion opportunities and increases in wages. Affirmative action programs have also benefited all Americans, by helping to create a more competitive, competent, productive and diverse workforce by expanding the talent pool that reflects the markets most companies strive to serve.

Discrimination nonetheless remains a workplace problem for women and minorities. Far too often, women and members of minority groups face few advancement opportunities and unequal wages regardless of their skills, education, experience and tenure. Affirmative action programs are therefore still needed to combat wide-spread discrimination.

Myths About Affirmative Action.

- Myth #1: Affirmation action uses quotas.
 - Facts: Affirmative action does not allow for using quotas. The use of quotas has been illegal since the U.S. Supreme Court’s 1978 decision in *The Regents of the University of California v. Allen Bakke*. Lawful affirmative action programs cannot be used to remove someone from a position he or she holds or to take away vested benefits. Legal action can be taken against employers who erroneously use quotas instead of formulating a lawful, purposeful action plan.
- Myth #2: “Goals and timetables” mean the same as quotas.
 - Facts: Quotas are not the same as “goals and timetables.” Goals and timetables, authorized by Executive Order 11246, are benchmarks by which to measure progress toward eliminating the severe underrepresentation of qualified women and minorities in specific job categories. It is one of the most commonly used affirmative action tools for improving integration. The courts also realize that goals and timetables must be flexible and take into consideration such factors as the availability of qualified candidates.
- Myth #3: Affirmative action allows for unqualified workers to be hired.

- Facts: The purpose of affirmative action is not to promote unqualified workers. The courts have stressed that affirmative action is intended to “create an environment where merit can prevail.” Hiring and promotional decisions are to be based on qualifications. Once hired, individuals must demonstrate their capabilities like everyone else.
- Myth #4: Affirmative action allows for the use of “preferences.”
 - Fact: Affirmative action is not about using preferences. It permits employers to include race, gender and ethnic background among the factors to consider in the hiring, selection and employment process. Affirmative action increases the possibility that all members in our diverse society will receive equal treatment for opportunities in education, training and jobs.
- Myth #5: Seniority systems are affected by affirmative action programs.
 - Facts: Lawful affirmative action programs do not add seniority credits to some employees or take credits away from others.

State Anti-Affirmative Action Initiatives. In recent years, affirmative action programs have been confronted with an intense increase of assaults. Those opposed to equal opportunity are attempting to undo 50 years of moderate progress towards equality. At state and federal levels, affirmative action opponents have initiated new campaigns in the legislatures and courts.

California’s Proposition 209

California became the first state in the nation to ban affirmative action programs for women and minorities. In the 1996 election, California’s voters approved Proposition 209, the so-called “California Civil Rights Initiative.” Proposition 209 bars state and local governments from using gender- or race-based employment preferences. This initiative repealed most of California’s affirmative action programs. It did not affect affirmative action programs run by the federal government and private businesses and colleges.

Proposition 209 is an assault on equal opportunity and inclusion. The measure eliminated affirmative action programs that helped women and minorities achieve equality in public employment, education and contracting, including:

- tutoring and mentoring for minority and women students;
- affirmative action programs that encourage the hiring and promoting of qualified women and minorities;
- outreach and recruitment programs that encourage applicants for governmental and contract jobs; and
- programs that give preference to women-owned or minority-owned companies on public contracts.

A coalition of civil rights groups fought the initiative in various federal courts, arguing that it abolished only programs that benefited women and minorities and kept in place programs that offered preferences for people on other grounds, such as veteran’s status, age or disability. The courts, however, denied the challenge, and Proposition 209 was implemented.

Fallout from Proposition 209 in Other States

Policies and formal initiatives similar to California’s Proposition 209 have appeared in several other states, meeting with various degrees of success. A few recent examples:

- NEBRASKA

Affirmative action opponents succeeded in inserting an initiative on Nebraska’s November 2008 ballot and it passed. The Nebraska Constitution now prohibits the State of Nebraska from discriminating or giving preferential treatment in public employment, public education, and public contracting.

- OKLAHOMA

Affirmative action opponents tried to get a measure on the fall 2008 election ballot that would ban the use of racial, ethnic and gender preferences by public colleges and other state and local agencies. The initiative’s sponsors withdrew the petition, however, when the secretary of state’s office found that, due to large number of duplicates in the signatures collected, they had failed to collect the 138,970 valid signatures needed to get the initiative on the ballot.

- MISSOURI

In Missouri, Working to Empower Community Action Now (WeCAN), a coalition of community, faith, labor, business and education leaders worked to oppose an initiative that opponents of affirmative action programs were trying to get on the Missouri election ballot. WeCAN volunteers educated voters on the negative social and economic effect the initiative would have on the state. As a result, the organizations proposing to ban affirmative action in Missouri were unable to secure enough signatures.

- COLORADO

Colorado Unity, a non-partisan coalition of community, civil rights, business, labor and faith organizations and individuals committed to preserving and promoting effective affirmative action policies, was unsuccessful in keeping the Colorado Civil Rights Initiative off the November 2008 ballot. The initiative would have prohibited discrimination or preferential treatment by the State of Colorado in public employment, public education, and public contracting. Colorado voters narrowly rejected the initiative 51% to 49%.

Support for Affirmative Action Remains Crucial.

Affirmative Action Facts

Women and minorities still suffer from wide-spread discrimination even with the major gains made through affirmative action programs. The battle ahead becomes especially apparent from the disturbing statistics in **Figure 5.1**.

Figure 5.1

AFFIRMATIVE ACTION

- An earnings gap between women and men persists across a wide spectrum of occupations. In 2009, women earned, on average, only 80 cents for every dollar earned by men.
- The EEOC received 93,277 total charges of employment discrimination in FY2009.
- In the first quarter of 2010, the median weekly earnings by race, for all U.S. full-time wage and salary workers, were as follows:

Race or ethnicity	Women	Men
White	\$678	\$869
Black or African American	\$584	\$635
Asian	\$767	\$940
Hispanic or Latino	\$504	\$589

BLS, News (USDL 10-0468, April 15, 2010), Table 1.

Is Affirmative Action Still Necessary?

Finding common ground as we move toward the 21st century depends fundamentally on our shared commitment to equal opportunity for all Americans.

—President Bill Clinton

Discrimination against women and minorities has blighted American history. Women and minorities could not exercise the most basic right of citizenship: the right to vote. They were barred from certain occupations. Colleges and universities were closed to them. “Want ads” maintained separate listings for men and women and told some groups they “need not apply.” Some employers told women (but not men) with young children not to bother to apply. Federal law has only prohibited sex discrimination in employment since 1964, and in education, only since 1972.

Affirmative action programs have provided women and minorities with opportunities to assume their rightful place in society. Recruitment, outreach, training and other affirmative action programs have opened doors for women and minorities in the workplace, in educational institutions, and in other areas of society. These programs are as urgently needed today as they ever were. Eliminating or curtailing affirmative action would halt the progress women and minorities have been able to achieve. Indeed, we would take a giant leap backward in our journey toward equal opportunity for all, because discrimination is still widespread. It persists in housing, education, employment opportunities, wage disparities between women and men, and in banking and borrowing.

Affirmative Action Reflects Unionism’s Ideal of Justice

Affirmative action is an important issue for union members, because as trade unionists, we advocate fair treatment and equality for all workers. People who

attack affirmative action might also eliminate safety and health laws, job security, union rights, overtime and other protections for which workers and their unions have fought.

Would the “Merit System” Be Better?

Opponents of affirmative action argue that people should be hired and promoted based on merit. Although valid in principle, in workplaces where there is no union, this system would give the boss all the power to determine the standards of “merit” and which employees meet the standards. How fair are bosses when they hold all the cards? That’s why unions organize in the first place—to establish clear, fair procedures in the workplace, like promotion lists and seniority. If merit systems replace affirmative action programs, what other procedures will be determined on merit? Seniority? Job security? Pay increases? What standards will companies follow when judging merit? Will they make up, and remake, the rules as they go along to suit their moods or ideology?

Should Only the Needy Receive Assistance?

Some affirmative action foes feel that economic class should be the basis for programs to help people succeed. Giving special aid to low-income people to help them succeed is a good idea. Also better daycare, healthcare, a higher minimum wage, and grants for college or training. But poor people are not the only people affected by race and sex discrimination.

- People of color, no matter what their economic status, would still be the subject of discrimination.
- Middle-class women and people of color often are not promoted to better jobs.
- Few women and people of color are in positions of power.
- Women and people of color who own businesses have more difficulty borrowing money than white men do.

In fact, many of the people who object most to affirmative action are the same people who have cut back on programs, such as childcare, school lunches and educational grants, which are designed to help lower-income people improve their lives. So, do these people really want to help lower-income people, particularly by abolishing affirmative action?

The work force comprises men and women from all races and ethnic backgrounds. For years, and even now, some of us have been treated better at the expense of others. If we expect to build real unity and find common ground, none of us should benefit at the expense of the others. That isn’t fair; but without affirmative action, that’s what happens. Millions of workers have benefited from affirmative action. Affirmative action is an effective tool to make our society fair for everyone.

Other Pending Civil Rights Initiatives

Prevention of Hate Crimes

Hate crimes can be broadly defined as violent acts against another person, motivated by hatred for the actual or perceived race, color, religion, national origin, sexual orientation, gender, or disability of the victim. Violence based on the victim's membership in a minority group is a matter of great national and community concern.

Since 1969, federal law has permitted federal prosecution of hate crimes committed on the basis of a person's race, color, religion, or national origin, when the victim was engaged in federally-protected activity. Every Congress since 1999 considered versions of legislation aimed at expanding existing federal hate crime law to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability, and to drop the requirement that the victim be engaged in a federally-protected activity. On October 28, 2009, President Obama signed the Local Law Enforcement Enhancement Act – also known as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act – into law.

Employment Non-Discrimination Act (ENDA)

The Employment Non-Discrimination Act is intended to make clear that Title VII's protections extend to discrimination on the basis of sexual orientation or gender identity. The ENDA has been introduced during each Congress, except one, since 1994. The most recent versions of the bill, H.R. 3017 and S. 1584, are pending before House and Senate committees and have a healthy number of co-sponsors.

YOUR RIGHTS AS AN IBEW MEMBER

The IBEW *Constitution* establishes the rights and obligations of the members and provides a means for members to achieve common goals and to establish workable policies. The *Constitution* also provides a method for amending its laws and outlines an appeals procedure for members who may be accused of breaking those laws.

The *Constitution* is the supreme law of our international union. It describes the purpose for which our union was founded, our philosophy and the union's structure. As the basic law of the Brotherhood, it establishes the rights, privileges, duties and obligations of the members, the local unions and the International Office.

The members of an organization must be able to modify the organization to meet their needs as society changes. The *Constitution* provides methods for members to make amendments to it.

Union Administration

To provide more efficient and fair administration, large organizations generally apportion various responsibilities for administering policies and enforcing laws to smaller subdivisions. The IBEW *Constitution* establishes the subdivisions of the union. The International has many local unions and system councils, each having its own bylaws. In addition, local unions frequently establish internal units in

order to meet the more-specialized needs of their members. However, the laws of local unions and their units cannot conflict with the IBEW Constitution.

While the Constitution is the supreme law of the Brotherhood, the implementation and application of the Constitution is further addressed in the IBEW Basic Laws and Policies. In addition, local unions may develop policies of their own as long as those policies do not conflict with the IBEW Constitution, the IBEW Basic Laws and Policies or federal, state, or provincial law.

System for Appeals

An element essential to the governance of a free, democratic and voluntary organization is an appeals procedure. Even though all members agree to abide by the rules of an organization, individuals may interpret the rules differently. The Constitution permits members to bring charges against other members whom they believe have violated the union's rules. Those charges are heard by fellow members at a trial where both the charging party and the accused may present evidence and argue their cases. If the accused member is dissatisfied with the trial board's decision, he or she may appeal to the International Vice President in charge of the district. If the International Vice President does not reverse the decision, and the member still feels an injustice has been done, the member may appeal the case to the International President, the International Executive Council and the International Convention, in that order. The decision of the International Convention, like that of the Supreme Court of the United States and the Supreme Court of Canada, is final and binding.

What Are Your Rights Under Local Union Bylaws?

Local unions and their members understand their problems better than anyone else and are better able to care for their needs. The locals develop bylaws to handle their responsibilities and take care of business as effectively and efficiently as possible.

According to the IBEW *Constitution*, "Local unions are empowered to make their own bylaws and rules, but these shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme."

Local Union Autonomy

Local unions are chartered by the International Secretary-Treasurer, when authorized by the International President, and operate in prescribed territorial and trade jurisdictions. They enjoy wide autonomy. They elect their own officers and make their own bylaws and rules, which must be approved by the International President and cannot conflict with the IBEW Constitution. They determine their own local union dues. Per capita payments to the International Office are set by the members, through their delegates to the International Convention, or by referendum.

Member Participation

Our organization is structured so that every member has a voice in its operation. As a member of your local union, you may be appointed as a shop steward; business representative; delegate to various labor councils with which your local union is affiliated; member of a negotiating committee, safety committee, social committee or other local union committee; press secretary; registrar; instructor for a training program; etc.

If you are eligible under terms of the IBEW Constitution and local union bylaws, you have the right to be a candidate for a local union or international union office or a delegate to the IBEW International Convention.

Operations and Finances

Collective bargaining goals are set at the local union level. Each local union determines the improvements that are required to serve the particular needs of the employees it represents. Once your local union has established its bargaining goals, your international union will provide assistance.

Local union bylaws, along with the IBEW Constitution, are the blueprint for the successful operation of your local union. Bylaws provide the means by which local union members elect their officers and set their term of office, duties, salaries and expenses.

Bylaws provide for the amount of local union dues each member is required to pay to support the cost of servicing the local union. Bylaws also specify the method for establishing the amount of local union dues. Only local union members, by secret-ballot vote, can change the amount of those dues. The local union is required to notify all members by mail of any upcoming vote that changes the amount of dues that they pay.

WHAT DOES A COLLECTIVE BARGAINING AGREEMENT DO FOR YOU?

Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection....” (National Labor Relations Act, Section 7)

To bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to ... confer in good faith with respect to wages, hours, and other terms and conditions of employment....” (National Labor Relations Act, Section 8(d))

Negotiating a collective bargaining agreement with your employer is one of the most important services provided by your local union. No longer must you face management alone and unaided when seeking improved wages, working hours, fringe benefits and other working conditions. The local union’s negotiating committee works on behalf of the members as a unit. Local union officers and representatives are skilled negotiators who make every attempt possible in negotiations to improve the standard of living for all employees in the bargaining

unit. All members of the bargaining unit are entitled to the benefits specified in the agreement.

LEGAL OBLIGATION

Your employer is obligated by law to bargain with your union on such items as wages, working hours, overtime, vacation, holidays, sick leave, compassionate leave, safety, seniority, pension, health and welfare, life insurance, grievance and arbitration procedures, job security—to mention a few of the numerous items considered as “terms and conditions of employment.”

After an agreement is negotiated, the negotiating committee discusses with the members the provisions and their effects on the membership. The committee may then recommend that the members approve the agreement or do not approve. The latter action would send the committee back to management to further negotiate any provisions the members did not approve. Once the agreement has been approved by the members and signed by both parties, your employer cannot unilaterally change any provision in the agreement during its agreed-upon term. Collective bargaining agreements are legally enforceable through regulations and procedures established under the authority of the National Labor Relations Act and its successors, the Taft-Hartley Act and the Landrum-Griffin Act. Such procedures may include suit in federal court.

CHAPTER 4

Benefits

In addition to good wages, workplace benefits—particularly health care and pensions—are important to workers. Benefits are especially important to working women, who are still paid less than men, even when performing similar work (see Chapter 7, “Statistics on Working Women” for more information on wage inequity).

Lower wages mean that women earn lower pensions, even when the companies they work for have traditional pension plans, and even Social Security and Railroad Retirement benefits earned by women are lower. Consequently, many women face poverty when they decide to retire. Lower wages also mean that women who don’t have company-sponsored health care plans may struggle to afford the premiums for adequate health insurance for themselves and their families. Many working women cannot afford this expense as well as their day-to-day expenses (rent/mortgage, food, clothing, transportation)..

IBEW women are fortunate to be covered by some of the best contract language in the industry, with secure pensions and benefits. As you begin to consider your retirement options, it is important to remember the benefits that you may have earned if you have ever worked in a job not covered by an IBEW contract.

This chapter provides information on the types of benefits workers can receive through the negotiation efforts of their union and from the government.

U.S. HEALTH CARE REFORM

In March 2010, the Patient Protection and Affordable Care Act (PPACA) and the Health Care and Education Reconciliation Act were signed into law by President Barack Obama. Although affordable comprehensive health care coverage had been a hotly debated issue for decades, no progress had been made until the historic passage of these health care reform acts.

There is little debate that the U.S. health care system was in deep trouble. It would probably be more accurate to say America was facing a health care crisis. Although the United States led the world in cutting-edge medical technology, it trailed most of the world in the overall health ranking—a dismal 37th, just behind Costa Rica. The U.S. infant mortality ranking was shameful at 26th, well below its trading partners, but tied with Cuba and Croatia. Certainly the United States of America could do better.

Yet no country spends more in total health care expenditures. More per capita, and more as a percentage of gross domestic product (GDP), goes to health care in the United States than in any other nation. The United States currently spends about 17 percent of GDP on health care, with all expectations that those costs would continue to increase between 12 and 15 percent for the foreseeable future. Even with these huge expenditures, over 47 million Americans had no health insurance. Millions more have insurance too costly and inadequate to protect them.

More than 80 percent of the uninsured came from working families—nearly 70 percent from families with at least one full-time worker. One of the more disturbing facts is that more than 10 million children are uninsured.

Although men were losing jobs faster than women at the start of the recession, this trend reversed in November 2009. Women have now lost more than 2.6 million jobs since the recession began in December 2007. Many women whose spouses lost their jobs have also lost their health benefits, because so many women receive coverage through a spouse's job-based plan. The Joint Economic Committee estimates that 2.1 million women have lost health insurance benefits because of the contraction in the labor market since December 2007. Sixty-two percent of women (1,286,946) lost their insurance as a result of a spouse's job loss. Thirty-eight percent of those women (792,673) lost their insurance because of their own job loss.

Younger women are particularly vulnerable to lacking adequate health insurance coverage. Over one-quarter (26%) of all young women (ages 19–24) do not have health insurance coverage. The weak job market has hit young workers particularly hard, with the unemployment rate among young women at 13.1 percent in February 2010, the highest in a quarter century and substantially higher than the national unemployment rate of 9.7 percent. The dismal job market means that young women are less likely than ever to have access to job-based coverage, and many women who once received coverage through a parent's health insurance plan have seen this coverage evaporate with their parents' jobs.

The health care crisis in the United States has had a profound negative effect on the labor movement. Bargaining around health care has been responsible for most of the contentious contract negotiations that have taken place over the past ten years. Employer attempts to cut benefits and shift costs to workers now dominate contract negotiations. Wages have stagnated as bargaining teams attempt to preserve health care benefits.

All too many retirees have had their health care benefits stripped from them after a lifetime of hard work. They had every expectation that their former employers would keep up their end of the bargain by providing the promised health care benefits. Now, when they had dreams of enjoying their golden years, they're scrambling to budget for this new unexpected expense caused by employers renegeing on their promises.

America's health care crisis hit working families in the wallet. The average family with health insurance paid premiums that were \$922 higher to cover the cost of the uninsured. Taxpayers paid the bill at a cost of \$31 billion per year for the uninsured who were forced to utilize government health care programs.

Medical costs are now the most common cause of bankruptcy, and many working families are just one medical condition away from bankruptcy. Bankruptcies resulting from medical bills increased by nearly 50 percent in a six-year period, from 42 percent in 2001 to 62 percent in 2007, and most of those who filed for bankruptcy were middle-class homeowners. Three-quarters of the people with a medically-related bankruptcy had health insurance, but were forced into bankruptcy because of gaps in coverage, copayments, deductibles, and uncovered services. The remaining 25 percent had health insurance until they became sick and

lost their jobs and their insurance, resulting in “medical” bankruptcy. By 2010, with the unemployment rates hovering around 9 percent, more and more Americans were being added to the already staggering numbers of the uninsured.

The 2010 health care reform acts are considered to be long overdue first steps in correcting the inequities and injustices of the U.S. health care system of the past. Although historic, the passage of health care reform brings change, and along with change, some confusion and lots of questions. Frequently with new legislation, there will be a learning curve to sort through the details of the legislation. The information in **Figure 4.1** and **Figure 4.2** is included to help familiarize you with the highlights of the acts and the links in the “Additional Resources” section at the end of this chapter can provide you with more details on health care reform.

Figure 4.1

Health Insurance Reform FACT VS. FICTION

Fiction	Fact
Health insurance reform is a government takeover. It's socialism.	Nothing could be further from the truth. Health insurance reform builds on the current decades-old system of employer-provided private health insurance and coverage will actually increase under reform.
Health insurance reform means you will have to give up the health plan and doctor you have now. Government bureaucrats in Washington, D.C., will be telling you and your doctor what you can and cannot do.	Every American still will be able to choose his or her own doctor and health plan and make care decisions with that doctor. Doctors will not be told what to do by Washington bureaucrats, but will get much more support providing quality care. Reform will put a stop to many of the hassles you and your doctor experience now with insurance companies.
Because of the new law, employers will be able to cut collectively bargained health benefits or require union members to pay more.	Nothing in the reform bill changes employer obligations under the federal law to bargain collectively with your union on mandatory subjects of bargaining such as health benefits. Rather, by helping to bring down health care costs, reform will put your union in a stronger position at the bargaining table.
Health insurance reform cuts Medicare and Social Security.	Health insurance reform does not cut any guaranteed Medicare benefits. It increases Medicare benefits by providing free preventive care, cheaper brand-name drugs and closing the “donut hole” in Medicare Part D. Reform also strengthens the Medicare trust funds. The cost savings in Medicare come from insurance companies and health care providers, not from seniors. The reform legislation makes no changes at all to Social Security.
Health insurance reform is too expensive and will swell the budget deficit.	Reform will reduce the federal deficit by \$138 billion over 10 years and by another \$1.2 trillion in the following decade, according to the independent Congressional Budget Office (CBO).
We cannot afford to fix health care in an economic crisis.	We cannot afford to not fix health insurance. Rising health care costs are bankrupting families and businesses, and are the cause of our long-term deficit problems. Without reform, we cannot possibly bring health care costs under control.
Health insurance reform will kill jobs.	Rising health care costs are killing jobs now. Reform will help create jobs by laying the groundwork for bringing costs under control and by giving businesses more affordable coverage options.

continued

Figure 4.2 continued

Health Insurance Reform FACT VS. FICTION

Fiction	Fact
The “individual mandate” to buy health insurance is unconstitutional.	To make it possible to outlaw insurance company abuses, health insurance reform imposes a modest penalty on individuals who can afford to pay for their own insurance but fail to do so. This “individual mandate” is one of many Republican ideas incorporated into the bill. The penalty is clearly constitutional under Congress’ authority to “lay and collect taxes to provide for the general welfare” and to “regulate commerce among the several states.” Most legal experts agree the Supreme Court is extremely unlikely to strike down the individual mandate, and would have to reject decades of precedent to do so.
Health insurance reform will lead to rationing.	Reform will not change your health plan if you already have one, and will not reduce benefits under Medicare or Medicaid. Nothing will stand between you and your doctor or prevent you from making the best health care decisions. But reform will end current forms of rationing by preventing insurance companies from denying you the care you need and by enabling 32 million uninsured people to obtain coverage.
Health insurance reform will raise taxes on the middle class.	By far the biggest tax revenue to pay for reform is a tax on those who earn more than \$200,000 per year (\$250,000 for joint returns). The excise tax on high-cost insurance plans has been reduced 85 percent from the original proposal, and accounts for only 3 percent of the bill’s funding.
Health insurance reform will increase premiums.	The CBO projects that reform will actually lower premiums slightly for group health plans and by 14 percent to 20 percent (for the same coverage) for people who purchase their own insurance individually in the exchanges. It will lower costs by reducing cost-shifting for uncompensated care for the uninsured, creating more competition under the new exchanges, reimbursing plans for the costs of early retirees, allowing individuals to obtain group rates in the exchanges and instituting cost-saving delivery and payment reforms under Medicare that will set the standard for the private sector.
Democrats rammed health insurance reform down our throats too fast even though the American people oppose it.	In 2008 President Obama and House and Senate Democratic majorities ran on a platform of health insurance reform, and the American people elected them. Congress then debated health insurance reform for 14 months. Senate Democrats incorporated 147 Republican amendments and abandoned popular ideas (such as the public option) that Republicans did not like. In fact, health insurance reform mirrors the plan championed by Republican Governor Mitt Romney in Massachusetts and a 1994 proposal by Senate Republicans. The Senate passed its bill with a supermajority of 60 votes. Polls show that majority of Americans approve of this legislation and strongly approve of its various components.
Veteran’s (VA) benefits will be cut.	Nothing in health insurance reform will hurt or change veterans’ health benefits, which has seen historic increases under this Congress and continues to improve.
Health insurance reform will lead to a shortage of doctors.	Health reform expands the number of trained doctors in our country through new scholarships, loans and loan repayment assistance to help recruit new doctors and nurses, especially primary care providers. It also raises pay for primary care physicians to encourage them to stay in the field.
The IRS will hire up to 18,000 new staff to audit people to check their health insurance status.	The claim about “18,000” new IRS agents was the invention of Republican congressional staff trying to scare people. The IRS commissioner recently testified the agency will not audit individuals to verify their compliance, and insurance companies will merely certify to the IRS that an individual has coverage. The major role for the IRS will be to educate, notify and help people and businesses apply for new subsidies and tax incentives.

Figure 4.2

Health Insurance Reform TIMELINE

2010

- Bars insurance companies from denying coverage to children who have pre-existing conditions.
- Prohibits insurance companies from dropping your coverage because you get sick.
- Enables uninsured people with pre-existing conditions to get coverage through a high-risk pool. (They can get coverage through the health care exchanges when they are operational.)
- Eliminates lifetime coverage limits and restricts annual limits.
- Allows you to keep your children on your plan until they turn 26.
- Starts phasing in tax credits to help qualified small businesses provide coverage to employees.
- Starts closing the Medicare prescription drug “donut hole” with a \$250 rebate for people who fall into the donut hole.
- Helps companies offset the cost of providing coverage to early retirees.
- Requires new group and individual plans to cover preventive services.
- Requires insurers to report on how much of their premiums is actually spent on medical care and give rebates for excessive costs.
- Provides tax relief, low-interest loans, scholarships and loan repayments for health care workforce, especially in primary care.
- Provides funds to build and expand community health centers.
- Requires new group and individual plans to include a process for appealing coverage and claim denials.

2011

- Provides free preventive care for Medicare beneficiaries, encourages states to cover free preventive care for Medicaid recipients and requires new plans to cover preventive care with little or no cost-sharing.
- Continues closing the Medicare prescription drug donut hole by providing a 50 percent discount on brand-name drugs in the donut hole.
- Makes it easier for small businesses to offer employees tax-free flexible spending accounts for health insurance costs.
- Provides grants to states for consumer assistance programs.
- Allows state Medicaid programs to cover home- and community-based care for people with disabilities instead of institutional care.
- Begins curbing excessive payments to private Medicare Advantage plans.
- Levies an annual fee of \$2.3 billion total against U.S. drug manufacturers, with rates increasing over time.

2012

- Begins payment reforms and incentives to encourage doctors and hospitals to provide more efficient and higher-quality care and reduce preventable hospital readmissions.
- Creates nonprofit insurance co-ops to compete against commercial insurers.

2013

- Limits the tax deductibility of compensation to health insurance company executives.

2014

- Bars insurance companies from denying coverage because of pre-existing conditions or charging more for groups with large numbers of women.
- Prohibits health plans from imposing annual limits on the amount of coverage you can get.
- Opens health insurance exchanges in each state to individuals and small employers, allowing people to comparison shop.
- Makes insurance affordable for lower-income people through tax credits and vouchers to use in the exchanges and by expanding access to Medicaid.
- Requires most people to have health insurance or pay a penalty.
- Requires employers with 50 or more employees that don't provide health coverage to pay a fee for employees who have to get subsidies to buy their own insurance in the exchanges.
- Continues phasing in the tax credits to help qualified small businesses provide insurance coverage for workers.

2015

- Takes two additional major steps that lower health care costs and improve quality—creating an Independent Payment Advisory Board and a value-based payment program for physicians under Medicare.

2018

- Begins the excise tax on employer-provided health plans costing more than \$27,500 for family coverage and \$10,200 for individual coverage. For retirees and workers in high-risk professions, the thresholds are \$30,950 for family coverage and \$11,850 for individual coverage. Thresholds will increase with inflation and if the group has a large number of older members or women. The work of union activists reduced the excise tax by 85 percent from the original proposal by raising the thresholds and pushing back the effective date.

2020

- Ends the doughnut hole coverage gap in the Medicare prescription drug benefit. Seniors continue to pay the standard 25 percent of drug costs until they reach the threshold for Medicare catastrophic coverage, when their co-payments drop to five percent.

RETIREMENT

All workers need to save more for retirement. In U.S. society, on average, women face additional challenges as they plan for retirement. Women in the economy at large still tend to earn less than men, experience higher job turnover, and tend to be employed in traditionally female occupations in industries with low pension coverage or no pension coverage at all. However, the average woman in the U.S. economy is much more financially vulnerable than the IBEW woman.

On average in the U.S. economy, women receive lower pensions than men because they have earned less and worked a shorter period of time on a job. As a consequence of the formulas used to calculate pensions, those two factors alone—salary and length of service—mean that women tend to receive smaller pensions than men.

Because women often live longer than men, and because many private and government pensions do not carry adjustments for inflation, women tend to receive smaller pensions into their retirement years, falling behind the rate of inflation. Additional factors can play a role in the overall pension status of women, such as whether they are divorced or widowed. Widows usually receive only a small fraction of their deceased husband's pension. Many divorced women do not realize that their divorce settlement might have included a portion of their husband's pension as well as some survivor's benefits.

At the end of this chapter, see the “Additional Resources” section for links that will connect you to sites that provide additional information about your pension rights.

SOCIAL SECURITY

The information in this section is from *Understanding the Benefits* (January 2010) and *Social Security: A “Snapshot”* (May, 2009), both by the Social Security Administration. These documents can also be found online at <http://www.socialsecurity.gov/pubs/10024.html> and <http://www.ssa.gov/pubs/10006.html#ssbenefits>.

Social Security reaches almost every family, and at some point will touch the lives of nearly all Americans. Social Security helps not only older Americans, but also workers who become disabled and families in which a spouse or parent dies. Today, about 160 million people work and pay Social Security taxes and about 52 million people receive monthly Social Security benefits.

Most of the beneficiaries are retirees and their families—about 36 million people.

But Social Security was never meant to be the only source of income for people when they retire. Social Security replaces about 40 percent of an average wage earner's income after retiring, and most financial advisors say retirees will need 70 percent or more of pre-retirement earnings to live comfortably. To have a comfortable retirement, Americans need much more than just Social Security. They also need private pensions, savings and investments.

The current Social Security system works like this: when you work, you pay taxes into Social Security. The tax money is used to pay benefits to:

- People who already have retired
- People who are disabled
- Survivors of workers who have died
- Dependents of beneficiaries

The money you pay in taxes is not held in a personal account for you to use when you get benefits. Your taxes are being used right now to pay people who now are getting benefits. Any unused money goes to the Social Security trust funds, not a personal account with your name on it.

Many people think of Social Security as just a retirement program. Although it is true that most of the people receiving Social Security receive retirement benefits, many others get Social Security because they are:

- Disabled
- A spouse or child of someone who gets Social Security
- A spouse or child of a worker who died
- A dependent parent of a worker who died

Depending on your circumstances, you may be eligible for Social Security at any age. In fact, Social Security pays more benefits to children than any other government program.

The Social Security taxes you and other workers pay into the system are used to pay for Social Security benefits.

You pay Social Security taxes on your earnings up to a certain amount. That amount increases each year to keep pace with wages. In 2010, that amount is \$106,800.

You pay Medicare taxes on all of your wages or net earnings from self-employment. These taxes are used for Medicare coverage. When you work, 85 cents of every Social Security tax dollar you pay goes to a trust fund that pays monthly benefits to current retirees and their families and to surviving spouses and children of workers who have died. The other 15 cents goes to a trust fund that pays benefits to people with disabilities and their families.

From these trust funds, Social Security also pays the costs of managing the Social Security programs. The SSA is one of the most efficient agencies in the federal government, and we are working to make it better every day. Of each Social Security tax dollar you pay, we spend less than one penny to manage the program.

The entire amount of taxes you pay for Medicare goes to a trust fund that pays for some of the costs of hospital and related care of all Medicare beneficiaries. Medicare is managed by the Centers for Medicare & Medicaid Services, not Social Security.

Your link with Social Security is your Social Security number. Your Social Security number is used to track your earnings while you are working and to track your benefits after you are getting Social Security.

Be sure to safeguard your Social Security card. You are limited to three replacement cards in a year and 10 during your lifetime. Legal name changes and other exceptions do not count toward these limits. For example, changes in noncitizen status that require card updates may not count toward these limits. Also, you may not be affected by these limits if you can prove you need the card to prevent a significant hardship.

As you work and pay taxes, you earn Social Security “credits.” In 2010, you earn one credit for each \$1,120 in earnings—up to a maximum of four credits per year. (The amount of money needed to earn one credit goes up every year.)

Most people need 40 credits (10 years of work) to qualify for benefits. Younger people need fewer credits to be eligible for disability benefits or for family members to be eligible for survivors benefits when the worker dies. It is critical that your name and Social Security number on your Social Security card agree with your employer’s payroll records and W-2 form so that we can credit your earnings to your record. If your Social Security card is incorrect, contact any Social Security office to make changes. Check your W-2 form to make sure your employer’s record is correct and, if it is not, give your employer the accurate information.

If you are a worker age 25 or older who is not receiving Social Security benefits, you receive a Social Security Statement every year which summarizes your earnings. Review this Statement to make sure that all your earnings are included. If your Statement does not include all your earnings, let your employer and Social Security office know about any incorrect information.

If you work for someone else, your employer withholds Social Security and Medicare taxes from your paycheck and sends those taxes to the Internal Revenue Service (IRS). Your employer also sends the IRS a matching amount equal to what was withheld from your paycheck. All of your earnings are reported to Social Security by your employer.

See the “Additional Resources” section at the end of this chapter for links to publications that provide an overview of Social Security and its benefits, statistics on Social Security, and how to apply for benefits. You can also visit the Social Security Administration (SSA) web site, www.ssa.gov, for further information and updates. You can also apply online for many of the services provided by the SSA. If you receive benefits from the Railroad Retirement Board, visit the web site www.rrb.gov to obtain information on your Medicare benefits (and Social Security benefits, if applicable).

Cost-of-Living Adjustment

The information in this section is from “Cost-Of-Living Adjustments” (May 2009), by the Social Security Administration. This document can also be found online at <http://www.socialsecurity.gov/cola/2010/factsheet.htm#cola>.

Social Security and Supplemental Security Income (SSI) benefits are adjusted annually to reflect the increase, if any, in the cost of living as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W)

prepared by the Bureau of Labor Statistics. The purpose of the annual cost-of-living adjustment (COLA) is to ensure that the purchasing power of Social Security and SSI benefits is not eroded by inflation.

As noted, the law provides that Social Security and SSI benefits will increase automatically to reflect the annual increase in the CPI-W. The average CPI-W for the third calendar quarter of the prior year is compared to the average CPI-W for the third calendar quarter of the current year, and the resulting percentage increase represents the percentage that will be used to adjust Social Security benefits beginning for December of the current year. SSI benefits are adjusted by the same percentage the following month (January).

Under present law, there will be a COLA for Social Security and SSI benefits provided that there is an increase in the average of the CPI-W from the third calendar quarter of the prior year to the third calendar quarter of the current year of at least one-tenth of one percent (0.1 percent). If the CPI-W increases by less than 0.05 percent, or if the CPI-W decreases, there will not be a COLA. If there is no COLA, Social Security and SSI benefits will remain the same.

Since there is no COLA in 2010, the starting point for the measuring period for the 2011 COLA will remain the third calendar quarter of 2008.

There are a number of other automatic increases in the Social Security program. Two of these increases are based upon increases in the national average wage index, but are triggered only if there is a COLA for Social Security benefits. These increases are:

The contribution and benefit base—the cap on the amount of wages and self-employment income subject to Social Security payroll tax; and Retirement Earnings Test exempt amounts—caps on the amount of earnings that a beneficiary can earn before a reduction in benefits will apply.

Since there is no COLA in 2010, the contribution and benefit base and the Retirement Earnings Test exempt amounts will not increase, even though average wages did increase. For more information on the COLA, see the “Additional Resources” section at the end of this chapter for the Effect of COLA on Social Security Benefits.

Phased-in Age Change for Collecting Full Social Security Retirement Benefits

The information in this section is from the “Retirement Age” section of the Social Security Administration’s website (January 2010): <http://www.socialsecurity.gov/pubs/background.htm>.

The most significant change in Social Security, effective January 1, 2000, was the phased-in increase in the age for collecting full Social Security retirement benefits. The primary reasons Congress mandated the age increase in the 1983 Social Security Amendments are:

- Improvements in the health of older people and increases in average life expectancy

- Since the program first paid monthly benefits in 1940, the average life expectancy for men reaching age 65 has increased nearly four years, to age 81; for women reaching 65, average life expectancy has increased nearly six years, to 84

The original Social Security Act of 1935 set the minimum age for receiving full retirement benefits at 65. The retirement age is increasing from 65 to 67 over a 22-year period, with an 11-year hiatus at which the retirement age will remain at 66.

For further information about the age increase, select the links for “Retirement Age—Background” and “Retirement Age—The Full Retirement Age Is Increasing” in the “Additional Resources” section at the end of this chapter. Also in the “Additional Resources” section, there is a table listing age 62 reduction amounts and examples of benefits based on an estimated monthly benefit of \$1,000 at full retirement age.

Delayed Retirement Credits

The information in this section is from the “Retirement Planner” section of the Social Security Administration’s website (May 2010): <http://www.socialsecurity.gov/retire2/delayret.htm>.

Social Security benefits are increased by a certain percentage (depending on date of birth) if you delay your retirement beyond full retirement age. The benefit increase no longer applies when you reach age 70, even if you continue to delay taking benefits. Please note that if you decide to delay your retirement, be sure to sign up for just Medicare at age 65. Your year of birth and the number of months you delay determines how much your benefit can increase. To figure out your situation, visit the Social Security site at <http://www.socialsecurity.gov/retire2/delayret.htm> for benefit charts and calculators.

How Earnings Affect Older Workers' Retirement Benefits

The information in this section is from the You Can Work and Get Social Security at the Same Time section of the Social Security Administration’s website (January 2010): <http://www.socialsecurity.gov/retire2/whileworking.htm>.

You can work while you receive Social Security retirement (or survivors) benefits. When you do, it could mean a higher benefit for you in the future. Higher benefits can be important to you later in life and increase the future benefit amounts your family and your survivors could receive.

While you are working, your earnings will reduce your benefit amount only until you reach your full retirement age. After you reach full retirement age, the SSA recalculates your benefit amount to leave out the months when they reduced or withheld benefits due to your excess earnings. There is a formula to determine how much your benefit must be reduced. For the formula, exceptions, and further information, see the link titled “You Can Work and Get Social Security at the Same Time” in the “Additional Resources” section at the end of this chapter.

Social Security Statements

The information in this section is from the The Social Security Statement section of the Social Security Administration’s website (February 2010): http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/129.

Your Social Security Statement is a concise, easy-to-read, personal record of the earnings on which you have paid Social Security taxes during your working years and a summary of the estimated benefits you and your family may receive as a result of those earnings.

You can obtain your statement in two ways: in an automatic annual mailing (to workers and former workers aged 25 and older) and at any time at any age by request.

You can use your statement in several ways:

- First, the benefit estimates in your Statement can play an important role in your financial planning. When combined with your savings, investments, and other pensions, your Social Security benefits can help you build a secure future for yourself and your family.
- Second, the statement can help you make sure your reported earnings and other important information such as your name and date of birth are correct on your record. Mistakes could keep you from getting all the Social Security benefits you have earned. The sooner you identify mistakes, the easier it will be to correct them.
- Finally, the general information on the statement tells you about all the protection you are earning under Social Security. Many people think of Social Security only as a retirement program. The statement shows how even young workers are building valuable protection in case they become disabled or die before they reach retirement age.

Issues Affecting Women and Retirement Security

In 1998, the White House commissioned a brief study of the issue of retirement security for women and the role of Social Security in supporting this retirement security. An interagency workgroup called the National Economic Council Interagency Working Group on Social Security was assembled and they issue a 20-page report in October 1998. Although the report is over a decade old, the issues are still valid. You can find both a summary of the report and the full document on the SSA’s website at <http://www.ssa.gov/history/reports/women.html>.

The Future of Social Security

The future of Social Security concerns everyone in the United States today: imminent retirees, current retirees, the impending “baby-boomer” retirees, and young workers decades away from retirement. Some of you may also have questions such as: “Will my benefits be cut?” “Will some benefits be eliminated?” “Will Social Security payroll taxes increase?” “Will the program still exist in 40 years, or will the money I’ve paid into Social Security be absorbed by everyone before I’m old enough to retire?”

These concerns have been addressed over the past decade through several forums: congressional committees; business, labor, and consumer group conferences; and, of course, almost endless debate in the media. Proponents of alternative approaches to providing retirement benefits to U.S. citizens want to dismiss Social Security as an antique relic of Franklin D. Roosevelt's New Deal. They insist the approaching retirement of the baby boomers will bankrupt the system or stimulate ever-higher payroll taxes.

One of these groups, the Advisory Council on Social Security, was appointed in 1994 by the U.S. Department of Health and Human Services to assess the future of Social Security. Their latest report, released in May 2009, discusses new initiatives and examines the issue of the rising cost of health care and in particular, how it affects retirees' standard of living. The full report can be found online at http://www.ssab.gov/Documents/AR_2008.pdf.

Today's Debate on Social Security

Many politicians have proposed plans to shore up the Social Security Trust Fund. When budget surpluses still existed, some proposed using them to pay down the national debt, in the hope that this would free up future revenue for Social Security beneficiaries instead of being earmarked for debt repayment. Others proposed using the surpluses to decrease taxes, hoping to spur economic growth and employment, resulting in increased revenue for Social Security. And many talked about creating individual retirement savings accounts, either in addition to Social Security or by using a portion of the payroll tax to fund the accounts.

Now, the budget surpluses have disappeared and we have deficits instead; and no one in Congress has yet introduced major legislation toward "reforming" Social Security. So, the debate continues.

Most debate over Social Security reform tends to center on the monthly "retirement" benefit a retiree receives. But workers' payroll taxes provide a social security net for a variety of persons who need one.

- Spouses and young children can receive monthly benefits when a worker dies
- Retired workers with a history of low earnings or of interrupted periods of work (as many women workers have) can collect a greater amount of money based on their spouse's earnings
- A divorced spouse can collect a benefit on the ex-spouse's account, as long as the marriage lasted at least 10 years
- The check increases annually according to the rate of inflation.

Railroad Retirement

Private pension plans originated in the railroad industry in 1874 with the establishment of the first formal industrial pension plan. By the 1930s, railroad industry pension plans were far more developed than in most other businesses or industries. However, these plans contained serious defects that resulted in large proportions of employees not receiving benefits. Among other problems, the plans paid inadequate benefits, had limited provisions for disability retirement, were inadequately financed, and permitted employers to terminate the plans at will.

The Great Depression magnified the defects in these pension plans. Economic conditions prevalent during the Great Depression demonstrated the need for retirement plans on a national basis, because few of the nation's elderly were covered under any type of retirement program. In the railroad industry, existing private pension plans could not meet the demands caused by the deterioration of employment conditions and by the large numbers of older workers in the industry.

While the Social Security system was in the planning stage in the early 1930s, railroad workers sought a separate system to continue and expand existing railroad retirement programs under a uniform national plan. One factor that influenced the establishment of a separate system was that conditions in the railroad industry called for immediate benefit payments on the basis of prior service, whereas Social Security was not scheduled to begin monthly payments for several years. Legislation enacted in 1934, 1935, and 1937 established the Railroad Retirement System.

Separate but Coordinated

Although Railroad Retirement and Social Security are separate retirement programs, they are coordinated with regard to earnings credits, benefit payments, and taxes. In addition, a financial interchange links the two systems so that, in effect, the Social Security trust funds are placed in the same position they would be if railroad service were covered by Social Security instead of by Railroad Retirement.

Legislation enacted in 1974 restructured Railroad Retirement benefits into two tiers to coordinate them more closely with Social Security benefits. The first tier is based on combined Railroad Retirement and Social Security credits, using Social Security benefit formulas. The second tier is based only on railroad service and provides benefits comparable to those paid over Social Security benefits by other industrial pension systems.

Who Administers Railroad Retirement?

Jurisdiction over the payment of retirement and survivor benefits is shared by the SSA and the Railroad Retirement Board (RRB), an independent agency in the executive branch of the federal government. The RRB has jurisdiction over the payment of retirement benefits if the employee had at least 10 years of railroad service (or five years of service if performed after 1995). To qualify for railroad survivor benefits, the employee's last regular employment before retirement or death must have been in the railroad industry. If a railroad employee or the employee's survivors do not qualify for Railroad Retirement benefits, the RRB transfers the employee's Railroad Retirement credits to the SSA, which treats the credits as Social Security credits. In connection with the retirement program, the RRB has administrative responsibilities under the Social Security Act for certain benefit payments and for railroad workers' Medicare coverage.

Railroad Retirement Earnings Rules

Retired employees and spouses who work for their last preretirement nonrailroad employer are subject to an earnings deduction. Such employment will reduce tier II benefits and supplemental annuity payments, which are not otherwise subject to earnings deductions, by \$1 for each \$2 of earnings received, subject to a maximum reduction of 50 percent. These reductions continue after full retirement age.

Retired employees and spouses who have not yet attained full Social Security retirement age, which ranges from age 65 for those born before 1938 to age 67 for those born in 1960 or later, may also be subject to additional earnings deductions for any earnings, in or outside the rail industry, that exceed certain exempt amounts. The tier I and vested dual benefits of these employee and spouse annuities are subject to deductions if earnings exceed the exempt amounts applicable to Social Security beneficiaries. .

In addition, Railroad Retirement applies work restrictions that are not included in the Social Security Act. A Railroad Retirement annuity is not payable for any month in which a retired employee works for an employer covered under the Railroad Retirement Act, including labor organizations, regardless of age. (See the link for the Railroad Retirement Handbook 2009 in the “Additional Resources” section at the end of this chapter for further information on these and other Railroad Retirement provisions.)

Calculating Railroad Retirement Annuity Cost-of-Living Increases

Most Railroad Retirement annuities, like Social Security benefits, increase January each year on the basis of the rise in the Consumer Price Index (CPI) during the 12 months preceding each October. Cost-of-living increases are calculated in both the tier I and tier II benefits included in a Railroad Retirement annuity. Tier I benefits, like Social Security benefits, increase by the percentage of the CPI rise. Tier II benefits increase by 32.5 percent of the CPI rise. The vested dual benefit payments and supplemental annuities also paid by the Railroad Retirement Board are not adjusted for the CPI rise.

If a Railroad Retirement or survivor annuitant also receives a Social Security or other government benefit, such as a public service pension or another Railroad Retirement annuity, the increased tier I benefit is reduced by the increased government benefit. However, tier II cost-of-living increases are not reduced by increases in other government benefits.

Basic Service Requirement

The basic requirement for a regular employee annuity is 120 months (10 years) of creditable railroad service or 60 months (5 years) of creditable railroad service if such service was performed after 1995. Service months need not be consecutive; and, in some cases, military service may be counted as railroad service.

Credit for a month of railroad service is given for every month in which an employee had some compensated service for an employer covered by the Railroad Retirement Act, even if only one day's service is performed in the month.

Covered employers include railroads engaged in interstate commerce and certain subsidiaries, railroad associations, and national railway labor organizations. Railroad retirement benefits are based on months of service and earnings credits. Earnings are creditable up to certain annual maximums on the amount of compensation subject to railroad retirement taxes.

How Railroad Retirement Is Financed

Railroad Retirement and survivor benefits are financed by the following sources of income:

1. Payroll taxes on railroad earnings paid by covered employees and employers
2. Investments. Funds not needed immediately for benefit payments or administrative expenses are transferred to the National Railroad Retirement Investment Trust for investment (see "Investments")
3. Income from a financial interchange with the Social Security trust funds
4. Borrowing from general revenues related to certain features of the financial interchange mentioned in (3)
5. Revenues from federal income taxes on Railroad Retirement benefits
6. Appropriations from general revenues

The Future of Railroad Retirement

The National Railroad Retirement Investment Trust's annual management report for fiscal year 2009 stated that, as of September 30, 2009, the Trust-managed assets had decreased to \$23.3 billion, reflecting a -.07% rate of return.

The 2009 railroad retirement and railroad unemployment insurance systems financial reports can be found online at http://www.rrb.gov/pdf/opa/pub_0907.pdf and the National Railroad Retirement Investment Trust's 2009 annual management report is available online at <http://www.rrb.gov/pdf/nrrit/reportFY2009.pdf>.

ADDITIONAL RESOURCES

The following sources are intended to help you get more information about the status of working families in the economy and the need to counter the corporate agenda as well as health care, pensions, Social Security, and Railroad Retirement. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

An Economy That Works for All

Canadian Labour Congress

<http://www.canadianlabour.ca/home>

Economic Policy Institute

<http://www.epi.org/>

Agenda for Shared Prosperity

<http://www.sharedprosperity.org/>

Economic Snapshot: Surging Wage Growth for Topmost Sliver

http://www.epi.org/content.cfm/webfeatures_snapshots_20080618

EPI Issue Brief #239: Updated CBO Data Reveal Unprecedented Increase in Inequality

<http://www.epi.org/content.cfm/ib239>

EPI Issue Brief #244: Are the Public's Worries About Globalization Justified?

<http://www.epi.org/content.cfm/ib244>

An Economy That Works for All

http://www.bctgm.org/political_action/Econ_wrks_4all.htm

'From the Folks Who Brought You the Weekend': An Economy That Works for All

http://www.aflcio.org/issues/jobseconomy/upload/factsheet_2pager.pdf

International Comparisons of Annual Labor Force Statistics: Adjusted to U.S. Concepts, 10 Countries, 1970–2009

<http://www.bls.gov/fls/flscomparelf/lfcompendium.pdf>

Payroll Employment in 2010: Job Losses Continue

<http://www.bls.gov/opub/mlr/2010/03/art2full.pdf>

Preliminary Multifactor Productivity Trends, 2008

<http://www.bls.gov/news.release/pdf/prod3.pdf>

State Labor Legislation Enacted in 2009

<http://www.bls.gov/opub/mlr/2010/01/art1full.pdf>

A Time to Work: Recent Trends in Shift Work and Flexible Schedules

<http://www.bls.gov/opub/mlr/2007/12/art1full.pdf>

Health Care Reform

AFL-CIO

<http://www.aflcio.org/issues/healthcare>

The Democratic Policy Committee

<http://dpc.senate.gov/docs/fs-111-2-113.html>

Fact Sheet: The Affordable Care Act's New Patient's Bill of Rights

http://www.healthreform.gov/newsroom/new_patients_bill_of_rights.html

Health Care and Education Reconciliation Act of 2010

http://en.wikipedia.org/wiki/Health_Care_and_Education_Reconciliation_Act

Medicare

<http://www.medicare.gov/>

Closing the Prescription Drug Benefit Gap

<http://www.medicare.gov/Publications/Pubs/pdf/11464.pdf>

Medicare and the New Health Care Law: What It Means for You

<http://www.medicare.gov/Publications/Pubs/pdf/11467.pdf>

Patient Protection and Affordable Healthcare Act

http://en.wikipedia.org/wiki/Patient_Protection_and_Affordable_Care_Act

U.S. Department of Health & Human Services

<http://www.hhs.gov/>

Fact Sheet on Establishing the Web Portal Called For in The Affordable Care Act

<http://www.hhs.gov/ociio/gatheringinfo/factsheet.html>

Fact Sheet—Temporary High Risk Pool Program

http://www.hhs.gov/ociio/initiative/hi_risk_pool_facts.html

Health Care

<http://www.healthcare.gov>

Young Adults and the Affordable Care Act: Protecting Young Adults and Eliminating Burdens on Families and Businesses

http://www.hhs.gov/ociio/regulations/adult_child_fact_sheet.html

U.S. House of Representatives Committee on Energy and Commerce

http://energycommerce.house.gov/index.php?option=com_content&view=article&id=1924:benefits-of-health-care-reform-district-by-district-impact&catid=169:legislation&Itemid=55

White House

<http://www.whitehouse.gov/>

Health Reform and Your Community—Downloads

<http://www.whitehouse.gov/healthreform/downloads>

Pensions and Retirement

AARP

Retirement Calculator

http://sites.stockpoint.com/aarp_rc/wm/Retirement/Retirement.asp?act=LOGIN

American Savings Education Council

<http://www.choosetosave.org/ballpark/>

Fact Sheet Social Security

<http://www.ilr.cornell.edu/edi/publications/colafacts2009.pdf>

Military Pay and Benefits Website

www.dod.mil/militarypay/retirement/calc/index.html

NASD

www.nasd.com/Investor/Tools/calculators/retirement_calc.asp

A Predictable, Secure Pension For Life

http://www.pueblo.gsa.gov/cic_text/money/secure-4life/secure-pension.htm

Understanding the Benefits

http://www.pueblo.gsa.gov/cic_text/fed_prog/ssundben/ssundben.pdf

USA Today

www.usatoday.com/money/calculat/retirec.htm

U.S. Department of Labor Publications and Reports

<http://www.dol.gov/ebsa/publications/>

Filing a Claim for Your Retirement Benefits

<http://www.dol.gov/ebsa/pdf/filingclaimforretirementbenefits.pdf>

A Look at 401(k) Plan Fees

<http://www.dol.gov/ebsa/pdf/401kFeesEmployee.pdf>

Protecting Retirement and Health Benefits After Job Loss

http://www.dol.gov/ebsa/publications/protecting_benefits.html

Retirement and Health Care Coverage... Questions and Answers for Dislocated Workers

<http://www.dol.gov/ebsa/pdf/dislocatnet02.pdf>

Savings Fitness: A Guide to Your Money and Your Financial Future

<http://www.dol.gov/ebsa/pdf/savingsfitness.pdf>

Taking the Mystery Out of Retirement Planning

<http://www.dol.gov/ebsa/pdf/nearretirement.pdf>

Ten Common Causes of Errors in Pension Calculation/Consumer Tips for Safeguarding Your Pension

<http://www.dol.gov/ebsa/Publications/10common.html>

Time Is on Your Side

<http://www.dol.gov/ebsa/pdf/newentrants.pdf>

What You Should Know About Your Retirement

<http://www.dol.gov/ebsa/pdf/wyskgreenbook.pdf>

Working Women's Pension Checklist

<http://www.dol.gov/ebsa/Publications/women.html>

U.S. Railroad Retirement Board

www.rrb.gov

Creditable Service and Earnings

www.rrb.gov/general/handbook/chapter2.asp#creditable-service

Employees With Railroad Retirement and Social Security Benefits

www.rrb.gov/general/handbook/chapter2.asp#employees-pouse-formula-components

Railroad Retirement Handbook 2009

<http://www.rrb.gov/pdf/opa/handbook.pdf>

U.S. Social Security Administration

<http://www.ssa.gov/>

Effect of COLA on Social Security Benefits:

<http://www.socialsecurity.gov/OACT/COLA/colaeffect.html>

Plan Your Retirement

www.ssa.gov/retire2/

Retirement Age–Background

<http://www.socialsecurity.gov/pubs/background.htm>

Retirement Age–The Full Retirement Age Is Increasing

<http://www.socialsecurity.gov/pubs/ageincrease.htm>

Retirement Benefits by Year of Birth

<http://www.socialsecurity.gov/retire2/agereduction.htm>

A “Snapshot”

<http://www.socialsecurity.gov/pubs/10006.pdf>

What Every Woman Should Know

<http://ssa.gov/pubs/10127.pdf>

You Can Work and Get Social Security at the Same Time

<http://www.socialsecurity.gov/retire2/whileworking.htm>

Your Social Security Statement

<http://www.ssa.gov/mystatement/currentstatement.pdf>

Your Guaranteed Pension

http://www.pueblo.gsa.gov/cic_text/employ/pension/pension.htm

CHAPTER 5

Work-Life Balance

A primary concern of working women is balancing work, family, and personal responsibilities. When these demands compete with one another for our time, talents, and attention, they can lead to stress. This chapter focuses on child care, elder care, violence against women, and stress—issues that can weigh heavily on the time, income, and emotional energy of American workers—particularly workers who are women. All of these issues can interfere with a woman’s ability to obtain, perform, or keep a job.

As members of the IBEW, we are fortunate to have collective bargaining as a means of shaping the work and family policies in our workplaces. Historically, in the United States, collective bargaining has played an important role in determining family policy and influencing the political discussion surrounding family-friendly legislation to benefit all workers. The IBEW and organized labor in general have vigorously lobbied for programs that help American workers balance the demands of family and work. If each of us strives to assume the responsibilities of leadership within every level of the labor movement, these goals surely can be met.

CHILD CARE

Work demands and family responsibilities have increasingly come into conflict as women have become a large and permanent part of the workforce. Women contribute significantly to family finances and, in some cases, shoulder the full responsibility of supporting their families. Despite their increased earnings, many women who are the sole providers for their children are still forced to live in poverty.

Most young children today are being raised in families in which both parents are in the workforce, the sole support parent is in the workforce. Despite the increasing responsibilities of women, they still assume much of the responsibility for child care. Finding quality, affordable, accessible child care is a major burden for women and, consequently, affects their career decisions and opportunities. The child care crisis is a major roadblock in achieving women's equality. A comprehensive range of services is urgently required to meet the needs of our children and families. These needs include full-day care for infants and preschoolers, before- and afterschool programs, and flexible hours for parents who work part-time or shift work.

For parents whose hours extend beyond the standard workday, locating and paying for quality child care is particularly difficult. Day care on a 24-hour basis continues to be a rare find, but is highly likely to become more popular as the need for nontraditional hours of care increases.

The child care services used by parents include public schools, private child care centers, family day care homes, before- and afterschool programs, babysitters in the parents' homes, and informal arrangements with relatives and friends. A parent often must use a combination of arrangements to provide care for the total number of working hours. Because there is no public policy to provide care for any children younger than school age or for school-age children outside of school hours, the availability and quality of child care varies greatly from community to community.

Quality child care should be provided by fully qualified, well-paid child care workers. The caregiver should provide your child with care and guidance and work with you to give your child the best opportunity to grow and learn. The caregiver should also be skilled at providing activities that are well-suited to your child's stage of growth and assisting the child to develop socially, mentally, physically, and emotionally.

You should also be able to feel confident that your child is in a safe and healthy setting.

As the number of working women increases, demand for quality child care has increased faster than the spaces available. Good child care is not only hard to find, it's also expensive. According to the Children's Defense Fund, the cost of full-time child care in some states is more than tuition at a four-year public university. Your local union can help initiate change. Collective bargaining is an effective way to ensure family-friendly contract provisions for working parents. Contact your union representative to find out how you can help.

What Your Local Union Can Do

Collective Bargaining

- Discuss child care at union meetings to determine whether there is any interest among the membership.
- Form a child care committee.
- Conduct a survey to collect information regarding your members' child care needs, ideas, experiences, problems finding child care, etc.
- Prepare a report to the membership with the committee's recommendations and specific proposals.
- Prepare for negotiations.

Coalition Building

- More strength can be gained by the more groups that support an issue.
- Contact individuals and organizations with whom you have worked in the past. Some groups to consider include religious, parent, social service, women, community, advocacy, and child care resource and referral agencies.
- Establish a steering committee and ask representatives from key groups with name recognition to serve on the committee.

- Attend functions of other groups involved in the coalition and invite them to your functions.
- Keep records of everything you do.

Lobbying

- Make a list of your elected officials including their telephone numbers and addresses. Know where each official stands on the issue of child care.
- Develop a plan of action. Have the most influential people in your coalition lobby each elected official. Understand the opposition's most powerful arguments in order to effectively defend your position.
- Summarize your arguments. Convince elected officials of your position's merits. Communicate constituents' support for the issue.

Public Relations

- Identify reporters most likely to cover your issue.
- Make introductory calls to reporters. Ask about their deadlines and the best way to get information to them. Give them your phone number.
- Meet with editorial boards to discuss your issue.
- Write letters to the editor. Letters should be short, to the point, and provide a local angle.
- Assemble a list of talk and call-in shows, including the name of a contact or producer for each show. Arrange for an articulate and well-prepared spokesperson to speak on radio, TV talk and/or interview programs.

Tax Credits

Families with children are entitled to certain credits to ease their tax burdens. Two of these credits—the dependent care credit and earned income credit (EIC)—are targeted to assist those who must work outside the home and are responsible for caring for children or disabled dependents and spouses. The following are brief descriptions of these credits. Keep in mind that each form of credit is capped at different income levels, which vary with the type of credit, the taxpayer's filing status, and the number of dependents. For more information, visit the Internal Revenue Service's web site at <http://www.irs.gov> or contact the IRS at 1-800-829-1040.

Child Tax Credit

Effective 2004, in addition to the \$3,100 deduction families may take for each dependent, working parents earning less than a specified amount may also use a tax credit of \$1000 per child.

Dependent Care Credit

If you pay someone to care for your dependent under age 13, or for your spouse or dependent who is unable to care for him- or herself, you may be able to get a credit between 20% and 35% of expenses up to \$3000 for one person and up to \$6000 for two or more people. The percentage varies with income (the lower the income, the higher the percentage of expenses you can deduct). To qualify, you must pay these expenses so you can work or look for work.

Earned Income Credit

The EIC is a special credit for certain persons who work. The credit reduces the amount of tax you owe (if any) and is intended to offset some of the increases in living expenses and social security taxes.

Flexible Savings Accounts

The tax code permits employers to establish Flexible Savings Accounts (FSAs), which enable employees to use “pre-tax” wages to pay for qualified expenses. There are two kinds of FSAs: Dependent care FSAs and health care FSAs. In both cases, employees can choose to have up to \$5000 deducted from their wages annually to be used for specified purposes. Because wages are reduced by the amount contributed to the FSA, that money is not considered “income” and, therefore, is not subject to income tax. However, if the employee does not use the money in his or her account by the end of the year, the employee loses it.

Dependent care FSAs can be used to pay for certain types of qualified dependent care including babysitters, childcare centers, and before- and afterschool programs. Health care FSAs may be used for a range of health-related expenses, including prescription and nonprescription drugs, deductibles and co-payments not covered by health insurance, and various kinds of physician-prescribed treatments.

Employees who use an FSA to pay for dependent care may only use the Dependent Tax Credit for expenses above those financed by the FSA.

ELDER CARE

Elder care is caregiving for an aging relative or friend. For some of the elderly population, aging can bring about chronic illness and disability that requires supportive care. For example, a parent’s severe arthritis may make it extremely difficult for him or her to maintain a home, or a parent with Alzheimer’s disease may become forgetful, which can create a risky situation if he or she is living alone.

Caregiving for an older person may involve a variety of assistance or support, from helping with household chores (such as shopping and cleaning) or personal care (such as bathing, dressing, and managing medications) to working with medical doctors, accountants, or other professionals. In the United States, almost 80 percent of the long-term care for the elderly is provided by informal caregivers (family and/or friends).

Traditionally, the role of caregiver is often placed on women. In some cases, a woman not only manages the care of her children but also manages the care of her aging parents or in-laws. Many women must balance the responsibilities of family care management with a part-time or full-time job. In some situations women have found it necessary to quit the labor force to care for their aging relatives, which could leave them financially insecure at retirement age.

The federal government, for-profit organizations, and non-profit organizations offer a variety of services to assist caregivers with making life more manageable for their aging parents in the comfort of their parents' homes and communities. Additionally, there are caregiver support groups and programs on caregiving.

Access, Community, and Caregiver Services

A variety of home and community care services are available through contractual agreements between Area Agencies on Aging, service provider agencies, and public and private groups.

Access Services

The following list is an example of some of the types of access services that may be available.

- **Care management** offers the family caregiver an assessment of how to best serve the needs of the elderly family member.
- **Chore/personal care** involves (a) heavy-duty cleaning such as mowing the lawn, washing windows, etc., (b) household activities such as cooking, cleaning, and grocery shopping, and (c) personal care such as bathing and dressing.
- **Home health care** provides professional medical care by nurses and therapists and personal care (such as bathing and grooming) by aides.
- **Information and assistance** serves as a telephone hotline on issues of aging and provides agency referrals.
- **Meals on wheels** delivers meals to the home-bound elderly.
- **Outreach** involves mostly volunteers who visit, on a regular basis, elderly persons in their homes.
- **Personal Emergency Response System (PERS)** is a device that signals a need for help.
- **Telephone reassurance** offers the elderly a regular and friendly telephone check-in call.
- **Escort and transportation** provides bus or van services for doctor's office visits, grocery store shopping, or attending senior center activities. Eligibility for some services requires a low income.

Community Services

The following list is an example of some of the types of community services that may be available.

- **Adult day care centers** provide health care services and a variety of social programs and activities for the elderly who have mental and physical limitations. Meals usually are available and some facilities provide transportation.
- **Ombudsman services** mediate and resolve complaints about nursing homes and assisted living facilities.
- **Senior centers** offer a variety of programs to the seniors, including educational and recreational programs and some health care services.
- **Other services** include congregate meals, employment and pension counseling, health promotion, fitness programs, elder abuse prevention, and legal services.

Caregiver Services

These services include respite care, adult day care, counseling, and education. Respite care is usually provided by volunteers who substitute as the caregivers while the family caregivers take a break for a prearranged time period.

Caregiver support groups are also available. These are community-based groups that provide caregivers (long-distance, spousal, sibling, and adult children) with an opportunity to share their challenges and learn coping strategies.

In addition, programs on a variety of caregiving issues are offered at area hospitals, nursing homes, adult day care centers, state and county agencies, and other organizations. Some of the topics covered may include feeding, handling bathroom needs, and dealing with dementia.

Living Facilities The following is an example of some of the types of living facilities that are available for the elderly population.

- **Assisted living facilities** are residential settings that provide housing, personal assistance, and other support services for the elderly who have physical or cognitive limitations.
- **Board and care homes** are nonmedical, community-based facilities. These homes provide protective oversight and personal care to the disabled elderly, mentally ill, and developmentally disabled.
- **Congregate living facilities** provide independent housing for the elderly, with a central dining area and other limited services.
- **Continuing-care retirement communities (CCRC)** provide a lifetime of long-term care. The long-term care includes guaranteed housing, support services, nursing care, and health care.
- **Hospice care** offers professional care for a persons who are terminally ill either at the person's home or in a community hospice center.

- **Nursing homes** offer skilled nursing care (the resident is under medical care 24 hours a day) and custodial care (when the resident needs supervision).

Other resources include the U.S. Department of Agriculture’s Rural Housing Service (provides some programs for low-income rural residents and the elderly) and the U.S. Department of Housing and Urban Development’s “Supportive Housing for the Elderly” program and Low Rent Public Housing Program (for low-income elderly and others).

Long-Term Care The glossary on the Medicare website (<http://www.medicare.gov>) defines long-term care as a variety of services that includes medical and non-medical care to people who have a chronic illness or disability. Long-term care includes help with daily activities and skilled nursing care, either at a nursing facility or at home. It also deals with such care-oriented, rather than cure-oriented, conditions of cognitive impairment such as Alzheimer’s disease.

Long-term care can be provided at home, in the community, or in various types of facilities, including nursing homes and assisted living facilities. Most long-term care is custodial care. Funding for LTC comes from public funds, out-of-pocket expenses, and private long-term care insurance.

The sources of public funding are the federal, state, and local governments. Numerous federal programs for long-term care services help persons with income, housing assistance, and support services. Some of the major federal programs are briefly described as follows:

- **Medicaid** provides medical assistance to persons who have a low income and are aged, blind, disabled, or members of families with dependent children. Each state must follow federal guidelines in designing and administering its own program.
- **Medicare** covers acute care rather than long-term (custodial) care. Medicare is a federal health insurance program that covers the following three categories of persons: (a) those entitled to Social Security benefits, (b) those entitled to disability benefits who are under 65 years of age, and (c) those with end-stage renal disease. It also now offers seniors and people living with disabilities a prescription drug benefit.
- **Social Services Block Grant (Title XX of the Social Security Act)** are funds to be used at the discretion of each state within statutory limits. Each state determines which services will be provided, which persons will be eligible for services, and how funds will be distributed among state agencies.
- **The Older Americans Act (OAA) of 1965** established a network on aging such as the Administration on Aging (AoA) in the U.S. Department of Health and Human Services, the state Agencies on Aging and the local Area Agencies on Aging (AAA). Later amendments to the OAA make a range of services available to the elderly, such as nutrition programs and in-home services for frail elder individuals.
- **Supplemental Security Income (SSI)** funds are administered by the U.S. Social Security Administration. Recipients of the funds are the elderly, blind, and disabled. Benefits are financed from general tax revenues.

• The **Medicare Prescription Drug, Improvement and Modernization Act of 2003**, signed into law by President George Bush, created a prescription drug benefit for Medicare beneficiaries. Also known as Medicare Part D, this is an insurance that anyone on Medicare can purchase to cover a portion of drug costs.

Long-term care insurance may be a desirable option for some people because health insurance, for example, does not cover nursing home care. Medicare covers only skilled nursing care in one of its own Medicare-certified nursing facilities for a limited time. To qualify for Medicaid, one must be impoverished. Without insurance, the cost of long-term care devolves upon individual and family assets, savings, and cash.

PERSONAL COPING STRATEGIES

- Increase your leisure time with family and friends.
- Develop and maintain good eating habits.
- Exercise regularly.
- Practice meditation or relaxation techniques.
- View change as a natural part of life.
- Be open to new ideas and new ways of doing things.
- Seek personal and/or professional counseling.
- Notice how your attitudes and beliefs affect your level of stress.
- Take responsibility for your thoughts and feelings instead of blaming others.
- Accept the things you cannot change.
- Develop and use support networks.

STRESS

Stress has been defined as a state of dynamic tension that is created when you respond to perceived demands and pressures from outside yourself and/or from within yourself.

External demands can be physical or social. External physical demands can include such things as air pollution, noise pollution, or extreme weather conditions such as a blizzard, flood, or hurricane. External social demands are the kinds of things that most of us consider to be causes of stress, such as family demands, demands we place on ourselves, financial demands, or the demands of work or school. When these demands compete with one another for our time, talents, and attention, they can lead to stress.

When the demands on our time not only compete with each other but also conflict with each other, stress can increase even more. Conflicting demands can require us to choose between two options that may be mutually exclusive in a particular time frame. For example, a mother may have to choose between accomplishing a work activity that has a deadline or enjoying leisure activity with the family.

Physiological Aspects of Stress

According to the American Medical Women's Association, the key to the way stress affects the body is the hypothalamus, a grape-sized gland in the center of the brain that unlocks the mysterious connections between mind and body. At the command of the hypothalamus, physical sensations that alert the mind to fear cause the pupils to widen to let in more light; more neurotransmitters to fire in the brain, thus increasing alertness; and adrenaline and other hormones to flood the bloodstream, making the heart race, blood pressure rise, and muscles tense. Although this "fight or flight" response might be appropriate for a life-or-death situation, a daily regimen of it turns into a health hazard. Take, for example, the hormone cortisol. The purpose of cortisol is to inhibit inflammation at the site of potential wounds. Stress causes the release of cortisol in the bloodstream to help

a person in a fight in which such wounds might occur. Although there is little chance for violence to break out in most of the different kinds of situations in which stress arises, the body's characteristic response to stress causes it to continue to pump cortisol into the bloodstream, boosting the blood pressure, which can lead to hypertension, and weakening the immune system, which makes one susceptible to disease.

The unremitting release of cortisol can stimulate the build-up of abdominal fat, which can become one of the signs of metabolic syndrome. Metabolic syndrome has been described by Dr. George Crousos, Chief of the Pediatric and Reproductive Endocrinology Branch at the National Institute of Child Health and Human Development, as “the most common form of death in the Western world.” A recent study conducted at UCLA on the body's physiological response to stress found that the response differs significantly in males and females.

Three Categories of Stress

The American Psychological Association defines three categories of stress: acute stress, episodic acute stress, and chronic stress.¹

The most common form of stress is **acute stress**. It is an immediate, short-lived form of stress resulting from demands and pressures either from the recent past or anticipated near future. Too much skiing in one day could result in a broken leg from trying to ski while being worn out. Symptoms of acute stress include shortness of breath, back pain, and irritability. All such symptoms are highly treatable and manageable.

Episodic acute stress is the frequent appearance of acute stress. People with this kind of stress tend to be abrupt and irritable to the point of being hostile, with the consequent deterioration of their interpersonal relationships resulting in a highly stressful workplace. The “Type A” personality belongs with those with episodic acute stress: competitive, aggressive, insecure, and prone to coronary heart disease. The “worry wart,” who sees the world as a dangerous place where something bad is always about to happen, is another type of person who experiences episodic acute stress. Symptoms for episodic acute stress include migraines, tension headaches, and heart disease, with professional help generally required to resolve the symptoms.

Chronic stress is a deadly, day-in-and-day-out attack on both mind and body as a result of an unhappy marriage, a despised job or career, poverty, wars, unresolved conflicts, or any number of other situations or views of the world that seem to allow no healthy resolution. Chronic stress is a killer—through suicide, violence, and disease. Treatment of this kind of stress, which can involve extended medical as well as behavioral treatment and stress management, is often all the more difficult because individuals with chronic stress get used to it and therefore cease to recognize it for the danger it is. Women appear to be more vulnerable than men to stress-induced illnesses. One reason is that women are typically raised to think of themselves as caretakers. In the workplace, this causes them to burden them-

¹ Adapted from *The Stress Solution* by Lyle H. Miller, Ph.D., and Alma Dell Smith, Ph.D., copyright 2010 American Psychological Association, <http://www.apa.org/helpcenter/stress-kinds.aspx>.

selves with responsibilities men would not think of assuming. Another reason is that women tend to not be in positions of power, so they lack the ability to control their environment. Women often find themselves in jobs that confront **them with sex discrimination and prejudice**. Women also often continue to work at home after their day on the job is over, taking charge of everything from laundry to runny noses and trying to be everything to everyone.

VIOLENCE

Workplace Violence

Workplace violence is defined as violence or the threat of violence against workers. It can occur in the workplace or outside the workplace and can range from verbal threats and abuse to physical assaults and even homicide. Whatever its form, workplace violence is a growing concern for employees and employers in the United States. Factors that place workers at risk for violence in the workplace include interacting with the public, exchanging money, delivering services or goods, working late at night or during early morning hours, working alone, guarding valuables or property, and dealing with violent people or volatile situations.

Developing and Implementing a Workplace Violence Prevention Policy

The National Institute for Occupational Safety and Health (NIOSH) believes that the first priority in developing a workplace violence prevention policy is to establish a system for documenting violent incidents in the workplace. Such data are essential for assessing the nature and magnitude of workplace violence in a given workplace and quantifying risk. This information can be used to assess the need for action to reduce or mitigate the risks for workplace violence and implement a reasonable intervention strategy. An existing intervention strategy may be identified within an industry or in similar industries, or new and unique strategies may be needed to address the risks in a given workplace or setting. NIOSH suggests that implementing a reporting system, a workplace violence prevention policy, and specific prevention strategies should be publicized companywide, and appropriate training sessions should be scheduled. The demonstrated commitment of management is crucial to the success of the program. The successes and appropriateness of intervention strategies can be monitored and adjusted with continued data collection.

A written workplace violence policy should clearly indicate a zero tolerance of violence at work, whether the violence originates inside or outside the workplace. Workplaces must also develop threat assessment teams to which threats and violent incidents can be reported. A team should include representatives from the union, human resources, security, employee assistance, workers, management, and perhaps legal and public relations. The charge to this team is to assess threats of violence and to determine what steps are necessary to prevent the threat from being carried out. This team should also be charged with periodic reviews of violent incidents to identify ways in which similar incidents can be prevented in the future. The violence prevention policy should explicitly state the consequences of

making threats or committing acts of violence in the workplace.

A comprehensive workplace violence prevention policy and program should also include procedures and responsibilities in the event of a violent incident in the workplace. This policy should address (1) how the response team assembles, (2) who is responsible for immediate care of the victim(s), (3) how to re-establish work areas and processes, and (4) how to organize and carry out stress debriefing sessions with the victims, their coworkers, and perhaps the families of victims and coworkers.

Violence Against Women in the Workplace by an Intimate

Women are more likely to be attacked by an intimate at work, primarily as a spillover of ongoing domestic violence. Each year about two million individuals become victims of violent crime while working or on duty. A study of victims of domestic violence found that abusive husbands and intimate partners may harass battered women at work. Domestic violence can cause victims to be late for work, to leave early, to miss entire days, or even to lose their jobs.

Domestic Violence Against Women in the Home

Domestic violence is violence that occurs between people who know each other—and often between people who live together. The abuser may be the victim’s husband, ex-husband, partner, boyfriend, or ex-boyfriend. Domestic violence occurs in all age, ethnic, social, economic, geographic, and religious groups. It has no boundaries. Domestic violence is not an isolated problem. It affects the workplace and can result in increased medical expenses, absenteeism, and increased risk of violence in the workplace. Domestic violence can interfere with a woman’s ability to obtain, perform, or keep a job. Victims at work are often harassed by their abusive partners in person or by telephone. Many miss days of work each month as a result of the abuse.

Characteristics of an Abusive Relationship

The following is a list of some of the characteristics often found in abusive relationships:

1. Does your partner continually criticize what you wear, what you say, how you act, and how you look?
2. Does your partner often call you insulting and degrading names?
3. Do you feel like you need to ask permission to go out and see your friends and family?
4. Do you feel like no matter what you do everything is your fault?
5. When you are late getting home, does your partner harass you about where you were and who you were with?
6. Is your partner so jealous that you are always being accused of having affairs?
7. Has your partner threatened to hurt you or the children if you leave?

8. Does your partner force you to have sex whether you want to or not?
9. Has your partner threatened to hit you?
10. Has your partner ever pushed, shoved, or slapped you?

What Should Victims of Domestic Violence Do?

Victims of domestic violence often feel isolated and alone. You do not have to face domestic violence alone. The following are some things you can do or resources available to you:

- Call the nationwide, 24-hour, toll-free National Domestic Violence Hotline. The number is 1-800-799-SAFE and the TTY number for the hearing impaired is 1-800-787-3224. Callers can receive counseling and be referred directly to help in their communities, including emergency services and shelters. Nonemergency information is available on the website: <http://www.ndvh.org>.
- Create a safety plan to use at work and away from work. If you are being threatened at work, you can tell your shop steward and employer about the threat. The employer should then take specific precautions to ensure your safety and the safety of the other employees who may be at risk as a result of the threat.
- If your place of employment has an Employee Assistance Program, contact an employee assistance counselor for counseling and referrals.
- Seek help from your local union. Contact the IBEW Human Services Department at 202-728-6204 for additional information.
- Suggest that your employer address domestic violence. Contact Family Violence Prevention Fund (FVPF) at 415-252-8900 (or visit the website at <http://www.endabuse.org>) for materials that educate people about specific ways they can make a difference at their workplaces. FVPF also has a historic collaboration between the FVPF, employers, and unions around the nation called National Workplace Resource Center on Domestic Violence. This project disseminates information on preventing and reducing domestic violence, developing workplace policies on domestic violence, and working to ensure that workplaces across the United States support any employees who are victims of domestic violence.
- Contact the Occupational Safety and Health Administration (OSHA).
- Department of Labor if your employer is not taking steps to ensure your safety at work. The Occupational Safety and Health Act requires employers to furnish their employees with a safe and healthful workplace. OSHA can supply information and guidance to businesses interested in making their workplaces safer.
- Contact your state occupational and health agency to see if and how they seek to prevent and address domestic and other forms of violence at work.
- You may be entitled to leave under the Family and Medical Leave Act if you are seriously injured as a result of domestic violence and as a result have become incapacitated and unable to work. The Family and Medical Leave Act is enforced by the Wage and Hour Division of the U.S. Department of Labor.
- If you quit your job for reasons related to domestic violence, you may be able to obtain unemployment benefits. Many states permit an award of benefits to domestic violence victims.

- If you sense that your domestic situation will turn violent, leave. Go to a safe place or call someone you trust. Call the police or 911, if available, if you are in danger or need help.
- Get help now. Domestic violence does not go away on its own. It often becomes more frequent and more severe.
- Recognize that you are not alone. There are other people in your situation.
- Talk to a friend, relative, supervisor, or someone you trust about what is going on.
- If you choose to leave your home and if you have children, make every effort to take your children with you. It is helpful to bring documents with you such as a driver's license, identification, passports, birth certificates, and visas for yourself and your children; documents from any public assistance program; leases; checkbooks; credit cards; paycheck stubs; marriage license; and copies of tax returns. If you think you may need to leave in the future, pack these items in a bag and take them to a friend's house to be retrieved quickly if needed.
- Take legal action to protect yourself by filing charges with the police, obtaining a restraining order, and physically removing yourself from the environment.

What Can Your Local Union Do to Help Address Domestic Violence?

There are a number of ways for local unions to address the serious problem of domestic violence:

- Negotiate provisions in collective bargaining agreements for employee assistance services, paid legal assistance, and paid time off for family emergencies.
- Negotiate contract language that is supportive to women dealing with domestic violence, including leaves of absence, transfers, changes in shift or work location, worksite security, and paid time to attend court hearings.
- Negotiate for improved security at the workplace (for example, the installation of extra lighting in the parking lot).
- Work with personnel or human resources departments to ensure that procedures are in place to protect women from domestic violence in the workplace.
- Make domestic violence an issue; sponsor meetings and workshops in which you feature guest speakers, show films, and encourage an open and honest environment.
- Produce and/or distribute publications and/or include articles on domestic violence in union newsletters including information for victims and abusers on where and how to get help and the resources available in the community.
- Post phone numbers for women's shelters and abuse hot lines on local union bulletin boards and distribute literature to members.
- Work with shelters (donate or help raise funds, donate services, provide volunteers).
- Train stewards and union members about domestic violence and its effects at work.

What to Do if Someone You Know Is Being Abused

IBEW members may be approached by a friend or coworker who is a victim of workplace or domestic violence and needs someone to confide in. The following is a list of suggestions for handling such situations:

- Believe her.
- Listen without judging. Victims often believe their abusers' negative messages and feel responsible and ashamed and are afraid they will be judged.
- Respect her need for confidentiality.
- Let her know that she is not alone. Tell her that she does not have to stay in the abusive situation, and point out that help is available.
- Reassure her that the abuse is not her fault.
- Remind her that she cannot change her partner's behavior and apologies and promises will not end the violence. Violence is never justifiable.
- Her physical safety is the first priority. Discuss her options and help her make plans for her safety and the safety of her children.
- Give her the time she needs to make her own decisions.
- Do not take away your support if she is not ready to make major changes in her life.
- Give her a list of community resources that support and work with assaulted women.
- Remind her to save any threatening e-mail or voicemail messages she gets at work. She can use these to take legal action in the future, if she chooses. If she already has a restraining order, the messages can serve as evidence in court that the order was violated.
- Check the yellow pages of your telephone directory under crisis intervention services, social services organizations, domestic violence, family violence, or emergency shelters. Resources may also be listed in the state, county, or city sections of your white pages.
- The 24-hour, toll-free number for the National Domestic Violence Hotline is 1-800-799-SAFE and the TTY number for the hearing-impaired is 1-800-787-3224. The service area includes the United States, the Virgin Islands, Puerto Rico, and Canada. Nonemergency information is available on the website: <http://www.ndvh.org>.
- The National Coalition Against Domestic Violence can be reached at 303-839-1852. The coalition can provide information and phone numbers for your state coalition office. You may also access the website at <http://www.ncadv.org>.
- The Occupational Safety and Health Administration (OSHA) has developed guidelines for the prevention of workplace violence in various industries and job categories. Copies of these guidelines may be obtained at 202-693-1999 or, for the hearing impaired, TTY number: 877-889-5627. More information is available at OSHA's website, <http://www.osha.gov/>.

Workplace Bullying

NOTE: The source for much of this section on workplace bullying is the Workplace Bullying Institute website, <http://www.bullyinginstitute.org>, and *The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity on the Job* by Gary Namie, Ph.D., and Ruth Namie, Ph.D.

Another aspect of workplace conflict that can escalate into violence is workplace bullying. Bullying, also categorized as general harassment, occurs more often in the workplace than the more well-publicized sexual harassment and racial discrimination situations. According to a 2007 survey conducted by the Workplace Bullying Institute (WBI) and Zogby International, 37 percent of American workers (about 54 million people) have been bullied at work. When witnesses are included, the survey found, workplace bullying affects about half of American workers.²

What Is Workplace Bullying?

WBI defines workplace bullying as repeated, hurtful interpersonal mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms: verbal abuse; offensive conduct/behaviors (including nonverbal) which are threatening, humiliating, or intimidating; or work interference—sabotage—which prevents work from getting done.³ This mistreatment of a target creates a risk to the target's physical and psychological health, threatens the target's job security, and can adversely affect productivity at the jobsite. The bully will start by targeting a person and determining when, where, and how that person will be bullied. As the bullying progresses, the bully may coerce others to participate in the psychological violence. Bear in mind that a bully's actions are not "tough management." They are illegitimate activities that interfere with an employee's work production and the interests of the employer. If the victim reports the bullying, the intimidation may escalate and involve an entire work unit, with coworkers, management, and management's allies ganging up on the target.

Profile of a Bully

The WBI-Zogby survey reported that 40 percent of all bullies are women. Female bullies target women about 71 percent of the time, and male bullies target women 47 percent of the time. Overall, women suffer the majority (57%) of bullying behavior in the workplace. About 72 percent of bullies are bosses. A bully's actions fall into two main categories: acts of commission (deliberate and hostile verbal and nonverbal actions that humiliate, intimidate, undermine, or destroy a targeted person) and acts of omission (withholding resources—time, information, training, support, equipment—that a targeted person requires to succeed in the workplace). Bullies can be further categorized according to their behavior, which

² From <http://www.workplacebullying.org/research/WBI-Zogby2007Survey.html>

³ From <http://www.workplacebullying.org/targets/problem/definition.html>

may fall into one or more types, as outlined in the following sections. However, bullies adopt any tactic at any time to perpetuate their psychological violence against their victims. If a tactic can hurt their target, they will use it.

The Detractor This type of bully finds fault with everything the target does and tries to destroy the target’s confidence and sow seeds of self-doubt. Tactics employed by the Detractor include the following:

- Using insults, name-calling, demeaning remarks.
- Responding negatively to target’s work (sighing, frowning, making condescending gestures).
- Placing blame on the target for errors fabricated by the bully (documents altered, faked evidence, files missing).
- Imposing unreasonable deadlines, exerting extraordinary pressure, requiring the target’s work to be perfect.
- Burying the target in paperwork.
- Criticizing the target’s appearance, family, friends, education.
- Bestowing harsh criticism on the target’s abilities and work.

The Jekyll-Hyde This bully is two-faced and pretends to be nice while plunging the knife in the target’s back. Any pretense of friendliness displayed toward the target enables the bully to gather information to be used against the target. This bully plays favorites and undermines the target with the bosses. Tactics employed by the Jekyll-Hyde include:

- Withholding resources (time, supplies, equipment, assistance) for the target to do the work.
- Employing divide-and-conquer tactics (coercing coworkers into providing adverse “evidence” about the target and threatening anyone who won’t cooperate).
- Assigning meaningless or “dirty” tasks to the target.
- Displaying a “normal” persona to others while subjecting the target to rude, hostile remarks.
- Stealing credit for the target’s work.
- Sharing target’s confidential information with others.
- Maintaining a secret file full of defamatory information about the target to sabotage the person’s career.

The Gatekeeper This type of bully is the ultimate controller. To this bully the be-all and end-all of work is to control all the resources: time, supplies, praise, approval, money, staff, assistance, and equipment. The Gatekeeper orders people around and controls people’s circumstances. Tactics employed by the Gatekeeper include:

- Excluding, Ignoring, or isolating the target.
- Freezing all office communication with the target—no e-mail, memos, phone calls.
- Ignoring internal policies and government-mandated employee protections as they pertain to the target.

- Retaliating against the target for filing complaints against the bully, often by denying privileges and rights to the target.
- Devising new rules for the target alone to follow while the bully is exempt.

The Ranter or Screamer Many people would call this the stereotypical bully, who controls mainly through fear and intimidation. Physical violence could become a serious aspect of this bully’s behavior. The Ranter misses no opportunity to make it clear to the target that the bully is the boss, preferably by bellowing out, “I am the boss! You’ll do what I say!” A Ranter’s tactics include:

- Yelling, screaming, cursing.
- Spoiling work environment with tantrums and rants.
- Displaying intimidating gestures (finger pointing, slamming or throwing objects).
- Invading the target’s personal space, often menacingly, or sneaking up on the target.
- Interrupting the target during meetings and conversations.
- Threatening the target with job loss.
- Insisting that the target’s only recourse for complaints starts with the bully as first in the chain of command.

Profile of a Target Targets are not necessarily wimpy people. They are often well-educated, personable, fair-minded, and self-assured (at least until they become victims of a bully). The two main personality traits of targeted employees are that they want to cooperate with people and that they have a nonconfrontational style of interacting with people. In reports to the WBI, targets have reported several reasons why they feel they were preyed on:

- Target asserted independence, refused to be controlled or submissive.
- Bully was threatened by the target’s competence and reputation.
- Target was liked and respected by coworkers and clients.
- Target reported unethical or illegal conduct.
- Target was work oriented, not attuned to the office politics.
- It was the target’s turn.

Workplace Effects of Bullying

Bullying has disastrous effects on the workplace. Bullying usually results in a decline in the productivity of the targeted employee. This decline can occur if, for example, the target begins to feel that nothing she/he does will be acceptable, so why should she/he bother to put forth good work. Also, the effects on the target’s health can result in frequent absences from the workplace (see “Health Effects of Bullying” section). In addition, the productivity of the target’s coworkers suffers. Coworkers often remain silent witnesses to the abuse and could eventually choose to tacitly or directly participate in the bully’s violence against the target. After all, the coworkers don’t want to become targets themselves. The bullying atmosphere petrifies everyone, instilling paranoia and a sense of dread. The resulting workplace paralysis can result in declining productivity, increasing costs

for health care as the workforce suffers the often debilitating physical effects of the bullying atmosphere, and increasing liability for destructive employment practices.

Health Effects of Bullying

The adverse health effects that result from bullying separate this behavior from such workplace behavior as routine office politics, teasing, incivilities, and crudeness. Although different targets respond differently to bullying, it is likely they will suffer some of the following health effects as a result of bullying behavior:

- Stress and anxiety.
- Headaches, heart palpitations, and fatigue.
- Panic attacks and paranoia.
- Inability to concentrate, work, or make decisions.
- Loss of self-confidence.
- Depression and feelings of isolation.
- Substance abuse or thoughts of violence toward others.
- Deteriorating relationships with family, friends, and coworkers.
- Increased emotionlessness.
- Muscle or joint aches.

How Can Bullying Be Stopped?

If you are the victim of a bully, you can take informal or formal action to stop the behavior. Try informal action first. For example, if your company has an employee assistance program (EAP), contact an EAP counselor. The counselor can help you develop a plan to deal with the bully and support you throughout the process. The counselor can also provide assistance to help you cope with the effects of bullying. Some actions you might take include:

- Seeking advice. Talk to your union official, human resources (personnel) official, grievance officer, or safety and health representative. Don't make allegations about bullying or harassment to anyone who isn't involved in the complaint procedure at your workplace.
- Creating a record. Keep a record of the incidents that have occurred, including place, date, time, persons (including the bully) present, and what was said or done. Verify the accuracy of your records, since they may become highly important if more formal steps are needed to resolve the problem.
- Confronting the bully. If you experience any form of bullying, emphatically tell the bully, as soon as possible, that the behavior is not wanted, is not acceptable, and will not be tolerated. (If you're not comfortable approaching the bully personally, ask another person, like the grievance officer or supervisor, to approach the bully on your behalf. Such an officer might also be willing to mediate or facilitate discussions to resolve the situation.)
- Refraining from retaliation. Don't try to get even. First, discuss your plan of action with a grievance officer. In considering what to say to the bully, try to focus

on the unwanted behavior you're trying to stop, not the person who is inflicting the harm.

- Recording the details of your approach. Include how you approached the problem, what happened, and whether there was any follow up. If your informal attempts to stop the violence fail, you might consider lodging a formal written complaint. You should consider this approach if the behavior is so serious that informal approaches are not appropriate.

Legislative Efforts to Combat Workplace Bullying

Workplace bullying in the United States is four times more prevalent than other forms of harassment that are illegal, such as sexual or racial harassment.⁴ Yet, as of December 2007, no laws at the federal or state levels have been enacted in the United States to combat this form of workplace harassment. As of spring 2008, anti-bullying legislation had been initiated in about 13 states. The province of Québec enacted the first anti-bullying law in Canada, which became effective on June 1, 2004. The Québec law amended the province's Labour Standards Act to deal with psychological harassment in the workplace, which is defined as "any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures that affect an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee." A similar law took effect in the province of Saskatchewan on October 1, 2007.

A proposed amendment to the Canada Labour Code, the Workplace Psychological Harassment Prevent Act, died when the June 2004 election was called. Ontario legislation to address workplace-related harassment was withdrawn by an Order of the House on November 30, 2005. France, Germany, Italy, Sweden, Spain, the Netherlands, and Norway have introduced regulatory responses to deal with workplace bullying. Courts in the United Kingdom, Ireland, and Australia use current legislation to address the problem.

⁴ http://www.workplacebullying.org/research/zogbyflyer_2010.pdf

ADDITIONAL RESOURCES

The following sources are intended to help you get more information about balancing work and family. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

Child Care

AFL-CIO

<http://www.aflcio.org/issues/workfamily/childcare.cfm>

Canada Revenue Agency: Child and Family Benefits

<http://www.cra-arc.gc.ca/benefits/>

Canadian Child Care Federation

http://www.cccf-fcsge.ca/home_en.html

Child Care Aware

<http://www.childcareaware.org>

Choosing Child Care

http://www.childcareaware.org/en/child_care_101/choosing_child_care.php

Internal Revenue Service

<http://www.irs.gov>

Child Tax Credit

<http://www.irs.gov/individuals/article/0,,id=121434,00.html>

Top Ten Facts About Claiming the Child Tax Credit

<http://www.irs.gov/newsroom/article/0,,id=106182,00.html>

Topic 602 - Child and Dependent Care Credit

<http://www.irs.gov/taxtopics/tc602.html>

Top Ten Facts About the Child and Dependent Care Credit

<http://www.irs.gov/newsroom/article/0,,id=106189,00.html>

Earned Income Tax Credit (EITC) Questions and Answers

<http://www.irs.gov/individuals/article/0,,id=96466,00.html>

Labor Project for Working Families

<http://www.working-families.org>

National Association for the Education of Young Children

<http://www.naeyc.org>

National Association of Child Care Resource & Referral Agencies

<http://www.naccrra.org/>

Quality Child Care Checklist

<http://www.naccrra.org/docs/parent/38IndicatorsChecklist.pdf>

National Child Care Information Center

<http://nccic.org>

National Head Start Association

<http://www.nhsa.org>

U.S. Department of Health and Human Services: Administration for Children and Families, Child Care Bureau

<http://www.childcare.gov>

National Child Care Information and Technical Assistance Information Center (NCCIC) State Contacts (Child Care and Development Fund Contacts)

<http://nccic.acf.hhs.gov/statedata/dirs/display.cfm?title=ccdf>

Resources for Parents

<http://www.acf.hhs.gov/programs/ccb/parents/index.htm>

U.S. Department of Labor: Women's Bureau

<http://www.dol.gov/wb>

Elder Care

AARP

<http://www.aarp.org>

Administration on Aging

<http://www.aoa.gov>

AFL-CIO

<http://www.aflcio.org/issues/workfamily/eldercare.cfm>

Alzheimer's Association

<http://www.alz.org>

American Association of Homes and Services for the Aging
<http://www.aahsa.org>

Centers for Medicare & Medicaid Services
<http://www.cms.hhs.gov>

Children of Aging Parents
<http://www.caps4caregivers.org>

Hospice Foundation of America
<http://www.hospicefoundation.org>

How Will I Know Mom and Dad Are Okay?
http://www.n4a.org/pdf/Staying_In_Touch_Brochure.pdf

Just in Case: Emergency Readiness for Older Adults and Caregivers
http://www.aginginstride.org/emergencyprep/docs/Just_in_Case.pdf

Medicare
<http://www.medicare.gov>

Medicare Basics: A Guide for Families and Friends of People with Medicare
<http://www.medicare.gov/publications/pubs/pdf/11034.pdf>

National Academy of Elder Law Attorneys
<http://www.naela.org>

National Adult Day Services Association
<http://www.nadsa.org>

National Alliance for Caregiving
<http://www.caregiving.org>

National Association for Area Agencies on Aging
<http://www.n4a.org>

National Association for Home Care and Hospice
<http://www.nahc.org>

National Association for Independent Living c/o National Rehabilitation Association
<http://www.nationalrehab.org/website/divs/nail.html>

National Council on the Aging

<http://www.ncoa.org>

National Council on Independent Living

<http://www.ncil.org>

National Family Caregivers Association

<http://www.nfcacares.org>

National Hospice & Palliative Care Organization

<http://www.nhpco.org>

National Institute on Aging

<http://www.nia.nih.gov>

Seniors Canada

<http://www.seniors.gc.ca/>

Seniors' Info

<http://www.seniorsinfo.ca/>

Seniors' Page

<http://www.usa.gov/Topics/Seniors.shtml>

Service Canada—Being a Caregiver

<http://www.servicecanada.gc.ca/en/lifeevents/caregiver.shtml>

U.S. Department of Health and Human Services***Caregiver Stress: Frequently Asked Questions***

<http://www.womenshealth.gov/faq/caregiver-stress.cfm>

ElderCare Locator

<http://eldercare.gov/Eldercare/Public/Home.asp>

Stress

American Psychological Association**Stress in the Workplace**

<http://www.apa.org/helpcenter/workplace-stress.aspx>

Stress Tip Sheet

<http://www.apapracticecentral.org/news/2007/stress-tip-sheet.pdf>

**U.S. Department of Health and Human Services
The National Institute for Occupational Safety and Health (NIOSH)**

<http://www.cdc.gov/niosh/>

Stress at Work

<http://www.cdc.gov/niosh/topics/stress/>

Quality of Worklife Questionnaire

<http://www.cdc.gov/niosh/topics/stress/pdfs/QWLsurvey.pdf>

U.S. Social Security Administration

<http://www.ssa.gov>

Violence

AFSCME

Domestic Violence: What Unions Can Do

<http://www.afscme.org/publications/1663.cfm>

Canadian Centre for Occupational Health and Safety

Bullying in the Workplace

<http://www.ccohs.ca/oshanswers/psychosocial/bullying.html>

Canadian Initiative on Workplace Violence—Published Papers

“Boss or Just Plain Bossy ...” – The Evolving Myth of Women in the Workplace

http://www.workplaceviolence.ca/research/boss_or_bossy.pdf

Addressing Workplace Violence

http://www.workplaceviolence.ca/research/addressing_violence.pdf

The Financial Risks of Workplace Violence

<http://www.workplaceviolence.ca/research/hr-reporter.pdf>

The National Labour Survey, Executive Summary

<http://www.workplaceviolence.ca/research/survey1.pdf>

Canada Safety Council

Bullying in the Workplace

<http://www.safety-council.org/info/OSH/bullies.html>

How to Deal With a Workplace Bully

<http://www.safety-council.org/info/OSH/bully.html>

Family Justice Centers (U.S.)

<http://www.familyjusticecenter.org/>

National Institute for Occupational Safety and Health (NIOSH)**Most Workplace Bullying is Worker to Worker, Early Findings from NIOSH Study Suggest (2004 National Institute for Occupational Safety and Health study)**

<http://www.cdc.gov/niosh/updates/upd-07-28-04.html>

Workplace Violence Prevention Strategies and Research Needs

<http://www.cdc.gov/niosh/docs/2006-144/>

Violence in the Workplace

<http://www.cdc.gov/niosh/violcont.html>

Workplace Violence Prevention Strategies and Research Needs

<http://www.cdc.gov/niosh/docs/2006-144/>

Statistics Canada**Violence Against Women in Canada...By the Numbers**

http://www42.statcan.ca/smr08/smr08_012-eng.htm

Status of Women Canada**National Day of Remembrance and Action on Violence Against Women in Canada**

http://www.swc-cfc.gc.ca/dates/dec6/index_e.html

United Nations World Health Organization: Violence Against Women

<http://www.who.int/mediacentre/factsheets/fs239/en/>

U.S. Campaign for Workplace Bullying Laws: Story of Our U.S. Legislative Advocacy

<http://www.bullyfreeworkplace.org/id29.html>

U.S. Department of Justice, Federal Bureau of Investigations***Workplace Violence: Issues in Response***

<http://www.fbi.gov/publications/violence.pdf>

U.S. Department of Justice, Office on Violence Against Women**Domestic Violence National Organizations**

<http://www.ovw.usdoj.gov/dv-nationalorg.htm>

The Facts About the Violence Against Women Act

<http://www.ovw.usdoj.gov/ovw-fs.htm#fs-act>

The Facts About Violence Against Women in Indian Country

<http://www.ovw.usdoj.gov/ovw-fs.htm#fs-indian-country>

Federal Resources

<http://www.ovw.usdoj.gov/fedresources.htm>

National Advisory Committee on Violence Against Women

<http://www.ovw.usdoj.gov/nac/welcome.html>

National Hotlines and Help for Victims

<http://www.ovw.usdoj.gov/hotnum.htm>

State Domestic Violence Coalitions

<http://www.ovw.usdoj.gov/statedomestic.htm>

The Violence Against Women Act (VAWA)

<http://www.ovw.usdoj.gov/regulations.htm>

Tribal Coalitions

http://www.ovw.usdoj.gov/tribal_coalitions.htm

U.S. Department of Labor, Occupational Safety and Health Administration (OSHA)

Safety and Health Topics: Workplace Violence

<http://www.osha.gov/SLTC/workplaceviolence/index.html>

Workplace Violence Fact Sheet

http://www.osha.gov/OshDoc/data_General_Facts/factsheet-workplace-violence.pdf

Workplace Violence: Hazard Awareness

<http://www.osha.gov/SLTC/workplaceviolence/recognition.html>

Workplace Violence: Possible Solutions

<http://www.osha.gov/SLTC/workplaceviolence/solutions.html>

Workplace Bullying Institute

<http://bullyinginstitute.org/>

Legislative Campaign

<http://workplacebullyinglaw.org/>

CHAPTER 6

Workplace Safety and Health

THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

The Occupational Safety and Health Act of 1970 created the Occupational Safety and Health Administration (OSHA) within the U.S. Department of Labor. The Act also encouraged employers and employees to reduce workplace hazards and implement safety and health programs. The Act guarantees workers the right to:

- Review copies of appropriate standards, rules, regulations, and requirements that the employer should have available at the workplace.
- Request information from the employer to toxic substances.
- Access to relevant employee exposure and medical records.
- Request the OSHA area director to conduct an inspection if they believe hazardous conditions or violations of standards exist in the workplace.
- Have an authorized employee representative accompany the OSHA compliance officer during the inspection tour.
- Respond to questions from the OSHA compliance officer, particularly if there is no authorized employee's representative accompanying the compliance officer on the inspection "walkaround."
- Observe any monitoring or measuring of hazardous materials and see the resulting records, as specified under the Act and as required by OSHA standards.
- Have an authorized representative, or by themselves, review the Log and Summary of Occupational Injuries (OSHA No. 300) at a reasonable time and in a reasonable manner. (See the material beginning on pages xx–xx.)
- Object to the abatement period set by OSHA for correcting any violation in the citation issued to the employer by writing to the OSHA area director within 15 working days from the date the employer receives the citation.
- Submit a written request to the National Institute for Occupational Safety and Health (NIOSH) for information on whether any substance in the workplace has potentially toxic effects in the concentration being used, and have their names withheld from the employer, if so requested.
- Be notified by the employer if the employer applies for a variance from an OSHA standard, and testify at a variance hearing, and appeal the final decision.
- Have their names withheld from the employer, upon request to OSHA, if a written and signed complaint is filed.
- Be advised of OSHA actions regarding a complaint and request an informal review of any decision not to inspect or to issue a citation.
- File a Section 11(c) discrimination complaint if punished for exercising the above rights or for refusing to work when faced with an imminent danger of

death or serious injury and there is insufficient time for OSHA to inspect; or file a Section 405 reprisal complaint under the Surface Transportation Assistance Act (STAA).

The Employer's Responsibilities Under OSHA

Employers have certain responsibilities under the Occupational Safety and Health Act. The following list summarizes the most important of those responsibilities:

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the Act.
- Examine workplace conditions to make sure they conform to applicable OSHA standards.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Provide medical examinations and training when required by OSHA standards.
- Post at a prominent location within the workplace the OSHA poster (or the state-plan equivalent) informing employees of their rights and responsibilities. (See the reproduction of the poster on page 12-26.)
- Report to the nearest OSHA office within 8 hours any fatal accident or one that results in the hospitalization of three or more employees.
- Keep records of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this requirement.)
- Provide employees, former employees and their representatives access to the Log of Work-Related Injuries and Illnesses (OSHA Form 300).
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.

The Employee's Responsibilities Under OSHA

Most workers do not realize that the Occupational Safety and Health Act also addresses the responsibilities of employees. Although OSHA does not cite em-

employees for violations of their responsibilities, the Act states that each employee “shall comply with all occupational safety and health standards and all rules, regulations, and orders issued under the Act” that are applicable. In states with their own occupational safety and health programs, employee responsibilities and rights are generally the same as for workers in states covered by federal OSHA.

An employee should do the following:

- Read the OSHA poster at the jobsite.
- Comply with all applicable OSHA standards.
- Follow all lawful employer safety and health rules and regulations, and wear or use prescribed protective equipment while working.
- Report hazardous conditions to the supervisor.
- Report any job-related injury or illness to the employer, and seek treatment promptly.
- Exercise rights under the Act in a responsible manner.

OSHA Right-To-Know Rule (29 CFR Part 1910.1200)

The Occupational Safety and Health Administration (OSHA) Right-To-Know Rule concerns workers and their right to know about the hazardous chemicals used at the workplace. The rule covers hazardous chemicals that workers must handle to fulfill their job tasks and/or hazardous chemicals to which workers are exposed indirectly. This right-to-know rule is also known as the Hazard Communication Standard (HCS), which is explained in the *Code of Federal Regulations*, Title 29, Part 1910.1200.

Employers must establish a written, comprehensive hazard communication program that includes provisions for container labeling, material safety data sheets, and an employee training program. The program must include a list of the hazardous chemicals in each work area, the means the employer uses to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), hazards associated with chemicals in unlabeled pipes, and the way the employer will inform other employers of the hazards to which their employees may be exposed.

Employers must inform employees of the existence, location, and availability of their medical and exposure records when employees first begin employment and at least annually thereafter. Employers also must provide these records to employees or their designated representatives upon request. Whenever an employer plans to stop doing business and there is no successor employer to receive and maintain these records, the employer must notify employees of their right of access to records at least three months before the employer ceases to do business. OSHA standards require the employer to measure exposure to harmful substances. The employee (or the employee representative) has the right to observe the testing and to examine the records of the results. If the exposure levels are above the limit set by the standard, the employer must tell employees what will be done to reduce the exposure.

All employers are required to provide detailed information to their workers about the types of hazardous chemicals used or stored at the workplace; the areas where the hazardous chemicals are used or stored; and the proper handling of hazardous chemicals in regular work procedures and emergency situations. Additionally, the employers should have material safety data sheets (MSDS) for each hazardous chemical. The MSDS provides information about the hazardous chemicals, such as the precautions to use, the safety and health hazards in their use, and the name of the manufacturer. Employers are also responsible for making certain that containers of hazardous chemicals are clearly marked with a hazardous chemical warning label. In cases where the workers handle sealed containers of hazardous chemicals, such as at warehouses and trucking terminals, etc., it is imperative that employers make certain that labels are always intact on the container and not damaged or taken off. There are some exemptions to the requirement of specifying the hazardous chemicals in the MSDS. One exemption would exist if the identification of a chemical were a trade secret. In such a case, the employer and the chemical manufacturer would need to prove that the trade secret claim is valid.

The regulation requires that workers must be instructed in how to read and understand the warning labels and the material safety data sheets and in how the hazard communication program is utilized at the workplace. Also, workers and their representatives have a right to review all documentation regarding the hazardous chemicals at the workplace.

Additional Employee Rights

Under Section 8(e) of the Act, the worker's representative has a right to accompany an OSHA compliance officer (also referred to as a compliance safety and health officer—CSHO—or inspector) during an inspection. The representative must be chosen by the union (if there is one) or by the employees. Under no circumstances may the employer choose the worker's representative.

If employees are represented by more than one union, each union may choose a representative. Normally the representative of each union will not accompany the inspector for the entire inspection, but will join the inspection only when it reaches the area where those union members work.

An OSHA inspector may conduct a comprehensive inspection of the entire workplace or a partial inspection limited to certain areas or aspects of the operation.

Safety and health compliance officers assess whether employers are in compliance with the Hazard Communication Standard during planned and unplanned visits to the workplace.

Workers have a right to talk privately to the compliance officer on a confidential basis, whether or not a worker's representative has been chosen. Workers are encouraged to point out hazards, describe accidents or illnesses that resulted from those hazards, describe past worker complaints about hazards, and inform the inspector if working conditions are not normal during the inspection.

Additional OSHA Guidance on Filing a Complaint

The information in this section is from the OSHA website www.osha.gov.

The Occupational Safety and Health Act of 1970 gives employees the right to file complaints about workplace safety and health hazards. Further, the Act gives complainants the right to request that their names not be revealed to their employers.

If you would like to report hazards at your worksite to OSHA, or you have been discriminated against on the basis of safety and health issues, choose one of the following:

- File a complaint online if you believe your working conditions are unsafe or unhealthful.

(Note: Most online complaints are addressed by OSHA's phone/fax system. That means they may be resolved informally over the phone with your employer. Written, signed complaints submitted to OSHA Area or State Plan offices are more likely to result in onsite OSHA inspections; see complaint handling process. Complaints from workers in OSHA-approved state plan states will be forwarded to the appropriate state plan for response.)

If you are concerned about confidentiality, you may prefer to file your complaint from your home computer or a computer in your local library.

- Download the OSHA complaint form, complete it, and then fax or mail it to your local OSHA Regional Office, or you may simply contact your local OSHA office to receive a copy of the complaint form. Be sure to include your name, address and telephone number so that you can be contacted.
- Telephone your local OSHA Regional Office. OSHA staff can discuss your complaint and respond to any questions you have.
- File a discrimination complaint if your employer has punished you for exercising any employee rights established under the OSH Act or for refusing to work when faced with an imminent danger of death or serious injury and there is insufficient time for OSHA to inspect. You can file a complaint by calling your local OSHA Regional Office. In states with approved state plans, employees may file a complaint with both the State and Federal OSHA.
- If there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional Office or 1-800-321-OSHA.

Employees or their representatives must provide enough information for OSHA to determine that a hazard probably exists. Workers do not have to know whether a specific OSHA standard has been violated in order to file a complaint.

Because it is important to give as much complete and accurate information as possible about an alleged hazard, answers to the following types of questions may be useful:

- How many employees work at the site and how many are exposed to the hazard?
- How and when are workers exposed?

- What work is performed in the unsafe or unhealthful area?
- What type of equipment is used? Is it in good condition?
- What materials and/or chemicals are used?
- Have employees been informed or trained regarding hazardous conditions?
- What process and/or operation is involved?
- What kinds of work are done nearby?
- How often and for how long do employees work at the task that leads to their exposure?
- How long (to your knowledge) has the condition existed?
- Have any attempts been made to correct the problem?
- How many shifts work in the area and what times do they start? On what shifts does the hazard exist?
- What personal protective equipment is required by the employer? Is the equipment used by the employees?
- Has anyone been injured or made ill as a result of this problem?
- Have there been any “near-miss” incidents?

The following are some additional specific questions for health hazards:

- Has the employer conducted any tests to determine if employees are exposed to the hazardous condition or substance?
- What are these tests and the results of the tests?
- What steps has the employer taken, if any, to control the hazard?
- Do any employees have any symptoms that they think are caused by the hazardous condition or substance?
- Have any employees been treated by a doctor for a work-related disease or condition? What was it?

(Note: It is not necessary to have the answers to all the questions in order to file a complaint. The list is provided here as a guide.)

ERGONOMICS

Ergonomics is the study of the fit between the design of jobs and the anatomy of workers. Ergonomics is the “process” of looking at job design problems and developing solutions to eliminate them. It might mean implementing engineering changes to production lines in order to eliminate awkward postures, lessen force, or reduce the number of repetitions workers must perform. It also might mean adding workers to a particular job or providing additional rest breaks in order to give a worker’s body the opportunity to recuperate. Many ergonomic solutions are quite inexpensive. Effective and successful “fits” assure high productivity, avoidance of illness and injury risks, and increased satisfaction among the work force. Ergonomics refers to work-related factors that may pose a risk of repetitive strain injuries (RSIs). RSIs go by many names, such as musculoskeletal disorders

(MSDs), cumulative trauma disorders, repetitive motion injuries, overuse syndromes, or repeated trauma disorders.

RSIs result from cumulative trauma or damage to the body over a period of time. Cumulative injuries are different from acute injuries that occur instantly and generally have an easily identifiable cause. An example of an acute injury would be a broken arm suffered by a worker who breaks her arm after falling from a ladder. The causes of RSIs may not be so readily identifiable. A sore wrist from constantly using scissors to cut fabric or from typing continuously is a good example of cumulative trauma disorder.

Some of the symptoms associated with repetitive strain injuries are soreness, weakness, stiffness, tenderness, swelling, a burning sensation, tingling, numbness, and decreased coordination.

A repetitive strain injury can be painful as well as disabling and expensive. For instance, did you know that:

- Each year, RSIs caused by repetitive motion and overexertion account for more than 600,000 serious workplace injuries in the United States.
- Thirty percent of disabling injuries are caused by repetitive motion and overexertion. That's more than any other single cause of injury, including fires, explosions, transportation incidents, or machinery.
- RSIs are very costly. Studies have estimated the cost per RSI case to be between \$7,000 and \$30,000. The costs of these injuries nationally may be as high as \$20 billion annually.
- Women represent 65 percent of the workers who experience RSIs affecting the arms, shoulders, hands and wrists. Women are five times more likely to suffer from carpal tunnel syndrome than men.

It is important to keep in mind that some repetitive strain injuries or musculoskeletal disorders have been associated with non-work activities (e.g., sports) and medical conditions (e.g., kidney disease, rheumatoid arthritis). In these cases, the RSIs or MSDs may be aggravated by workplace factors.

When the work environment and the performance of work contribute significantly to the RSI or MSD and the disorder is made worse or longer lasting by work conditions, the disorder is referred to as a work-related musculoskeletal disorder (WMSD). The intensity, frequency, and duration of exposure to the workplace factors are called ergonomic risk factors. Some descriptions of musculoskeletal disorders include the following:

- Disorders of muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs.
- Disorders that are not typically the result of any instantaneous or acute event (such as a slip, trip, or fall) but reflect a more gradual or chronic development. (Nevertheless, acute events such as slips and trips are very common causes of musculoskeletal problems such as low-back pain.)
- Disorders that are diagnosed by a medical history, physical examination, or other medical test and that can range in severity from mild and intermittent to debilitating and chronic.

- Disorders with several distinct features such as carpal tunnel syndrome as well as disorders defined primarily by the location of the pain (e.g., low-back pain).

Ergonomic Risk Factors

Health records or medical examinations and symptom surveys may indicate the nature and extent of musculoskeletal problems in the work force. Efforts to identify jobs or tasks having known risk factors for musculoskeletal problems can provide the groundwork for changes aimed at risk reduction. Even without medical evidence, screening jobs for musculoskeletal risk factors can offer a basis for early interventions.

According to the scientific literature, there are several potential risk factors for musculoskeletal disorders, especially when they occur at high levels and in combination. In general, knowledge of the relationship between risk factors and the level of risk is still incomplete. Also, individuals vary in their capacity to adjust to the same job demands. Some may be more affected than others. The following are recognized as important risk factors:

- **Awkward postures.** Body postures determine which joints and muscles are used in an activity and the amount of force or stresses that are generated or tolerated. For example, more stress is placed on the spinal discs when lifting, lowering, or handling objects while the back is bent or twisted rather than straight. Manipulative or other tasks requiring repeated or sustained bending or twisting of the wrists, knees, hips or shoulders also impose increased stresses on these joints. Activities requiring frequent or prolonged work above shoulder height can be particularly stressful.
- **Forceful exertions (including lifting, pushing and pulling).** Tasks that require forceful exertions place higher loads on the muscles, tendons, ligaments and joints. Increasing force means increasing body demands, such as greater muscle exertion along with other physiological changes necessary to sustain an increased effort. Prolonged or recurrent experiences of this type can give rise not only to feelings of fatigue but may also lead to musculoskeletal problems when there is inadequate time for rest or recovery.
- **Repetitive motions.** If motions are repeated frequently (e.g., every few seconds) and for prolonged periods such as an eight-hour shift, fatigue and muscle-tendon strain can accumulate. Tendons and muscles can often recover from the effects of stretching or forceful exertions if sufficient time is allotted between exertions. Effects of repetitive motions from performing the same work activities are increased when awkward postures and forceful exertions are involved. Repetitive actions as a risk factor can also depend on the body area and specific act being performed.
- **Duration.** Duration refers to the amount of time a person is continually exposed to a risk factor. Job tasks that require the use of the same muscles or motions for long durations increase the likelihood of both localized and general fatigue. In general, the longer the period of continuous work (e.g., tasks requiring sustained muscle contraction), the longer the recovery or rest time required.
- **Contact stresses.** Repeated or continuous contact with hard or sharp objects such as desk edges that are not rounded or tool handles that are not padded

may create pressure over one area of the body (e.g., the forearm or sides of the fingers) that can inhibit nerve function and blood flow.

- **Vibration.** Exposure to local vibration occurs when a specific part of the body comes in contact with a vibrating object, such as a power handtool. Exposure to whole-body vibration (WBV) can occur while standing or sitting in vibrating environments or while working with vibrating objects (e.g., operating heavy-duty vehicles or large machinery).
- **Other conditions.** Workplace conditions that can influence the presence and magnitude of the risk factors for WMSDs can include cold temperatures, machine-paced work, insufficient pauses and rest breaks for recovery, and unfamiliarity with the work.

Types of Injuries

The U.S. Department of Health and Human Services, National Institute for Occupational Safety and Health (NIOSH) reviewed extensive data on ergonomic research or epidemiologic studies on work-related factors and their relationship to RSIs or MSDs that affect the neck, shoulder, elbow, hand/wrist, and lower back. [Epidemiologic studies seek to identify factors that are positively or negatively associated with the development or recurrence of adverse medical conditions.] Their findings were as follows:

- **Neck RSIs or MSDs.** NIOSH examined over 40 epidemiologic studies. Some of those studies used rigorous epidemiologic criteria resulting in the following causal inferences. For instance, there is *evidence* for a causal relationship between highly repetitive work and neck and neck/shoulder RSIs or MSDs. There is also *evidence* for forceful exertion and the occurrence of neck RSIs or MSDs. There is *strong evidence* that working groups with high levels of static contraction, prolonged static loads, or extreme working postures involving the neck/shoulder muscles are at increased risk for neck/shoulder RSIs or MSDs. The epidemiological data were *insufficient* to provide support for the relationship of vibration to neck disorders.
- **Shoulder RSIs or MSDs.** NIOSH examined over 20 epidemiological studies. Results of the studies included *evidence* for a positive association between highly repetitive work and shoulder RSIs or MSDs. There is *insufficient evidence* for a positive association between force and shoulder RSIs or MSDs. The studies also show there is *evidence* for a relationship between repeated or sustained shoulder postures with greater than 60 degrees of flexion or abduction and shoulder RSIs or MSDs.
- **Elbow RSIs or MSDs (Epicondylitis).** Epicondylitis is an irritation or inflammation of the epicondyle, which are the surrounding tissues of the elbow. NIOSH examined over 20 epidemiological studies. The results of these studies showed that there was *insufficient evidence* to support an association between repetitive work and elbow RSIs or MSDs. There is *evidence* for an association between forceful work and epicondylitis. There is *insufficient evidence* to draw conclusions about the relationship of postural factors alone and epicondylitis. There is *strong evidence* for a relationship between exposure to a combination of risk factors (e.g., force and repetition, force and posture) and epicondylitis. Epide-

miological surveillance data, both nationally and internationally, have consistently reported that the highest incidence of epicondylitis occurs in those whose occupations and/or job tasks are manually intensive and require high work demands in dynamic environments – for example, among construction workers, mechanics, butchers, and boilermakers.

- Hand/Wrist RSIs or MSDs.
 - (1) Carpal Tunnel Syndrome (CTS). NIOSH examined over 30 epidemiological studies. Results were as follows: There is *evidence* of a positive association between highly repetitive work alone or in combination with other factors and CTS. There is *evidence* of a positive association between forceful work and CTS. There is *insufficient evidence* of an association between CTS and extreme postures. There is *evidence* of a positive association between work involving hand/wrist vibration and CTS. There is *strong evidence* of a positive association between exposure to a combination of risk factors (e.g., force and repetition, force and posture) and CTS.
 - (2) Hand/Wrist Tendonitis. NIOSH examined eight epidemiological studies. Results showed that there is *evidence* of an association between any single factor (repetition, force, and posture) and hand/wrist tendonitis. Also, there is *strong evidence* that job tasks that require a combination of risk factors (e.g., highly repetitious, forceful hand/wrist exertions) increase risk for hand/wrist tendonitis.
 - (3) Hand-Arm Vibration Syndrome (HAVS). NIOSH examined 20 epidemiological studies. Results indicated that there is *strong evidence* of a positive association between high-level exposure to hand-arm vibration (HAV) and vascular symptoms of hand-arm vibration syndrome (HAVS). The studies examined workers with high levels of exposures, such as forestry workers, stone drillers, stonecutters or carvers, shipyard workers, or platers.
- Low-Back RSIs or MSDs. NIOSH examined over 40 epidemiological studies. The following conclusions were drawn from the studies. For instance, there is evidence for a positive relationship between back disorder and heavy physical work, although risk estimates were more moderate than for lifting/forceful movements, awkward postures, and whole-body vibration (WBV). There is strong evidence that lower-back disorders are associated with work-related lifting and forceful movements. Evidence also showed that work-related awkward postures are associated with lower-back disorders. There is strong evidence of an association between exposure to WBV and lower-back disorder. Both experimental and epidemiological evidence suggest that WBV may act in combination with other work-related factors, such as prolonged sitting, lifting, and awkward postures, to cause increased risk of back disorder. There is insufficient evidence between static work posture and lower-back disorder.

Other factors that can result in a back injury include the following:

- The weight and size of an object that is lifted or carried,
- The height level from which an object is lifted (e.g., from the floor or at shoulder height),
- How close to the body a worker holds an object that is lifted or carried,

- The frequency with which an object is lifted,
- The stability of an object that is lifted or carried,
- The distance that an object is carried,
- Whether the floor is slippery or uneven, and
- Whether an object lacks a handle to use in lifting.

How to Inspect the Workplace

A number of tools can be used to inspect the workplace to eliminate ergonomic hazards associated with RSIs, such as a walkaround inspection, a survey of co-workers, employer records, and a risk map. The following paragraphs describe the tools of inspection.

Walkaround Inspection

A “walkaround inspection” of the workplace to examine jobs and note potential risk factors is a good method for identifying jobs that may cause RSIs. The worker and union steward or safety and health committee should work together on the best way to conduct such an inspection. When coupled with the results from a records review and a survey of workers, targeting problem jobs for action is much easier. A copy of the RSI walkaround checklist can be found at the end of this chapter.

Job analyses are usually conducted by persons who have considerable experience and training. There is no “standard” protocol for conducting a job analysis to assess ergonomic hazards. For ergonomic purposes, the tasks of most jobs can be described in terms of the following: (1) the tools, equipment, and materials used to perform the job, (2) the workstation layout and physical environment, and (3) the task demands and organizational climate in which the work is performed.

RSI Survey

This survey can be used to determine which workers might be experiencing injuries or symptoms of RSI. The results of the survey should give a better idea of which jobs may be the most hazardous or which departments have a number of workers suffering from RSIs. A copy of the survey can be found at the end of this chapter. Surveys can be designed or tailored to the specific kind of work that is done. A cover letter explaining the reason for the survey should be included when the surveys are distributed. Union stewards can distribute and collect the surveys to help encourage a good response rate.

A PERSONAL STORY ABOUT CARPAL TUNNEL SYNDROME

Shirley Mack is a single mother from Spring Lake, North Carolina. A few years ago, she took a job at a poultry-processing factory. One day, her hand started going numb. She reported it to her supervisor but was ordered to go back to work or else be fired. Shirley was diagnosed with carpal tunnel syndrome and nerve damage. She takes lots of pain pills and wears a device on her belt that provides stimulation to her arm and wrist. After a few days of restricted work activity, she was fired from her job. Shirley wakes up every morning in wrenching pain. She can't fix a big meal like she used to, hang clothes or do yard work. She can't go to the grocery store by herself because she can't push the cart. Shirley Mack is disabled. She has had her previous lifestyle taken away by carpal tunnel syndrome. She's been forced to take public assistance in order to feed her kids. Her life will never be the same.

Employer Records

Employers maintain records that make it relatively simple to determine the extent of injuries at the workplace. The Occupational Safety and Health Act (OSHA) provides workers the right to collect injury information. The current forms do not require to specifically list ergonomics as an injury class, but the incidents should be included in the totals.

- OSHA requires employers in most industries to maintain work-related injury and illness records called OSHA 300 Logs. These logs contain information on most of the injuries and illnesses that occur in the workplace in a calendar year. Temporary reassignment to another job due to an injury is recorded as “restricted work activity.”
- Workers and union representatives have a legal right to review and obtain copies of these logs. See copies of the forms that are reprinted at the end of this chapter.

By doing a simple analysis of the logs, valuable data can be acquired to identify and fix hazardous jobs and to mobilize co-workers. Legal requirements may require individual injured consent for the local union to review detailed injury data, Form 301, to further delineate reported injury class.

Risk Mapping

This technique is a collective activity that is not based on the ability to describe a job in words but on the ability to visualize and illustrate hazards by actually drawing them. The procedure requires the following:

1. Make a floor plan of the workplace. It’s best to do this on a large piece of butcher paper using a heavy black marker.
2. Add the location(s) of machinery, equipment, storage areas, workstations, exits, etc.
3. Use different colors to mark the following:
 - Jobs or tasks that involve various RSI risk factors, based on information from the walkaround inspection:
 - Repetition
 - Forceful movements (e.g., lifting, pushing or pulling)
 - Awkward postures
 - Fast work pace
 - Cold temperatures
 - Inadequate rest breaks
 - Jobs where workers have reported RSI symptoms, based on information collected from the surveys.
 - Jobs where workers have experienced RSIs, based on information from the OSHA 300 log.
4. List hazards that would be simple to correct.
5. List items that require more information and investigation.

6. List priorities.
7. Discuss how to approach management to deal with the priority areas.

Prevention of Ergonomic Hazards

A good ergonomics program should include (1) processes to identify and fix problem jobs, (2) medical treatment for injured workers, (3) meaningful worker/union involvement, and (4) training for all employees.

While it is management's responsibility to implement and pay for ergonomic changes, workers must have a say in how their jobs are altered. Workers' input should be sought before changes are implemented and again after changes have occurred to determine whether they have been effective.

Designing work to prevent RSIs usually is not complex. By reviewing the OSHA 300 log, doing a walkaround inspection, surveying workers and compiling a risk map, a priority list can be made of the jobs needing the most attention.

It is best to seek the assistance of the local union in resolving safety and health hazards in the workplace. The local union can recommend solutions to management. If management does not cooperate, a grievance about the safety and health conditions can be filed. OSHA can intervene if management does not correct the problem(s) specified by the local. Under the OSHA Act, Section 5(a)(1), the employer is responsible for providing a safe workplace.

Fixing Problem Jobs

For purposes of this section, a "problem job" is one that is likely to cause a repetitive strain injury. There are three categories of ergonomic changes that should be considered for problem jobs.

1. Engineering Changes or Controls
 - a. Changing machinery, tools or tool handles to reduce awkward postures like bent wrists or overhead reaches;
 - b. Providing mechanical assists (e.g., hydraulic lifting devices);
 - c. Redesigning workstations to make them more comfortable and adjustable for different-sized workers;
 - d. Providing adjustable chairs;
 - e. Eliminating long reaches; and
 - f. Automating high-risk jobs without eliminating jobs.
2. Administrative Changes or Controls
 - a. Assigning additional staff without increasing the work pace;
 - b. Giving more breaks to allow tired body parts to rest; and
 - c. Job rotation.

3. Work Practice Controls or Changes
 - a. Varying movements or job tasks so that the same body parts are not used repeatedly; and
 - b. Giving new workers, or workers who change jobs, a break-in period to learn their jobs;
 - c. Giving workers safety equipment that fits properly and protects against the cold;
 - d. Breaking up heavy loads into more manageable ones;
 - e. Eliminating piecework, or other incentive systems, which encourage long hours and very rapid work; and
 - f. Ensuring that job modifications don't create new risk factors.

Health Care Management

A good ergonomics program also must make sure that workers who are injured get proper medical care promptly and assure that workers are not returned to jobs that may injure them again. Workers with RSI symptoms should receive regular treatment and follow-up by a health care provider and comply with any restrictions recommended. NIOSH recommends the following medical management program.

Employer Responsibilities

1. To provide education and training to employees regarding the recognition of the symptoms and signs of WMSDs;
2. To encourage employees' early reporting of symptoms and prompt evaluation by an appropriate health care provider;
3. To give health care providers the opportunity to become familiar with jobs and job tasks;
4. To modify jobs or accommodate employees who have functional limitations secondary to WMSDs as determined by a health care provider; and
5. To ensure, to the extent permitted by law, employee privacy and confidentiality regarding medical conditions identified during an assessment.

Employee Responsibilities:

1. To follow applicable workplace safety and health rules;
2. To follow work practice procedures related to the job; and
3. To report early signs and symptoms of WMSDs.

Health Care Provider Responsibilities

1. To acquire experience and training in the evaluation and treatment of WMSDs;
2. To seek information and review materials regarding employee job activities;
3. To ensure employee privacy and confidentiality to the fullest extent permitted by law; and

4. To evaluate symptomatic employees including:
 - a. Medical histories with a complete description of symptoms;
 - b. Descriptions of work activities as reported by the employees;
 - c. Physical examinations appropriate to the presenting symptoms and histories;
 - d. Initial assessments or diagnoses;
 - e. Opinions as to whether occupational risk factors caused, contributed to, or exacerbated the conditions; and
 - f. Examinations to follow up symptomatic employees and document symptom improvements or resolutions.

Post-Treatment

- Health care providers are responsible for determining the physical capabilities and work restrictions of the affected workers.
- Employers are responsible for giving employees tasks consistent with these restrictions.
- Employee exposure to ergonomic stressors can be reduced through restricted duty and/or temporary job transfer.
- Immobilization devices may provide relief to the symptomatic area in some cases. A splinting device may cause other joint areas (elbows or shoulders) to become symptomatic as work techniques are altered. Any immobilization device should be monitored carefully to prevent complications (e.g., muscle atrophy caused by nonuse).
- Health care providers should advise affected workers about the potential risk of continuing hobbies, recreational activities, or other personal habits that may adversely affect their condition as well as the risk of continuing work without job modifications.

Ergonomic Considerations for Users of Computers

In the “Additional Resources section the end of this chapter you will find a “Computer Workstation Evaluation Checklist” for computer workstations. You can use this checklist to determine whether your computer work area is ergonomically correct.

In general, the following principles apply:

- The top of the monitor should be located at or just below eye level.
- The user’s head and neck should be balanced and in line with the torso.
- Shoulders should be relaxed.
- Elbows should be close to the body and supported.
- The lower back should be supported.
- Wrists and hands should be in line with forearms.
- There should be adequate room for the keyboard and the mouse.
- The user’s feet should be flat on the floor.

Meaningful Worker/Union Involvement

Workers and their union representatives should be full partners in any workplace ergonomics program. Since workers know their jobs well, they can describe the problems and evaluate proposed solutions. Workers should be involved in making an assessment to determine which jobs are causing problems, in designing ergonomic solutions, in designing systems for reporting RSI symptoms, in training programs and in evaluating the entire program.

Training

The best ergonomics programs provide all workers and supervisors with training about RSI risk factors and ways to reduce these injuries. The program should include information about how to report RSIs and protections against employer retaliation for workers who report injuries.

Signs of Ergonomic Risk

The following signs and signals are sample indications of real or possible workplace problems, which have prompted requests for National Institute for Occupational Safety and Health (NIOSH) ergonomic evaluations.

- Company OSHA Form 301 logs or workers' compensation claims showing cases of MSDs such as carpal tunnel syndrome, tendonitis, epicondylitis, and low-back pain.
- Certain jobs or work conditions causing worker complaints of undue strain, localized fatigue, discomfort, or pain that does not go away after an overnight rest.
- Workers visiting the clinic and making frequent references to physical aches and pains related to certain types of work assignments.
- Job tasks involving activities such as repetitive and forceful exertions; frequent, heavy, or overhead lifts; awkward work positions; or use of vibrating equipment.
- Trade publications, employers' insurance communications, or references in popular literature indicating risks of WMSDs connected with job operations in the employer's business.
- Cases of WMSDs found among competitors or in similar businesses.
- Proposals for increasing line speed, retooling, or modifying jobs to increase individual worker output and overall productivity.

Ergonomics Standard

In response to a petition from the AFL-CIO and 30 of its affiliated unions, the Occupational Safety and Health Administration (OSHA) in the administration of the first President Bush, initiated the process of developing an ergonomics standard to address the expensive and disabling problem of repetitive strain injuries (RSIs).

In May 1994 the National Association of Manufacturers formed a coalition called “The National Coalition on Ergonomics,” representing 300 U.S. corporations and trade associations. The purpose of the coalition was to campaign to prevent OSHA from issuing an ergonomics standard. A legislative rider, which passed the Congress in July 1995, prevented OSHA from taking any action in developing an ergonomics standard. The rider was in effect until September 30, 1996. Another rider proposed language to prevent OSHA from developing an ergonomics standard, and it was added to the FY 1997 appropriations bill for the U.S. Departments of Labor, Health and Human Services, and Education. The language was deleted by a vote of 216 to 205.

Another opponent of an ergonomics standard was the Coalition for Ergonomic Research, which formed during the 105th Congress. This group consisted of employer groups.

Standing for the protection of all workers, the AFL-CIO supports the development of an OSHA ergonomics standard to protect workers against repetitive strain injuries. The development of an ergonomics standard for the workplace, including protections from RSIs, was again a major issue during the debate on the FY 1998 appropriations measure for the U.S. Departments of Labor, Health and Human Services, and Education. The AFL-CIO affirms that RSIs are a serious health hazard that cripples thousands of workers every year.

Significant support for an ergonomics standard exists within the scientific community. Both the American Public Health Association and the American Industrial Hygiene Congress stated their support for such a standard.

OSHA contends that RSIs are the biggest job safety problem in America. (See the chronology at the end of this chapter for an outline of the efforts of OSHA and businesses on the ergonomics standard.)

On November 22, 1999, OSHA proposed a rule requiring employers to implement ergonomics programs for hazardous jobs—a major step forward in the fight to end crippling workplace injuries. If approved, the regulations would be the most significant worker safety and health law of the past 15 years, reflecting the tireless efforts of union members who faced down a well-financed campaign by major corporations to block ergonomics regulation.

OSHA accepted written comments on the proposed rule until March 2, 2000. Public hearings were held in the spring of 2000. The Clinton Administration issued a final standard in November 2000. The rule was 10 years in the making.

In his first major legislative action, President George W. Bush signed legislation on March 20, 2001, repealing OSHA’s ergonomics standard. This important worker safeguard had been designed to prevent hundreds of thousands of workplace injuries each year, but it was withdrawn by a pro-business president and a Republican-controlled Congress. In its place, the Bush Administration announced a “plan” of “voluntary guidelines” that include no federal regulations and carry no meaningful ergonomic protections for workers. The AFL-CIO estimates that since March 2001 when President Bush killed the ergonomics standard, millions of workers have suffered ergonomic injuries.

WORKERS' COMPENSATION

Workers' compensation is a system through which monetary awards are given to employees who are injured or become sick because of their jobs. The system also provides benefits to surviving dependents of workers who are killed in work-related accidents or by work-related illness. Each state administers its own workers' compensation program, and the federal government protects those not covered by state laws.

Workers' comp insurance covers medical care, dismemberment, disability, and death. Each state defines a benefit level that employers must meet. The medical benefits are comparable to those available under health insurance, but workers comp also provides "compensation" for lost wages as long as the employee is considered partially or permanently disabled. The doctor who treats the injured employee must also evaluate the extent of the disability and determine when the employee is fit to return to work.

HOW TO FILE A WORKERS' COMPENSATION CLAIM

In most states, the law requires that employers carry workers' compensation insurance. The employer is responsible for filing the claim with its insurance carrier, which in turn files with the state for the injured employee. (A self-insured employer files a claim directly with the state.) The employee should also keep thorough records about the accident or illness. While there are important differences between states, workers' compensation is supposed to pay for medical treatment and provide partial payment for lost wages. Workers' compensation is a no-fault insurance system. Some workers may be covered by different laws, including the Federal Employees Compensation Act (FECA), the Longshore and Harbor Workers Act (L&HWA) or separate laws for railroad workers and seafarers.

Workers suffering from RSIs should file claims for workers' compensation in order to get proper medical care and to be compensated for time away from work. Workers should contact their local union for help in filing a claim and possible referral to a workers' compensation attorney.

The guidelines for filing a claim are as follows:

Step 1. NOTIFY your supervisor, the personnel department, and your union steward about the work-related injury or illness as soon as possible, even if there is no absence from work. (All states require that such notice be given within a certain time period.)

Step 2. SEEK medical treatment as soon as possible. Even if there is no absence from work, eligibility for workers' compensation will help to pay for the medical bills. Depending on the state, the company or its insurer may choose the doctor. Ask the union for advice. If you are injured on the job, your employer's insurance company is obligated to pay for reasonable and necessary medical treatment. If your employer has written an "incident report," obtain a copy of it. Your union steward and the employer should obtain the names of workers who witnessed your injury or assisted you after you were injured.

Step 3. TELL the doctor about the job and describe the work environment. Make sure the doctor records all concerns.

Step 4. EXPECT a “waiting period” before receiving workers’ compensation benefits. (This applies to persons whose injuries prevent them from working.) This “waiting period” varies from state to state but is usually within two to four weeks. If benefits or a “Notice of Denial” is not received, notify the union as soon as possible.

Step 5. ASK the union for help in resolving the claim. If necessary, ask the union to suggest a competent workers’ compensation attorney. If there is no union, try to find an experienced workers’ compensation lawyer. Ask for advice from other injured workers, legal aid societies, local Coalition on Occupational Safety and Health (COSH) groups, or check with the local trial bar association to see if there is a workers’ compensation section.

Step 6. CONSULT with the union’s legal department or a local COSH group for help. Inquire about the rights under other laws, including the Americans With Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) or other federal government or state laws.

OSHA RECORDKEEPING REQUIREMENTS

The Occupational Safety and Health Act of 1970 (OSH Act) requires covered employers to prepare and maintain records of occupational injuries and illnesses. The Occupational Safety and Health Administration (OSHA) in the U.S. Department of Labor is responsible for administering the recordkeeping system established by the Act. The OSH Act and recordkeeping regulations in 29 CFR 1904 and 1952 provide specific recording and reporting requirements which comprise the framework for the nationwide occupational safety and health recording system.

Under this system, it is essential that data recorded by employers be uniform and accurate to assure the consistency and validity of the statistical data which is used by OSHA for many purposes, including inspection targeting, performance measurement under the *Government Performance and Results Act* (GPRA), standards development, resource allocation, Voluntary Protection Program (VPP) eligibility, and “low-hazard” industry exemptions. The data also aid employers, employees and compliance officers in analyzing the safety and health environment at the employer’s establishment and is the source of information for the OSHA Data Initiative (ODI) and the Bureau of Labor Statistics’ (BLS) Annual Survey.

In January 2001, OSHA issued a final rule revising the § 1904 and § 1952 Occupational Injury and Illness Recording and Reporting Requirements (Recordkeeping) regulations, the first revision since 1978. The goals of the revision were to simplify the system, clarify ongoing concepts, produce more useful information and better utilize modern technology. The new regulation took effect on January 1, 2002. As part of OSHA’s extended outreach efforts, the agency also produced *Recordkeeping Policies and Procedures Manual* (CPL 2-0.135, revised December 30, 2004), which contained, along with other related information, a variety of Frequently Asked Questions. In addition, in 2002, a detailed Injury and Illness Recordkeeping website was established containing links to helpful resources

related to Recordkeeping, including training presentations, applicable Federal Register notices, and OSHA's recordkeeping-related Letters of Interpretation. (See www.osha.gov/recordkeeping/index.html.)

OSHA published a handbook that brings together relevant information from the Recordkeeping rule, the policies and procedures manual and the website. It is organized by regulatory section and contains the specific final regulatory language, selected excerpts from the relevant OSHA decision analysis contained in the preamble to the final rule, along with recordkeeping-related Frequently Asked Questions and OSHA's enforcement guidance presented in the agency's Letters of Interpretation. The user will find this information useful in understanding the Recordkeeping requirements and will be able to easily locate a variety of specific and necessary information pertaining to each section of the rule.

The information included in the handbook deals only with the requirements of the Occupational Safety and Health Act of 1970 and Parts 1904 and 1952 of Title 29, Code of Federal Regulations, for recording and reporting occupational injuries and illnesses. Some employers may be subject to additional recordkeeping and reporting requirements not covered in this document. Many specific OSHA standards and regulations have additional requirements for the maintenance and retention of records for medical surveillance, exposure monitoring, inspections, and other activities and incidents relevant to occupational safety and health, and for the reporting of certain information to employees and to OSHA. For information on these requirements, which are not covered in the handbook, employers should refer directly to the OSHA standards or regulations, consult OSHA's website for additional information (www.osha.gov), or contact their OSHA regional office or participating State agency.

For more information on recordkeeping requirements and training aids, go to OSHA's website: <http://www.osha.gov/recordkeeping/index.html>

PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS

OSHA requires the use of personal protective equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposure to acceptable levels. Employers are required to determine if PPE should be used to protect their workers.

If PPE is to be used, a PPE program should be implemented. This program should address the hazards present; the selection, maintenance, and use of PPE; the training of employees; and monitoring of the program to ensure its ongoing effectiveness.

PPE is addressed in specific standards for the general industry, shipyard employment, marine terminals, and long-shoring.

For more information on PPE requirements and what regulations apply to specific industries, go to the OSHA website at:

<http://www.osha.gov/SLTC/personalprotectiveequipment/index.html#etools>

EMPLOYER PAYMENT FOR PPE

The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) announced a final rule on employer-paid personal protective equipment (PPE). Under the rule, all PPE, with a few exceptions, will be provided at no cost to the employee. OSHA anticipates that this rule will have substantial safety benefits that will result in more than 21,000 fewer occupational injuries per year. The rule was published in the Federal Register on November 15, 2007.

“Employees exposed to safety and health hazards may need to wear personal protective equipment to be protected from injury, illness and death caused by exposure to those hazards,” said Assistant Secretary of Labor for OSHA Edwin G. Foulke Jr. “This final rule will clarify who is responsible for paying for PPE, which OSHA anticipates will lead to greater compliance and potential avoidance of thousands of workplace injuries each year.”

The final rule contains a few exceptions for ordinary safety-toed footwear, ordinary prescription safety eyewear, logging boots, and ordinary clothing and weather-related gear. The final rule also clarifies OSHA’s requirements regarding payment for employee-owned PPE and replacement PPE. While these clarifications have added several paragraphs to the regulatory text, the final rule provides employees no less protection than they would have received under the 1999 proposed standard.

The rule also provides an enforcement deadline of six months from the date of publication to allow employers time to change their existing PPE payment policies to accommodate the final rule.

In a summary published with the final rule, OSHA stated:

Many Occupational Safety and Health Administration (OSHA) health, safety, maritime, and construction standards require employers to provide their employees with protective equipment, including personal protective equipment (PPE), when such equipment is necessary to protect employees from job-related injuries, illnesses, and fatalities. These requirements address PPE of many kinds: hard hats, gloves, goggles, safety shoes, safety glasses, welding helmets and goggles, faceshields, chemical protective equipment, fall protection equipment, and so forth. The provisions in OSHA standards that require PPE generally state that the employer is to provide such PPE. However, some of these provisions do not specify that the employer is to provide such PPE at no cost to the employee. In this rulemaking, OSHA is requiring employers to pay for the PPE provided, with exceptions for specific items. The rule does not require employers to provide PPE where none has been required before. Instead, the rule merely stipulates that the employer must pay for required PPE, except in the limited cases specified in the standard.

The question of whether the employer was responsible for providing PPE at no cost to the employer was decided in an OSHA Review Commission case. The commission ruled that the language in the then current regulation did state the

employer was responsible for providing PPE, but it did interpret that providing meant at the employer's expense. That case was decided in 1997. OSHA almost immediately began rule making to try to correct what they viewed as a flaw in the interpretation by the review commission. Although it took 10 years to complete the task, OSHA did finalize the regulation in a manner that should protect the interests of workers when PPE is required to complete assigned tasks.

A copy of the final regulation is included in this section, and can be accessed on the OSHA website at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=20094

THE NATIONAL SAFETY COUNCIL

The National Safety Council (NSC) is a 501 (c) (3) non-for-profit, charitable, international public service organization dedicated to educating and influencing people to prevent accidental injuries and deaths. Founded in 1913 and chartered by the U.S. Congress in 1953, the NSC is the only organization promoting safety in the workplace, in transportation, and in homes and communities.

Members of the NSC include 18,600 companies of all sizes and from a broad spectrum of industries, representing 33,300 locations and 8.5 million employees around the world. The National Safety Council serves as the nation's leading resource on industry trends, professional development, and strategies for advancing safety and health programs and practices. The Council is active in converting injury research and trends information into injury prevention education, training, consultation and advocacy leadership.

As a membership organization, the National Safety Council provides opportunities for greater engagement in addressing industry-specific issues. Members of the Workplace, Transportation and Home & Community Venues bring their perspectives from multiple industries to identify common issues and trends. Members contribute to the Council's continuing efforts to achieve a holistic safety agenda that supports its strategic plan.

Through the support and collaboration of a national network of 40 state and regional chapters, the National Safety Council has an even greater impact and presence at the local level providing community-based programs and services, trainings, conferences, workshops and consultations as well as a local voice for safety and health advocacy. The National Safety Council's network of chapters conducts safety, health and environmental efforts at the community level, providing training, conferences, workshops, consultation, newsletters, updates and safety support materials, as well as valuable networking avenues. Located in many cities across the U.S. and in the United Kingdom, our network extends the Council's visibility and provides a local voice for advocating issues that can educate, inform, protect, and save lives. For more information on Chapters and their locations, see: <http://www.nsc.org/chapters/chaptop.aspx>.

With the generous support of partners in safety, the National Safety Council is able to have an even greater impact on reducing accidental injuries and deaths in workplaces, on roads and highways, and in homes and communities throughout the United States and around the world.

History and Important Milestones of the NSC

- 1912 First Cooperative Safety Congress

The First Cooperative Safety Congress convened in Milwaukee, comprised of a small group of industrial leaders from the Midwest concerned for American workers' safety. The outcome of their gathering was a decision to form a permanent body devoted to the promotion of safety in U.S. industry. In Chicago a year later, Oct. 13, 1913, the National Council for Industrial Safety was formed.

- 1913–1922 Second Safety Congress

The Second Safety Congress was held in New York City, with 200 in attendance. The delegates created the National Council for Industrial Safety, “a clearinghouse of safety information available to all concerned.” One year later, the name of the organization was changed to National Safety Council to reflect a broader focus including traffic safety and other non-industrial safety issues.

- 1923–1932 Uniformed Vehicle Code

The Council and the U.S. Chamber of Commerce initiated a National Conference on Street and Highway Safety. The result: the Uniform Vehicle Code, a model for traffic laws in all states. The first issue of Public Safety magazine was published. It was renamed Traffic Safety in 1957.

- 1933–1942 Mobilize Nationwide Resources

In 1941, President Franklin D. Roosevelt called on the NSC to “mobilize its nationwide resources in leading a concerted and intensified campaign against accidents, and to call upon every citizen, in public or private capacity, to enlist in this campaign and do his part in preventing wastage of human and material resources of the nation through accidents.”

- 1943–1952 Motion Picture and Radio Committee

During the 1940's, the Council's Motion Picture and Radio Committee enlisted more than 80 stars of screen and radio to record safety features.

- 1953–1962 Congressional Charter

President Dwight D. Eisenhower approved an Act of Congress that granted a Congressional Charter to the National Safety Council, formally recognizing the Council's leadership in coordinating safety efforts. In 1961, the first issue of Family Safety magazine was published. Now titled *Family Safety & Health*, the magazine today reaches more than two million homes.

- 1963–1972 Defensive Driving Course

The Council launched the first Defensive Driving Course, adapted from techniques used by professional drivers. Today, more than 50 million drivers worldwide have taken the course. In 1971, the Council published the first edition of Fundamentals of Industrial Hygiene, which today remains the definitive text on the subject.

- 1973–1982 Operation Lifesaver Program

At the request of the National Transportation Safety Board, the Council implemented the Operation Lifesaver Program to reduce injuries and fa-

talities at railroad-highway grade crossings. In 1981, the first annual Make It Click safety belt campaign was launched. In 1982, President Ronald Reagan named Council President Vincent Tofany to the newly formed Presidential Commission on Drunk Driving.

- 1983–1992 First Aid Institute

The Council became the parent host to the National Commission Against Drunk Driving, created to carry out recommendations of the former Presidential Commission on Drunk Driving. In 1990, the Council launched the First Aid Institute. More than seven million people have since been trained in first aid and CPR.

- 1993–2002 Air Bag & Seat Belt Campaign

The Council led the Air Bag & Seat Belt Safety Campaign in partnership with more than 150 corporations and organizations, increasing seat belt usage by 19 million people in its first two years, and reducing child deaths from air bags by 94%. In 2000, the NSC issued the Safety Agenda for the Nation defining the key injury issues in America: falls in the home, workplace safety, occupant protection, young driver safety, drunk drivers, large truck safety, and pedestrian safety.

The Green Cross

The most recognizable symbol associated with the National Safety Council is undoubtedly the Green Cross for Safety. But the Green Cross and the council didn't begin at the same time. In 1913, the council's emblem was the Universal Cross for Safety—a white cross on a green field, often paired with wings. Green symbolized youth, white indicated purity and sincerity of purpose, and the cross was a symbol of mercy. Each wing represented power and safety; combined they stood for protection.

The Green Cross was created in the 1940s to identify fund-raising activities but quickly became a more recognizable safety symbol in the public's eye. It was even said: "as the Red Cross is the great 'Mother of Mercy,' may the Green Cross be the great 'Father of Prevention.'" The council adopted the Green Cross for Safety as its official emblem in 1947. And in 2002, the council adopted an additional cross to use in identifying the council's work.

THE NSC LABOR DIVISION

Industry Networking Groups provide member benefits and advantages

As a National Safety Council member, you can play a safety leadership role in YOUR industry! The council has industry networking groups that are always looking for the expertise of safety professionals in a wide variety of industries. These groups provide many ways for you to network with professionals in your field, and share your safety knowledge with peers to help make your industry safer.

About the Labor Division

Established in 1955, the Labor Division now has over 280 dedicated members nationwide from industries such as Maritime, Construction, Transportation, Utilities and more. Members of Labor Division work with hundreds of other union-based safety professionals and government regulators through administrative, professional and special interest committees to target various safety and health concerns within the labor community.

Benefits

Benefits of joining the Labor Industry Networking Group include networking, professional development, safety solutions, and more.

GENERAL ACTIVITIES OF THE LABOR INDUSTRY NETWORKING GROUP

- Meet and work with other members and industry leaders.
- Examine safety, health and environmental trends and issues and contribute to projects geared to addressing them.
- Participate in technical content preparation and review of products and programs.
- Develop, review and provide training to members.
- Develop public policy statements on safety, health and environmental issues.
- Assist the National Safety Council with delivering its mission

THE IBEW SAFETY CAUCUS

One of the session's at the regular meetings of the NSC Labor Division is caucus time for each of the international/national members unions. Of the 280 current division memberships, the IBEW numbers run about 150 to 175 of that total. As the IBEW delegation grew, it was quickly realized that more time devoted to safety issues affecting IBEW members was needed.

A group of safety activists from IBEW local unions that regularly attend Labor Division meetings and the IBEW safety director developed the groundwork for what has become known as the IBEW Safety Caucus. The Safety Caucus meets twice yearly, once in the spring and again in the fall, in conjunction with the regularly scheduled Labor Division meetings.

Items on the agenda include a report on safety related activities at the federal government level in Washington, D.C., and a report from the IBEW safety director on other safety and health issues affecting IBEW members and local unions. Each Caucus includes several mini-training sessions that are designed to bring current information to the delegates for their use back in their home local unions. Recent topics have included:

- NFPA 70E Requirements
- Flame Resistant clothing
- Fall protection
- Voluntary Compliance Programs
- Effective Safety Committees
- Chain Saw Safety
- Pandemic Flu Preparedness
- Emergency Response
- American Heart Association – new CPR guidelines
- Radio Frequency (RF) hazards

Other important sessions that are scheduled at each Caucus are the industry breakout sessions. During this time, specific industry delegates, for example telecommunications, utility, construction, meet separately for two to three hours to discuss areas of safety that are of interest to the specific industry. While many topics are of interest to a wide range of industries, these breakout sessions allow for dedicated industry time. These sessions have grown to be a vital part of the success of the Caucus and have also proven to create valuable opportunities to share important ideas with other delegates in the same trade or job duties.

For more information on the IBEW Safety Caucus contact the IBEW Safety and Health Department at 202-728-6040 (telephone), 202-728-6137 (fax), or safety@ibew.org (email).

WORKERS' MEMORIAL DAY

Workers Memorial Day has been observed for the past 21 years. It was first observed on April 28, 1989. April 28 was designated because it is the anniversary of the Occupational Safety and Health Act and the day of a similar remembrance in Canada. Every year, hundreds of communities and worksites recognize those workers who have been killed or injured on the job. Trade unionists around the globe now mark April 28 as an International Day of Mourning.

On this day, workers across the United States remember those who have died in workplace catastrophes, been injured because of dangerous conditions, or become diseased by exposure to toxic substances. Workers and their unions have been fighting any assault on job safety and health protections waged by some members of Congress and their business allies. Each year more than 600,000 workers suffer from these injuries, making them the nation's biggest job safety problem. Virtually every industry and occupation is affected. Many workers with RSIs and back injuries struggle physically and financially for the rest of their lives.

ADDITIONAL RESOURCES

The following sources are intended to help you get more information about workplace safety and health. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

AFL-CIO

Chronology of OSHA's Ergonomics Standard and the Business Campaign Against It

<http://www.aflcio.org/issues/safety/ergo/upload/chrono2004.pdf>

Safety & Health at Work

<http://www.aflcio.org/issues/safety/>

Workers' Memorial Day

<http://www.aflcio.org/issues/safety/memorial/>

Canadian Centre for Occupational Safety and Health

<http://www.ccohs.ca/>

Centers for Disease Control and Prevention National Institute for Occupational Safety and Health (NIOSH)

<http://www.cdc.gov/niosh/>

Ergonomics

<http://www.lohp.org/graphics/pdf/hw24en10.pdf>

National Safety Council (NSC)

Find NSC Near You

http://www.nsc.org/nsc_near_you/Pages/find_nsc_near_you.aspx

Labor Division

http://www.nsc.org/get_involved/divisions/Pages/LaborDivision.aspx

Occupational Safety and Health Administration (OSHA)

Computer Workstation Evaluation Checklist

<http://www.osha.gov/SLTC/etools/computerworkstations/checklist.html>

Federal Register: Part III (Thursday, November 15, 2007)

Department of Labor Occupational Safety and Health Administration: 29 CFR Parts 1910, 1915, 1917 et al. Employer Payment for Personal Protective Equipment; Final Rule

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=20094&p_table=FEDERAL_REGISTER

It's the Law

<http://www.osha.gov/Publications/osha3165.pdf>

OSHA Forms for Recording Work-Related Injuries and Illnesses

<http://www.osha.gov/recordkeeping/new-osha300form1-1-04.pdf>

Personal Protective Equipment (PPE)

<http://www.osha.gov/SLTC/personalprotectiveequipment/>

CHAPTER 7

Statistics on Working Women

This chapter presents U.S. and Canadian statistics relevant to working women and their families. Various charts and tables showing employment, wages, traditional jobs for women, and nontraditional jobs for women¹ demonstrate that union representation continues to amount to a significant difference in the wages workers earn.

The ever-present wage gap between men and women is proof of the continuing inequality women face in the workplace. According to data from the U.S. Department of Labor, full-time female wage and salary workers earned 80 percent of men's median weekly earnings.

The statistics presented in this chapter support the view that women must still struggle to obtain full equality in the workplace.

¹A nontraditional job would be defined as one in which women constitute 25 percent or less of those employed.

Median Weekly Earnings for U.S. Women Workers

(full time wage and salary workers, 16 years of age and older)

in current dollars

YEAR	All Women Workers	All Union Women Workers	All Nonunion Women Workers	Union vs. Nonunion Wage Advantage	Union Wage Advantage
2009	\$657	\$840	\$628	\$212	34%
2008	\$638	\$809	\$615	\$194	32%
2007	\$614	\$790	\$592	\$198	33%
2006	\$600	\$758	\$579	\$179	31%
2005	\$585	\$731	\$559	\$172	31%
2004	\$573	\$723	\$541	\$182	34%
2003	\$552	\$696	\$523	\$173	33%
2002	\$529	\$666	\$509	\$157	31%
2001	\$511	\$643	\$494	\$149	30%
2000	\$491	\$616	\$472	\$144	31%
1999	\$473	\$608	\$449	\$159	35%
1998	\$456	\$596	\$430	\$166	39%

Sources: Bureau of Labor Statistics, *Employment and Earnings* (January Issue), 1998-2004.

Bureau of Labor Statistics, *Union Members in 2005*, January 2006.

Bureau of Labor Statistics, *Union Members in 2007*, January 2008 January 2010.

Median Weekly Earnings for Black Women Workers in the U.S.
 (full time wage and salary workers, 16 years of age and older)
 in current dollars

YEAR	All Women Workers	All Union Women Workers	All Nonunion Women Workers	Union vs. Nonunion Wage Advantage	Union Wage Advantage
2009	\$582	\$717	\$560	\$157	28%
2008	\$554	\$674	\$523	\$151	29%
2007	\$533	\$697	\$513	\$184	36%
2006	\$519	\$665	\$502	\$163	32%
2005	\$499	\$632	\$478	\$154	32%
2004	\$505	\$629	\$490	\$139	28%
2003	\$552	\$696	\$523	\$173	33%
2002	\$529	\$666	\$509	\$157	31%
2001	\$511	\$643	\$494	\$149	30%
2000	\$491	\$616	\$472	\$144	31%
1999	\$473	\$608	\$449	\$159	35%
1998	\$456	\$596	\$430	\$166	39%

Sources: Bureau of Labor Statistics, *Employment and Earnings* (January Issue), 1998-2004.
 Bureau of Labor Statistics, *Union Members in 2005*, January 2006.
 Bureau of Labor Statistics, *Union Members in 2007*, January 2008 January 2010.

Median Weekly Earnings for Hispanic Women Workers in the U.S.
 (full time wage and salary workers, 16 years of age and older)
 in current dollars

YEAR	All Women Workers	All Union Women Workers	All Nonunion Women Workers	Union vs. Nonunion Wage Advantage	Union Wage Advantage
2009	\$509	\$683	\$493	\$190	39%
2008	\$501	\$654	\$487	\$167	34%
2007	\$473	\$675	\$446	\$229	51%
2006	\$440	\$607	\$420	\$187	45%
2005	\$429	\$609	\$414	\$195	47%
2004	\$419	\$623	\$401	\$222	55%
2003	\$552	\$696	\$523	\$173	33%
2002	\$529	\$666	\$509	\$157	31%
2001	\$511	\$643	\$494	\$149	30%
2000	\$491	\$616	\$472	\$144	31%
1999	\$473	\$608	\$449	\$159	35%
1998	\$456	\$596	\$430	\$166	39%

Sources: Bureau of Labor Statistics, *Employment and Earnings* (January Issue), 1998-2004.
 Bureau of Labor Statistics, *Union Members in 2005*, January 2006.
 Bureau of Labor Statistics, *Union Members in 2007*, January 2008 January 2010.

Median Weekly Earnings for White Women Workers in the U.S.
 (full time wage and salary workers, 16 years of age and older)
 in current dollars

YEAR	All Women Workers	All Union Women Workers	All Nonunion Women Workers	Union vs. Nonunion Wage Advantage	Union Wage Advantage
2009	\$669	\$859	\$639	\$220	34%
2008	\$654	\$837	\$627	\$210	33%
2007	\$626	\$814	\$603	\$211	35%
2006	\$609	\$777	\$588	\$189	32%
2005	\$596	\$749	\$576	\$173	30%
2004	\$584	\$738	\$557	\$181	32%
2003	\$552	\$696	\$523	\$173	33%
2002	\$529	\$666	\$509	\$157	31%
2001	\$511	\$643	\$494	\$149	30%
2000	\$491	\$616	\$472	\$144	31%
1999	\$473	\$608	\$449	\$159	35%
1998	\$456	\$596	\$430	\$166	39%

Sources: Bureau of Labor Statistics, *Employment and Earnings* (January Issue), 1998-2004.
 Bureau of Labor Statistics, *Union Members in 2005*, January 2006.
 Bureau of Labor Statistics, *Union Members in 2007*, January 2008 January 2010.

Median Weekly Earnings Asian Women Workers in the U.S.

(full time wage and salary workers, 16 years of age and older)
in current dollars

YEAR	All Women Workers	All Union Women Workers	All Nonunion Women Workers	Union vs. Nonunion Wage Advantage	Union Wage Advantage
2009	\$779	\$936	\$756	\$180	24%
2008	\$753	\$880	\$737	\$143	19%
2007	\$731	\$842	\$712	\$130	18%
2006	\$699	\$828	\$681	\$147	22%
2005	\$665	\$789	\$643	\$146	23%
2004	\$613	\$756	\$594	\$162	27%

Sources: Bureau of Labor Statistics, *Union Members in 2005*, January 2006, Bureau of Labor Statistics, *Union Members in 2007*, January 2008, and Bureau of Labor Statistics, *Union Members in 2009*, January 2010.

Nontraditional Occupations* in Which Women Constitute 25 Percent Or Less of the Total Employed 2008

Nontraditional Occupations¹ For Women in 2008
(Numbers in thousands)

<u>Occupation</u>	<u>Employed Both Sexes</u>	<u>Employed Female</u>	<u>Percent Female</u>
Architects, except naval	233	58	24.8
Farmers and ranchers	751	183	24.4
Network systems and data communications analysts	422	100	23.7
Security guards and gaming surveillance officers	867	205	23.6
Farm, ranch, and other agricultural managers	217	52	23.9
Drafters	162	38	23.4
Chief executive	1,655	387	23.4
Dishwashers	289	66	22.7
Computer programmers	534	119	22.4
Supervisors, protective service workers, all other	102	22	21.7
Network and computer systems administrators	227	49	21.4
Metal workers and plastic worker, all other	349	74	21.1
Computer software engineers	1,034	216	20.9
Barbers	87	18	20.8
Supervisors, transportation and material moving workers	208	43	20.5
Cutting, punching, and press machine setters, operators, and tenders, metal and plastic	105	21	20.2
Printing machine operators	213	42	19.8
Grinding, lapping, polishing, and buffing machine tool setters, operators, and tenders, metal and plastic	50	10	19.7
Upholsterers	56	11	19.7
Computer hardware engineers	69	13	19.4
Miscellaneous agricultural workers	723	140	19.3
Detectives and criminal investigators	139	27	19.2
Engineering technicians, except drafters	416	77	18.5
First-line supervisors/managers of production and operating workers	874	158	18.1
Molders and molding machine setters, operators, and tenders, metal and plastic	58	10	18.1
Motor vehicle operators, all others	66	12	18
Couriers and messengers	261	45	17.4
Baggage porters, bellhops, and concierges	72	13	17.3
Laborers and freight, stock, and material movers, hand	1,889	324	17.1

Chefs and head cooks	351	60	17
Transportation, storage, and distribution managers	239	41	17
Broadcast and sound engineering technicians and radio operators	98	16	16.1
Precision instrument and equipment repairers	58	9	15.4
Chemical processing machine setters, operators, and tenders	52	8	15.4
Chiropractors	60	9	15.3
Industrial engineers, including health and safety	177	26	14.9
Upholsterers	53	8	14.9
Clergy	441	65	14.8
Service station attendants	87	13	14.8
First-line supervisors/managers of police and detectives	117	17	14.7
Police and sheriff's patrol officers	674	99	14.7
Industrial production managers	243	35	14.5
Refuse and recyclable material collectors	98	14	14
Painting workers	183	25	13.6
Taxi drivers and chauffeurs	373	49	13.3
Crushing, grinding, polishing, mixing, and blending workers	108	14	13.3
Chemical engineers	64	8	13.1
Parking lot attendants	83	10	12.6
Engineers, all others	363	42	11.5
Radio and telecommunications equipment and installers repairers	200	23	11.4
Transportation inspectors	51	6	11.3
Parts salespersons	119	13	10.8
Computer, automated teller, and office machine repairers	335	35	10.5
Civil engineers	346	36	10.4
Aerospace engineers	137	14	10.3
Cost estimators	100	10	10
Cleaners of vehicles and equipment	317	30	9.5
Construction and building inspectors	93	9	9.5
Power plant operators, distributors, and dispatchers	55	5	9.2
Industrial truck and tractor operators	568	51	8.9
Computer control programmers and operators	68	6	8.7
First-line supervisors/managers of fire fighting and preventing workers	54	5	8.7
Water and liquid waste treatment plant and system operators	71	6	8.6
Construction managers	1,244	102	8.2
Pest control workers	71	6	8.2
First-line supervisors/managers of mechanics, installers, and repairers	300	24	8
Electrical and electronics engineers	350	27	7.7
First-line supervisors/managers of landscaping, lawn service, and grounds keeping workers	258	19	7.5
Other installation, maintenance, and repair	213	16	7.5

workers			
Machinists	409	28	6.9
Mechanical engineers	318	21	6.7
Cabinetmakers and bench carpenters	85	6	6.5
Engineering managers	109	7	6.3
Painters, construction and maintenance	647	41	6.3
Grounds maintenance workers	1,262	77	6.1
Motor vehicle operators, all others	74	4	5.5
Home appliance repairers	51	3	5.3
Surveying and mapping technicians	105	5	4.9
Driver/sales workers and truck drivers	3,388	167	4.9
Fire fighters	293	14	4.8
Sheet metal workers	136	7	4.8
Railroad conductors and yardmasters	53	2	4.7
Welding, soldering, and brazing workers	598	28	4.7
Helpers, construction trades	113	5	4.1
Crane and tower operators	69	3	3.7
Maintenance and repair workers, general	461	16	3.5
Telecommunications line installers and repairers	204	7	3.3
Construction laborers	1,651	51	3.1
Locomotive engineers and operators	58	2	2.8
Other extraction workers	55	2	2.8
First-line supervisors/managers of construction trades and extraction workers	844	23	2.7
Aircraft pilots and flight engineers	141	4	2.6
Industrial and refractory machinery mechanics	439	11	2.6
Carpet, floor, and tile installer and finishers	224	5	2.3
Cement masons, concrete finishers, and terrazzo workers	112	2	2.2
Mining machine operators	51	1	2.2
Drywall installers, ceiling tile installers, and tapers	209	4	2.1
Automotive body and related repairers	157	3	2.1
Small engine mechanics	64	2	2
Heating, air conditioning, refrigeration mechanics and installers	397	8	2
Miscellaneous vehicle and mobile equipment mechanics, installers, and repairers	86	2	1.9
Insulation Workers	874	9	1.9
Highway maintenance workers	103	2	1.9
Aircraft mechanics and service technicians	153	3	1.7
Stationary engineers and boiler operators	101	2	1.7
Automotive service technicians and mechanics	852	14	1.6
Electronic home entertainment equipment installers and repairers	75	1	1.6
Operating engineers and other construction equipment operators			
Carpenters	1,562	24	1.5
Operating engineers and other construction equipment operators	398	6	1.5
Pipelayers, plumbers, pipefitters, and	606	8	1.4

steamfitters			
Electrical power-line installers and repairers	109	2	1.4
Roofers	234	3	1.3
Dredge, excavating, and loading machine operators	60	1	1.2
Heavy vehicle and mobile equipment service technicians			
and mechanics	217	2	1.1
Tool and die makers	71	1	1
Electricians	874	9	1
Logging workers	73	1	1
Bus and truck mechanics and diesel engine specialists	358	3	0.9
Millwrights	60	1	0.9
Structural iron and steel workers	77	1	0.9
Maintenance workers, machinery	55	0.4	0.7
Brickmasons, blockmasons, and stonemasons	230	1	0.4

Data not shown where base (total employed, both sexes) is less than 50,000.

¹Nontraditional occupations are those in which women comprise 25 percent or less of total employed.
Source: U.S. Department of Labor, Bureau of Labor Statistics, Annual Averages 2008.

Source: U.S. Department of Labor, Women's Bureau, *Nontraditional Occupations for Women in 2008*, May 2009.

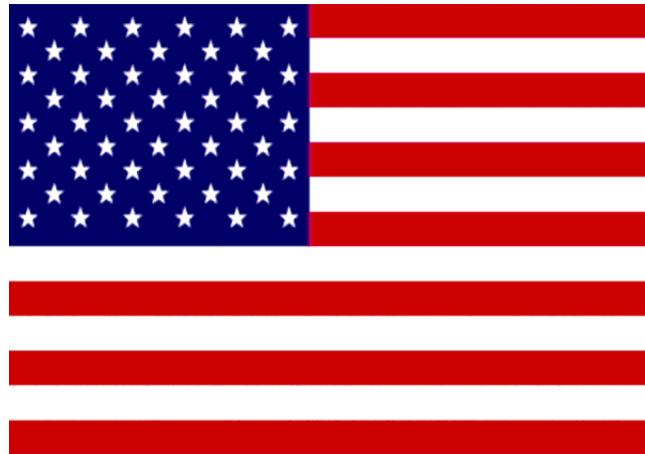
20 Leading Occupations of Employed Women

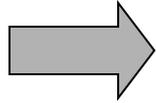
2009 Annual Averages
(employment in thousands)

Occupation	Total Employed Women	Total Employed (Men and Women)	Percent Women	Women's Median Weekly Earnings
Total, 16 years and older (all employed women)	66,208	139,877	47.4	\$657
Secretaries and administrative assistants	3,074	3,176	96.8	619
Registered nurses	2,612	2,839	92.0	1,035
Elementary and middle school teachers	2,343	2,862	81.9	891
Cashiers	2,273	3,056	74.4	361
Nursing, psychiatric, and home health aides	1,770	2,002	88.5	430
Retail salespersons	1,650	3,182	51.9	443
First-line supervisors/managers of retail sales workers	1,459	3,311	44.1	597
Waiters and waitresses	1,434	2,005	71.6	363
Maids and housekeeping cleaners	1,282	1,428	89.8	371
Customer service representatives	1,263	1,862	67.9	587
Childcare workers	1,228	1,292	95.1	364
Bookkeeping, accounting, and auditing clerks	1,205	1,306	92.3	627
Receptionists and information clerks	1,168	1,277	91.5	516
First-line supervisors/managers of office and administrative support	1,163	1,632	71.3	705
Managers, all others	1,106	3,249	34.1	1,037
Accountants and auditors	1,084	1,754	61.8	902
Teacher assistants	921	1,006	91.6	474
Cooks	831	2,004	41.5	371
Office clerks, general	821	1,002	82.0	594
Personal and home care aides	789	926	85.2	406

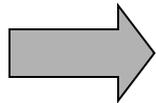
Source: U.S. Department of Labor, Bureau of Labor Statistics, Annual Averages 2009.

Facts on Women Workers in the U.S.





Of the **121 million women** age 16 and over in the United States in 2007, **72 million** were in the labor force - working or looking for work.



Six out of every ten women age 16 and over were labor force participants in 2009. For women between the ages of 25-54, just over three out of four were labor force participants.

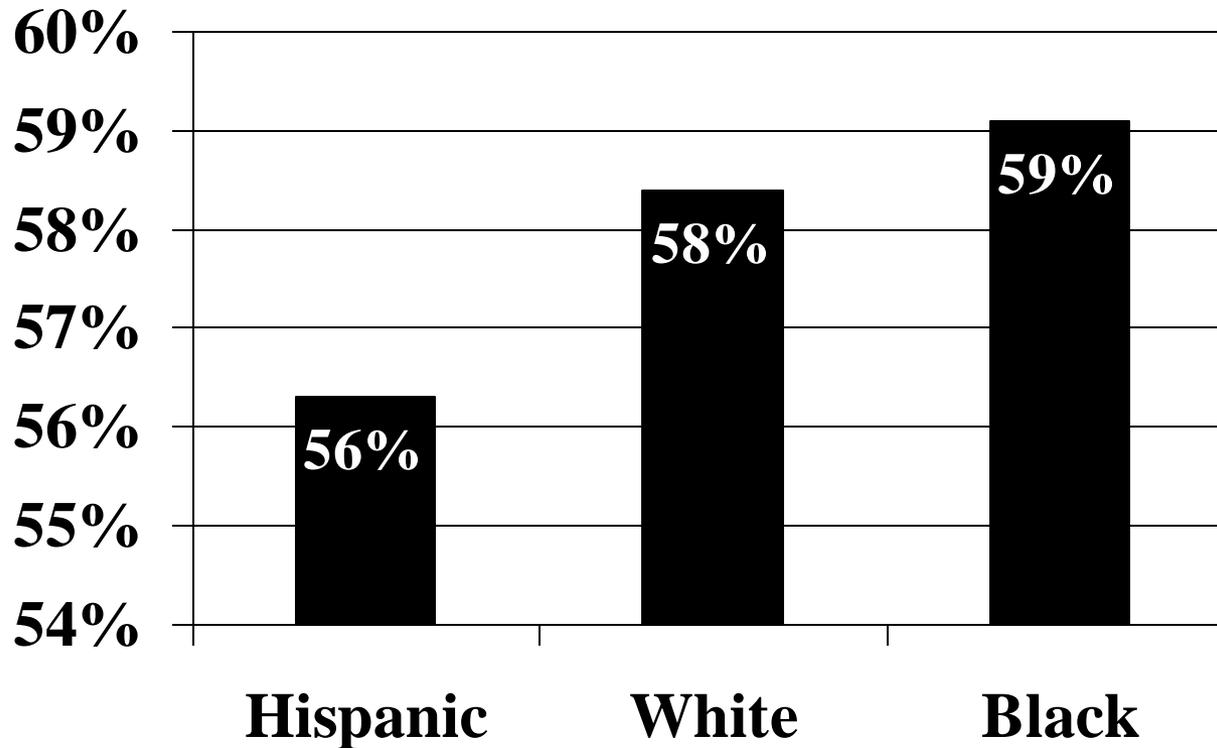
Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

Labor Force Participation Rates for Women, by Age Groups, 2009

Age Groups	Participation Rates
All women	58.5%
16 to 19 years	33.9%
20 to 24	67.6%
25 to 54	75.2%
25 to 34	74.3%
35 to 44	75.2%
45 to 54	76.2%
55 to 64	59.3%
65 and over	13.9%

Source: U.S. Dept. of Labor, Bureau of Labor Statistics,
Employment & Earnings, January 2010.

Labor Force Participation Rates for Women By Race - 2009

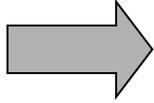


Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

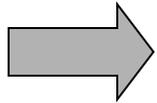
Labor Force Participation Rates for Women, by Race, Selected Years

Year	Black	White	Hispanic
1975	48.8	45.9	n.a.*
1980	53.1	51.2	47.4
1985	56.5	54.1	49.4
1990	57.8	57.5	53.0
1995	59.5	59.0	52.5
2000	63.2	59.8	56.9
2003	61.9	59.2	55.9
2007	60.7	59.3	56.1
2010	59.1	58.4	56.3

Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 1986, 1991, 1996, 2001, 2004, 2008, 2010 and the *Handbook of Labor Statistics*, August 1989.



Women's share of the labor force reached **46.5 percent** in 2007. By 2009, the level was at **47.6 percent**. In 2007, the BLS projected that this percentage will stay virtually constant through 2016.



Educational attainment is a reliable predictor of labor force participation. The higher the level of education, the lower the unemployment rate.

Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

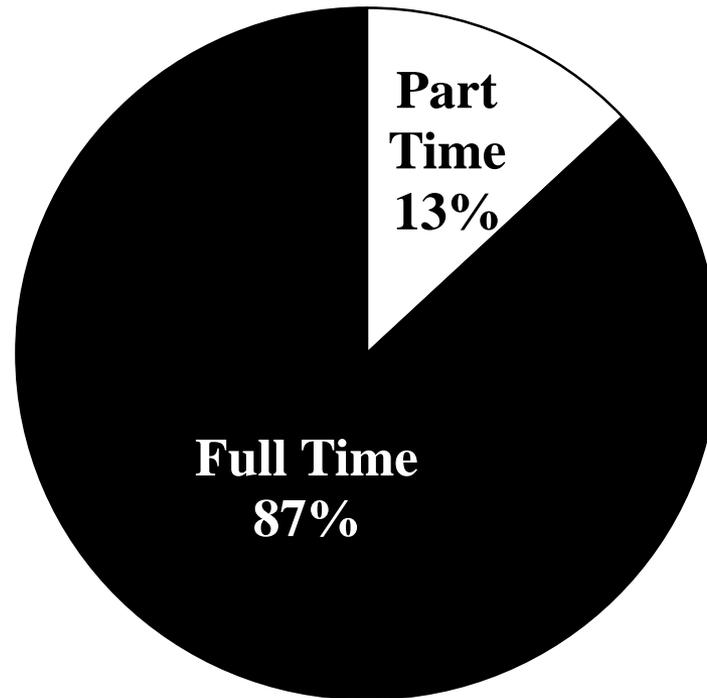
Employment Status of Women, Age 25 Years and Over, by Educational Attainment, 2009

Educational Attainment	Participation Rate	Unemployment Rate
Less than High School diploma	33.4%	13.7%
High School diploma	52.0	8.4
Some college, no degree	62.0	8.5
College graduates	73.1	4.8

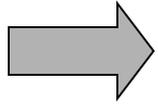
Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

Employment Status of Women - 2009

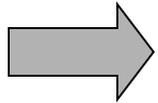
(100% = 72-Million Working Women)



Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

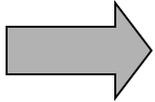


In 2009, **management, professional and related occupations** had the largest percentage of women of any of the five major groups that the Bureau of Labor Statistics uses to classify full-time wage and salary workers by detailed occupation.



Self-employment is an occupational option for many women. There were 3.4 million self-employed women working in nonagricultural industries in 2009.

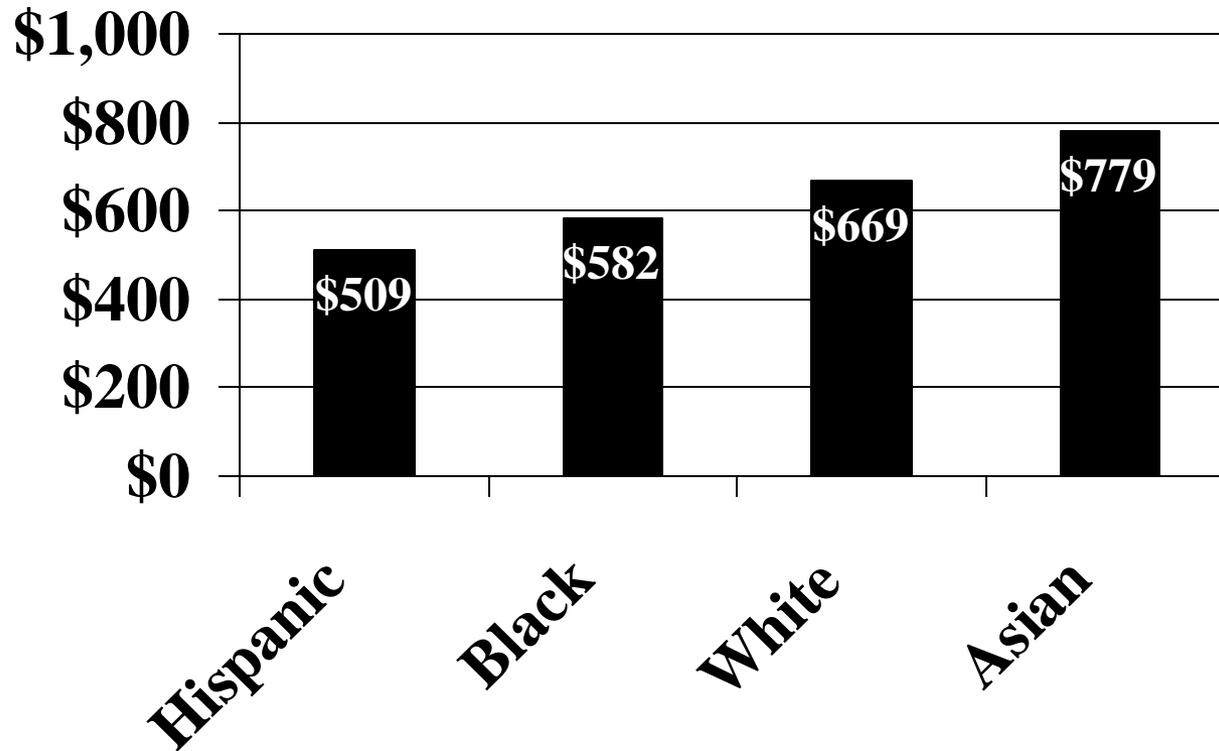
Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.



Women continue to earn less than men. **Median weekly earnings** for full-time wage and salary workers in 2009 were **\$657** for women and **\$819** for men. In other words, women earned **80 percent** of what men earned.

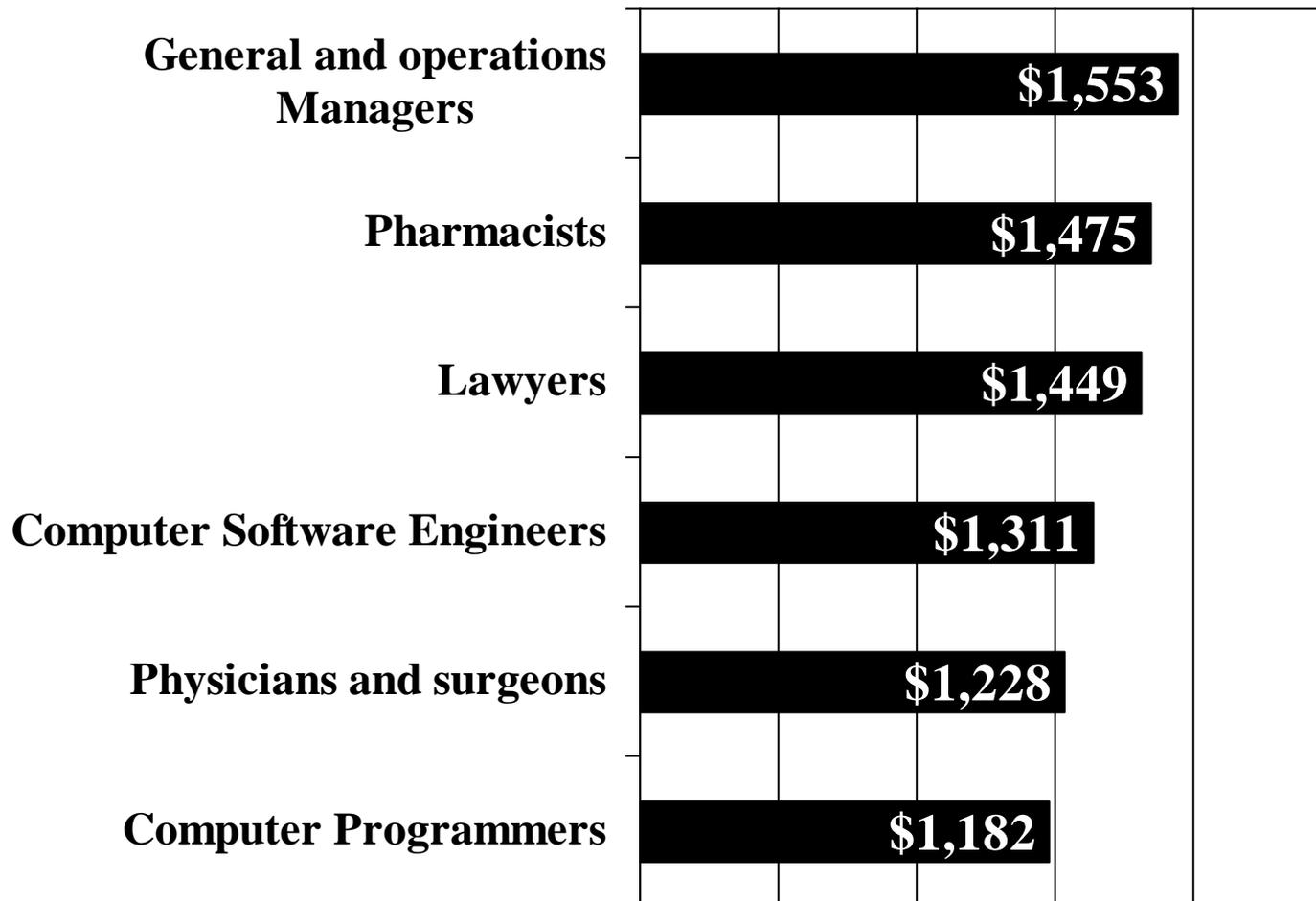
Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

Median Weekly Earnings of Women - 2009



Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010.

Occupations with the Highest Median Weekly Earnings for Women - 2009



Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2010. Based on occupations with at least 50,000 employed women.

Employed Women as Percent of Total Employed Workers by Occupational Group, 2007 (numbers in thousands)

Occupations	Total Employed	Percent of Total
<i>Total</i>	<i>44,712</i>	<i>100%</i>
Sales and Office	14,458	32.3%
Management, professional & related	20,152	45.1%
Service	7,187	16.1%
Production, transportation, and material moving	2,500	5.6%
Natural Resources, construction & maintenance	416	<1%

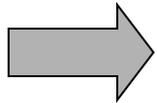
Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2008.

Median Income of Families, by Family Type, 2008

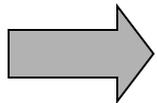
Type of Family	Median Income
Married-couple family	\$72,743
Male householder, no wife	\$43,571
Female householder, no husband	\$30,129

Source: U.S. Dept. of Commerce, Census Bureau,
*Income, Poverty and Health Insurance Coverage in
the United States: 2008, issued September 2009.*

In 2009,
14.8 million (12.6%)
of the 17.5 million
family households in the U.S.
were headed by a woman
with no husband present.

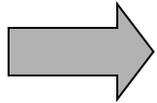


Three in 10 workingwomen make all or almost all of their family's income, and six in 10 earn about half of their family's income.



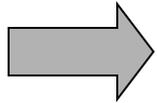
Four in 10 workingwomen work evenings, nights, or weekends on a regular basis, and 33 percent work shifts different than their spouses or partners.

Source: Business and Professional Women's Foundation, "101 Facts on the Status of Workingwomen", October 2007.



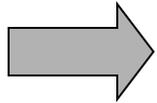
In 1976, women earned 62 cents for every dollar made by a man. Since that time, the gender wage gap has closed by 15 cents, so that in 2009 women earned 80 cents for every dollar made by a man. These figures are worse for women of color: black women earn only 70 cents and Latinas 60 cents for every dollar that men earn.

Source: AFL-CIO, "Equal Pay for Working Families."

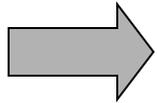


If **single women** earned as much as comparable men, their family incomes would increase by 17 percent and rates of poverty would be cut in half. If **single working mothers** earned as much as comparable men, their incomes would rise by 13.4 percent and poverty rates would be reduced to 1 percent.

Source: AFL-CIO, "Equal Pay for Working Families."



The Labor Department reports the pay gap for the average, full-time working woman means she gets \$150 less in her weekly paycheck.



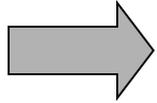
If she works all year, that's \$8,000 less at the end of the year and about \$380,000 over a lifetime.

Source: AFL-CIO

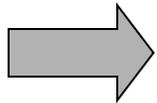
Average Annual Pension Income for Women and Men Age 65-74 (2009)



Source: Institute for Women’s Policy Research, *Social Security Especially Vital to Women and People of Color, Men Increasingly Reliant.*

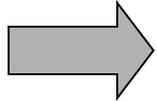


Women consistently vote for unions more often than men.

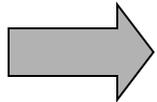


In union elections among predominantly women workers, the win rates are as high as 62% compared to an average win rate of 35% or less where women are in the minority. In units made up of 75% or more of women of color, the win rates are especially high—83%.

Source: AFL-CIO, "Facts about Working Women."



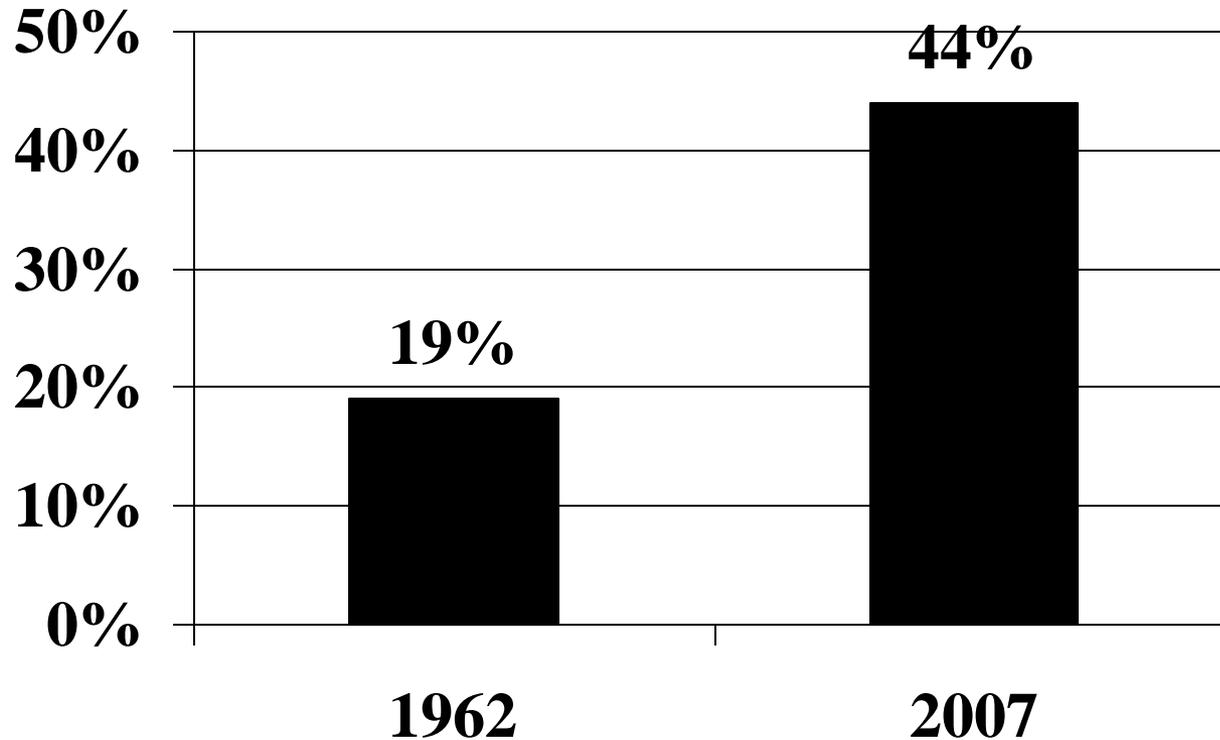
More than half of all private sector organizing campaigns take place in industries and occupations where women make up the majority of the workforce.



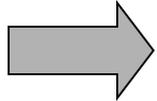
The union pay advantage for women is approximately 31 percent.

Source: AFL-CIO, "Facts about Working Women" and U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2008.

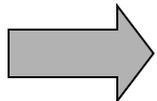
Women as a Percentage of Total Union Membership



Source: AFL-CIO, "Facts about Working Women" and U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment & Earnings*, January 2008.

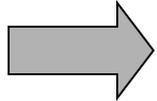


Although every other industrialized country gives women the right to paid maternity leave, no such right exists for women in the United States. The US is also the only country in the Americas not to provide women with paid maternity leave. After the US, the smallest amount of time in the Americas is 60 days, in Bolivia.

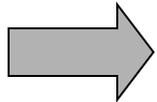


It is estimated that almost 50,000 women are trafficked into the United States each year to toil in sweatshops or in the sex industry.

Source: AFL-CIO, "Get the facts on how women workers' rights are being denied."

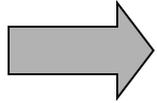


Homicide accounts for 40 percent of workplace deaths for female workers. More than 25 percent of workplace injuries are a result of domestic violence that spills over into the workplace.

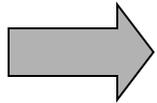


Of women who are victims of domestic violence, 96 percent experience problems at work due to abuse; 74 percent are harassed at work by their abuser; 56 percent are tardy; 28 percent leave work early; and 54 percent are absent.

Source: Business and Professional Women's Foundation, "101 Facts on the Status of Workingwomen, October 2007.

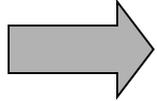


In the post-1979 period, much of the increases in annual earnings of families came from wives joining the paid labor force and working outside the home.

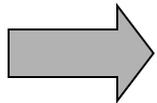


Without the contributions of wives, low income families would have experienced little or no income growth from 1979-2000.

Source: Lawrence Mishel, Jared Bernstein and Heather Boushey, *The State of Working America 2002/2003* (Washington, DC: Economic Policy Institute, 2003), 97-98 and 104.

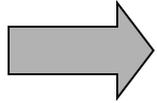


Currently, women earn more than half of all bachelor's degrees, 57 percent of master's degrees and 42 percent of doctoral degrees.

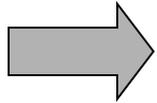


Despite their education levels, females with graduate degrees earn only slightly more than males with no college: \$41,995 for women vs. \$40,822 for men.

Source: Business and Professional Women's Foundation, "101 Facts on the Status of Workingwomen, October 2007.



Two of three women are in jobs that do not provide traditional pensions or 401(k) plans. The median pension for women is half that for men.



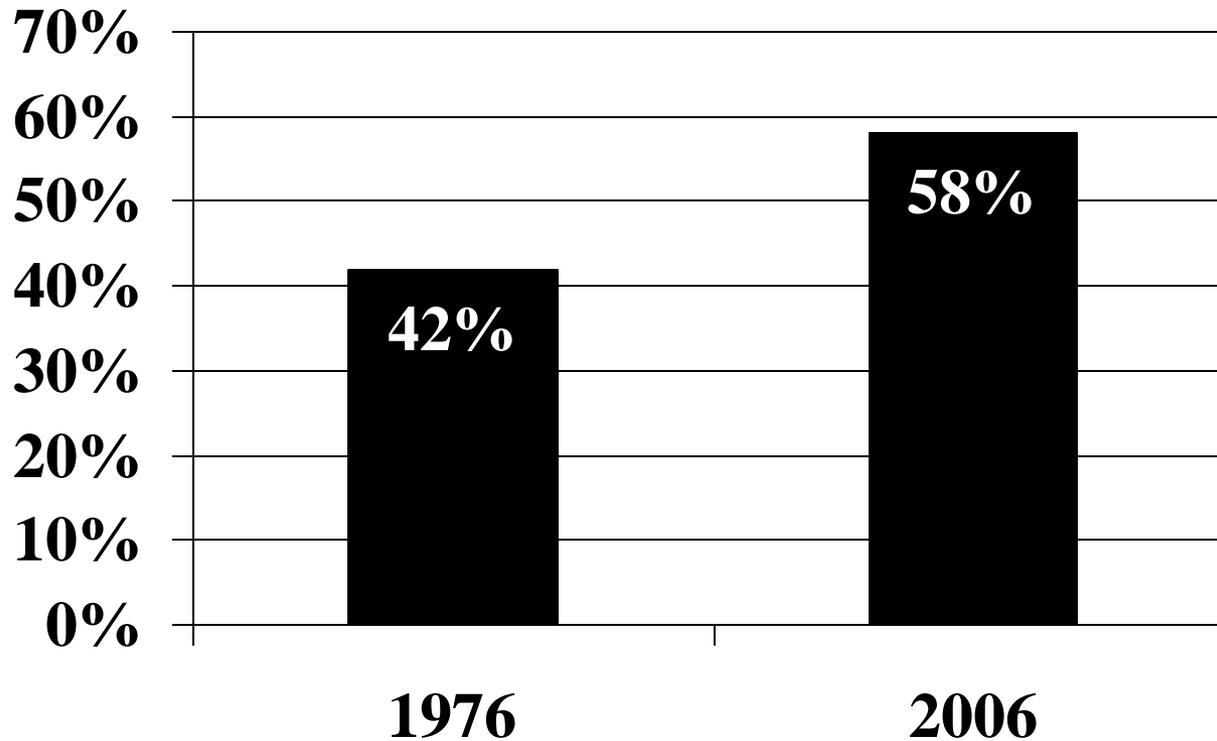
74 percent of the U.S. population aged 65 and over and received Social Security rely on it for half or more of their income. For women, this number is 4 percent higher.

Source: Business and Professional Women's Foundation, "101 Facts on the Status of Workingwomen, October 2007 and AFL-CIO, "Facts about Working Women."

Facts on Women Workers in Canada

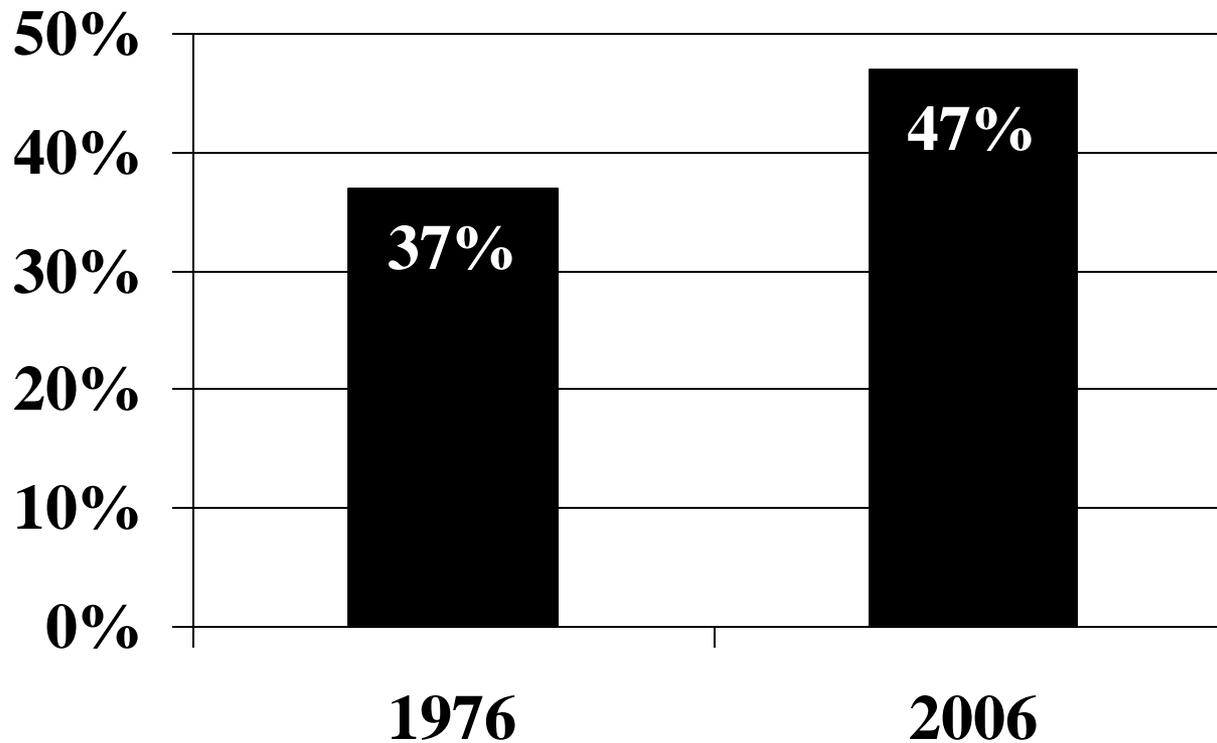


Percent of Canadian Women With Jobs (Age 15+)



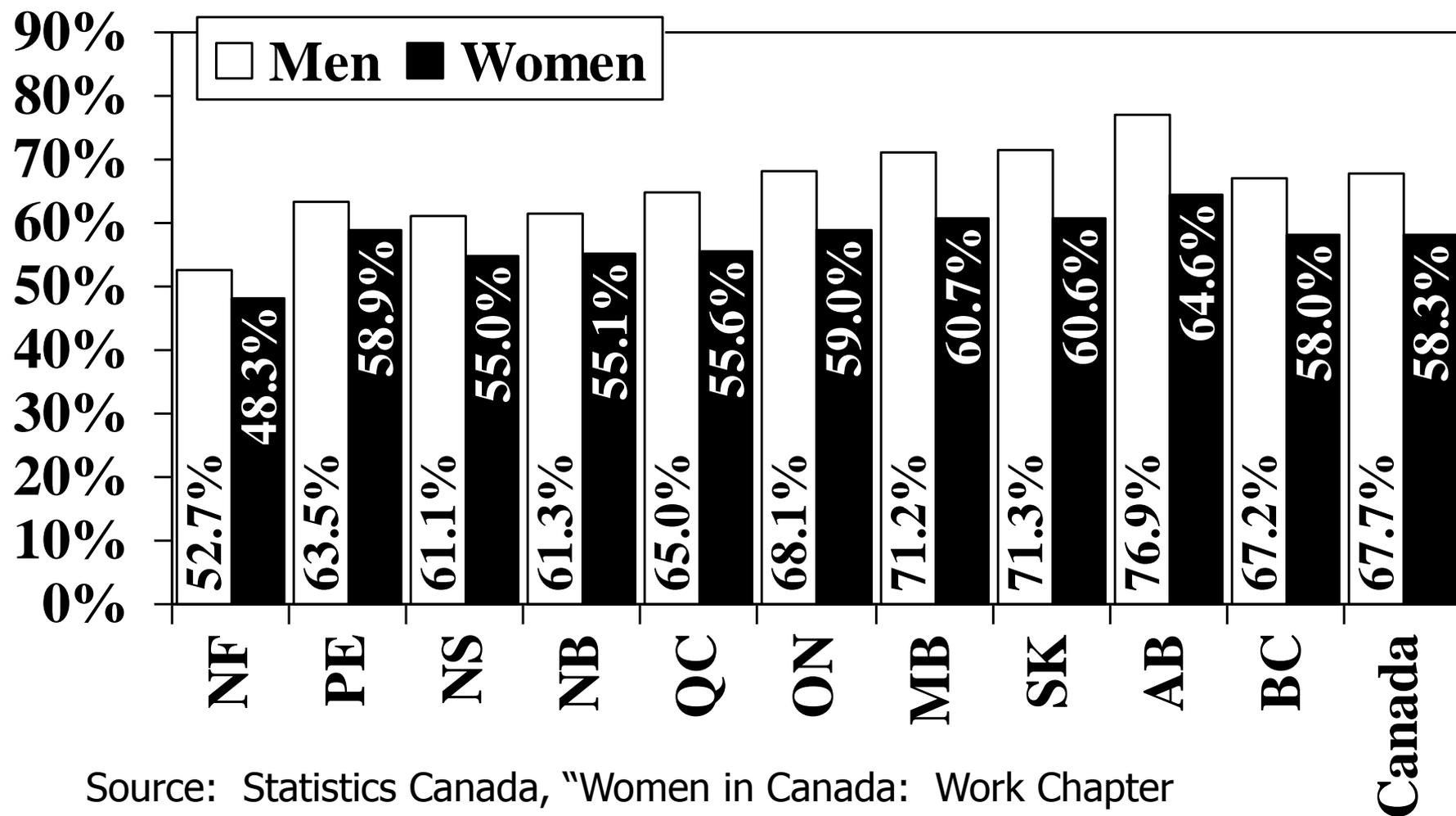
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 6.

Women as a Percentage of Canada's Employed Work Force



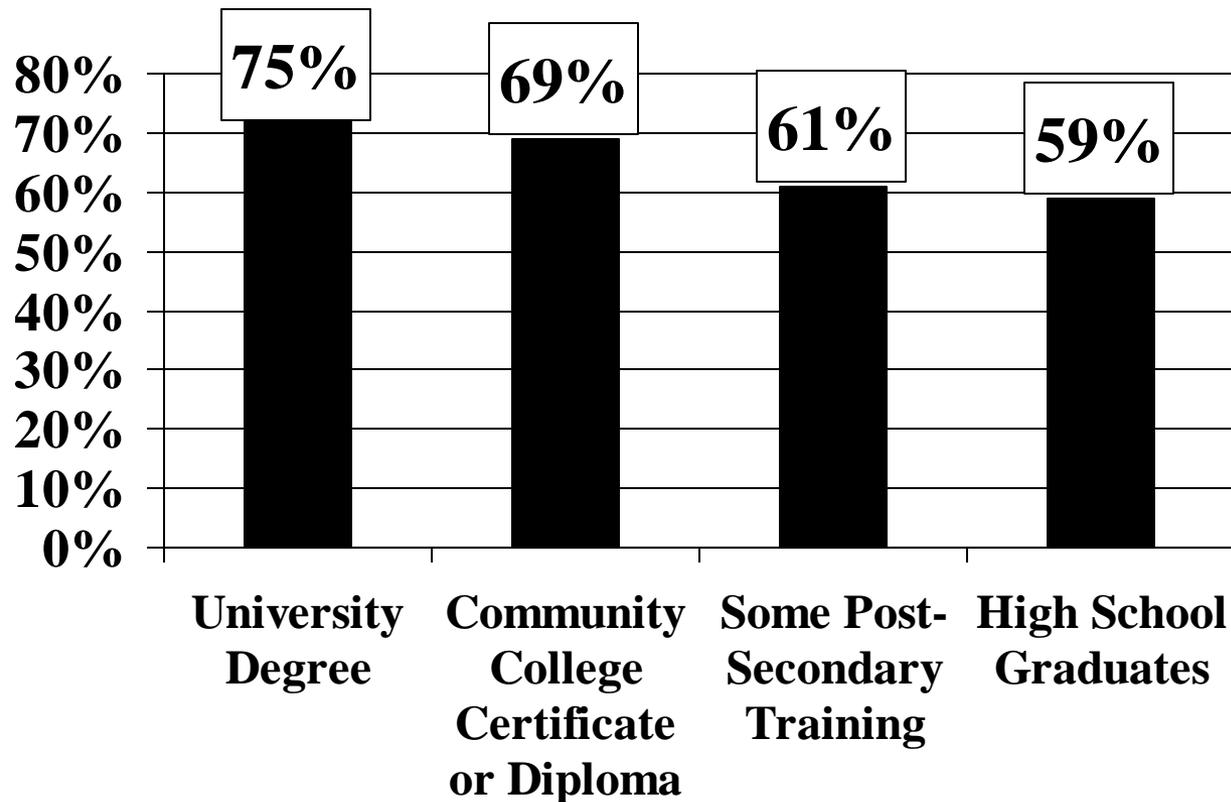
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 6.

Percentage of Women and Men Employed, By Province - 2006



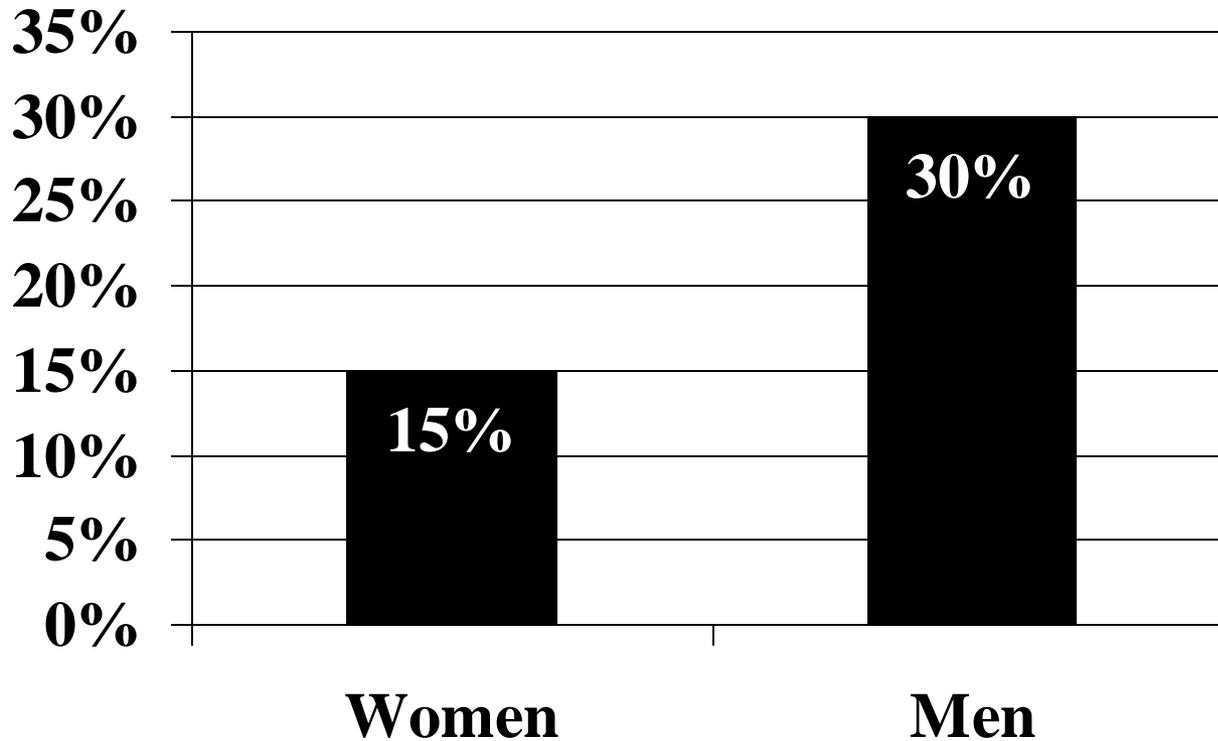
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 12.

Percent of Women Employed, By Educational Attainment - 2006



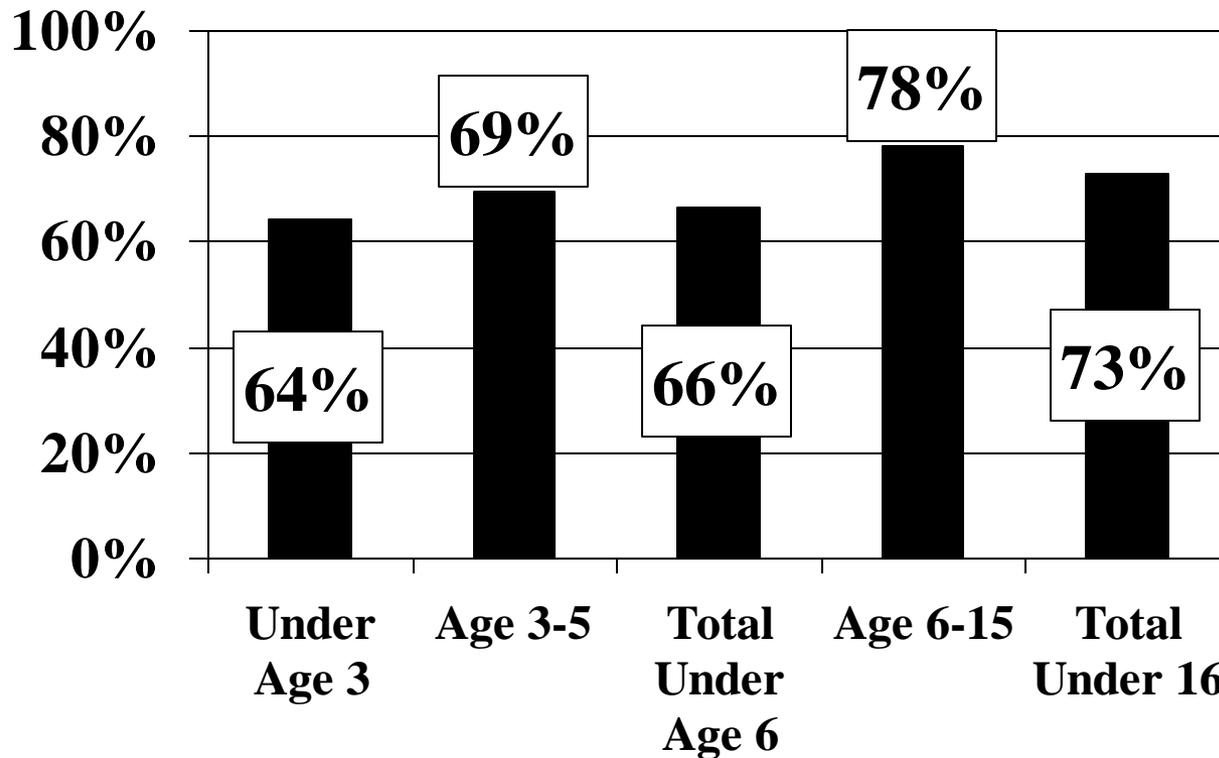
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 7.

Employment Rate of Men and Women with Less Than a Grade 9 Education - 2006

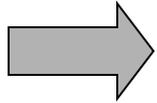


Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 7.

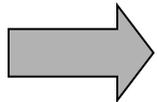
Percentage of Employed Women with Children, By Age of Youngest Child - 2006



Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 14.



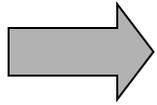
In 2006, 70% of female lone parents with children less than age 16 living at home were employed, compared with 74% of their counterparts in two-parent families.



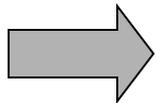
This contrasts with the situation in the late 1970s, when female lone parents were more likely to be employed than mothers in two-parent families.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 8.

Women in Part-Time Work



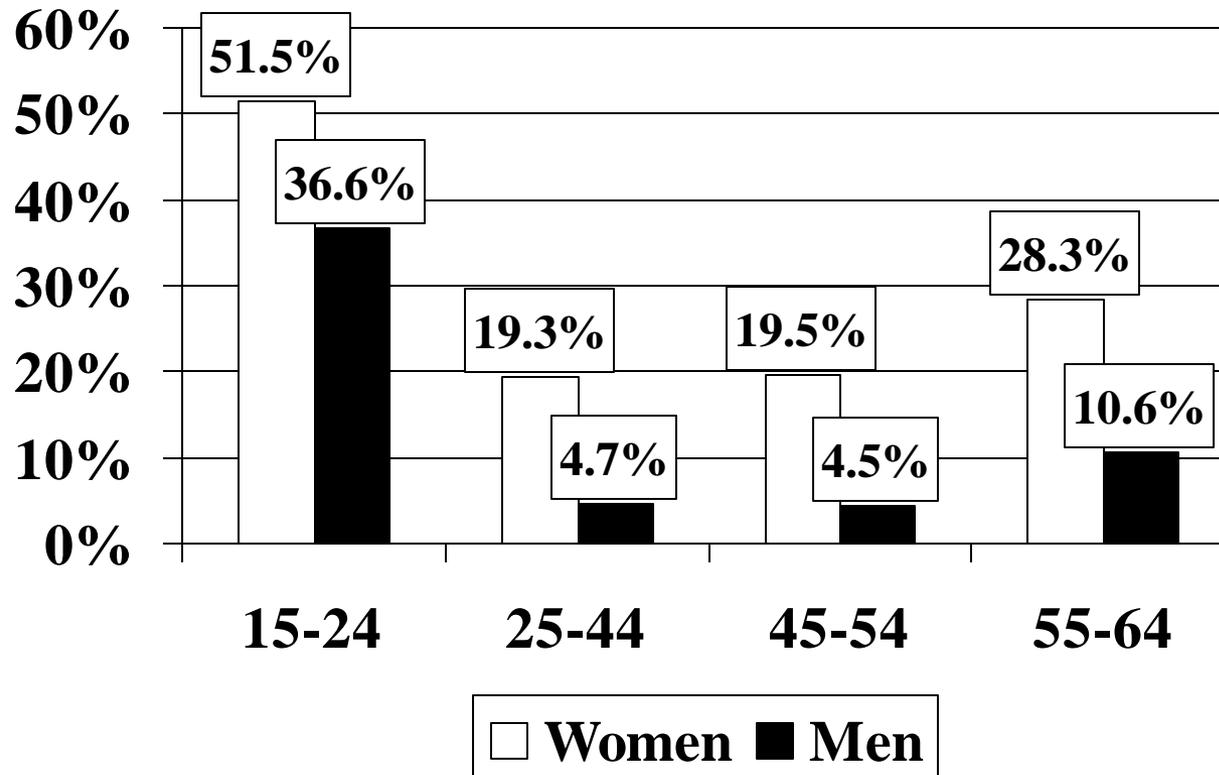
In Canada in 2006, 26% of all women in the paid work force worked less than 30 hours a week at their primary job, compared with just 11% of employed men. This figure represents more than 2 million women.



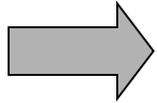
Since the late 1970s, approximately seven in 10 of all part-time employees have been women.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 8.

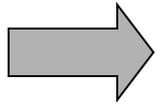
Percentage Employed Part-Time In Canada, By Sex & Age - 2006



Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 17.

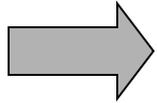


The two most common reasons women give for working part-time are either that they really don't want full-time employment or that part-time employment is actually better suited to their personal situation.

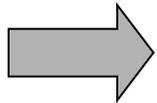


In 2006, 28% of women employed part-time reported they were not interested in working full-time and 27% indicated that full-time work conflicted with school.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 8.

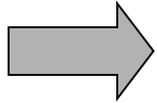


Caring for children or attending to other **family or personal responsibilities** were reasons that 15% and 4%, respectively, of all women gave for not working full-time. Only 3% of men gave such reasons.

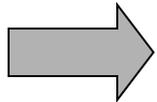


A good percentage of women working part-time—23%—said they would work full-time if they could only find the work.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 8-9.

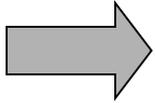


More and more women are becoming self-employed. In 2006, their numbers amounted to nearly 900,000 women, or 11% of all women with jobs, up from 9% in 1976.



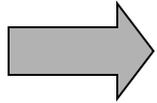
The percentage of all self-employed workers who are women has been rising steadily, from 26% in 1976 to 35% in 2006.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 9.

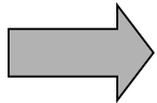


- Occupations which have traditionally furnished employment to women continue to do so.
- Teaching, nursing and related health occupations, clerical or other administrative positions or sales and service occupations provided work for 67% of all employed women in Canada in 2006.
- This percentage is down from 72% in 1987, and primarily reflects a decline in the number of women working clerical and related administrative jobs.

Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 9.



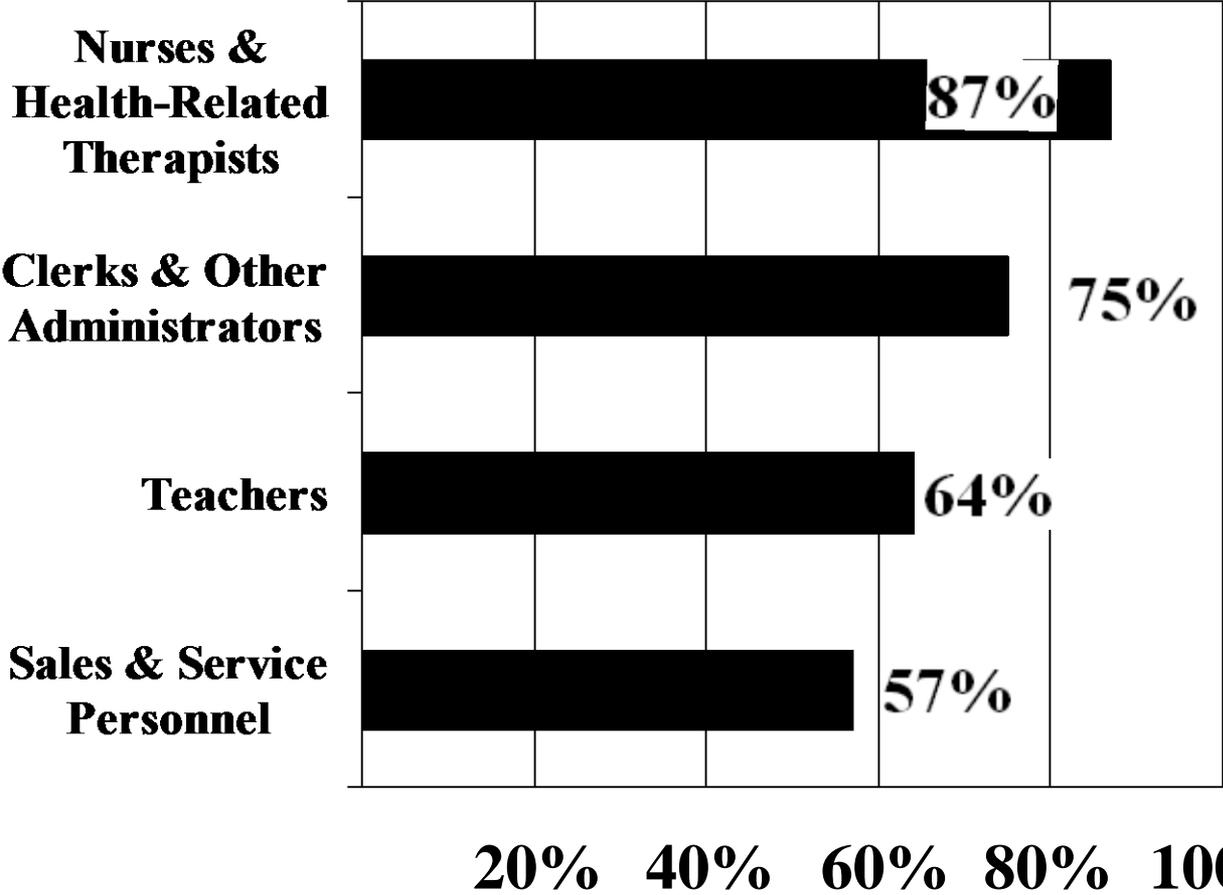
Clerical and related administrative jobs provided employment for 30% of all employed women in 1987, but only 24% in 2006.



In contrast, the percentages of women in nursing and related occupations or sales and service jobs have changed little from 1987 to 2006.

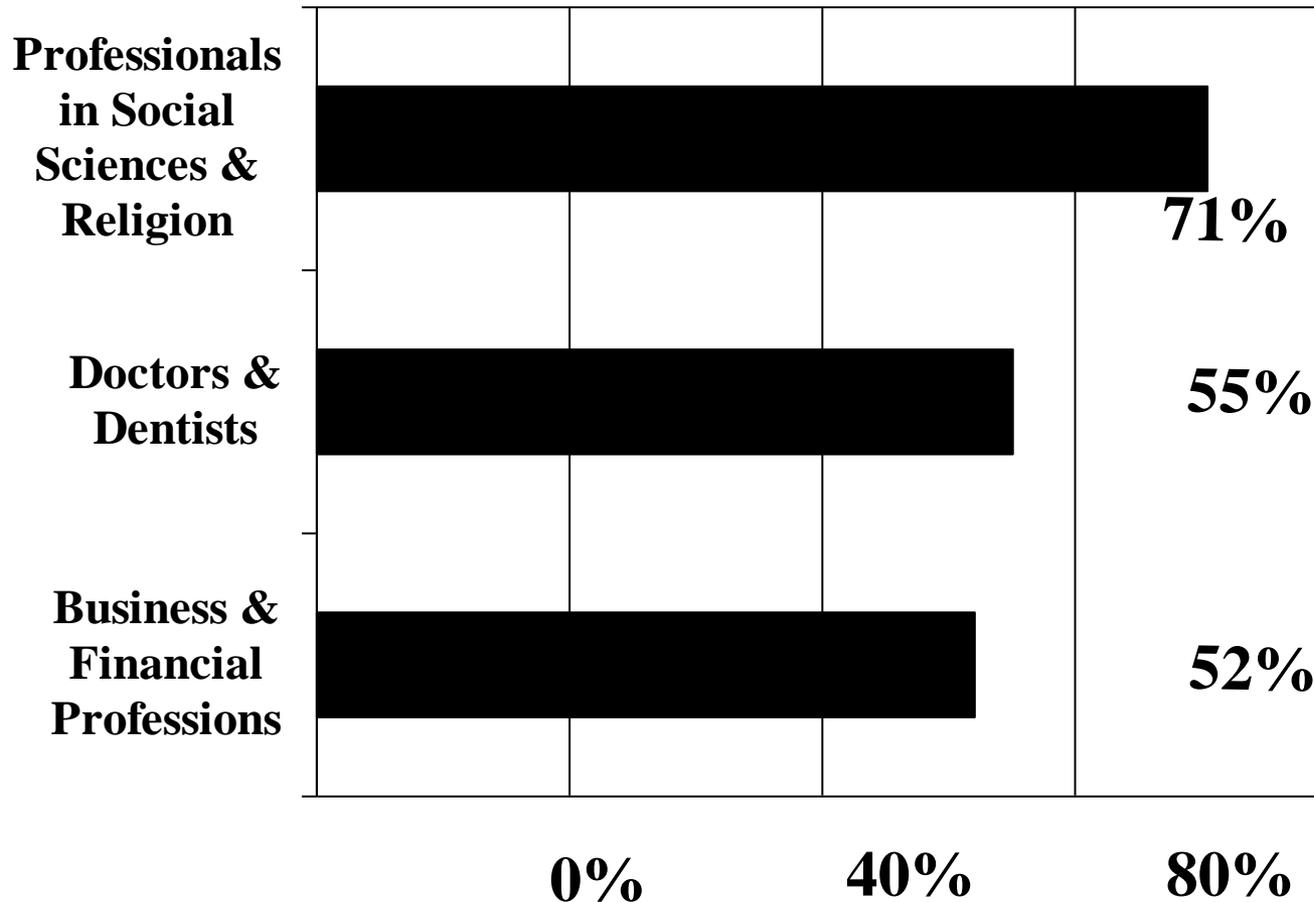
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 9.

Percentage of Employees Who Are Women



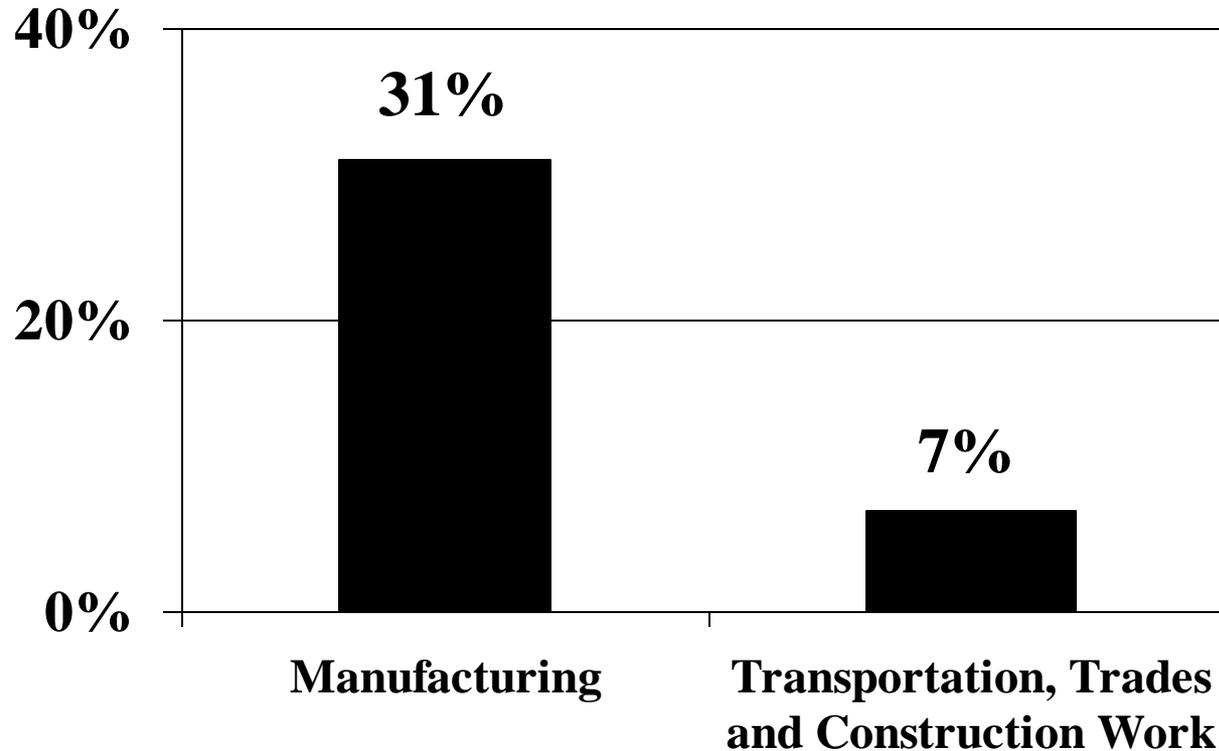
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 9.

Percentage of Employees Who Are Women



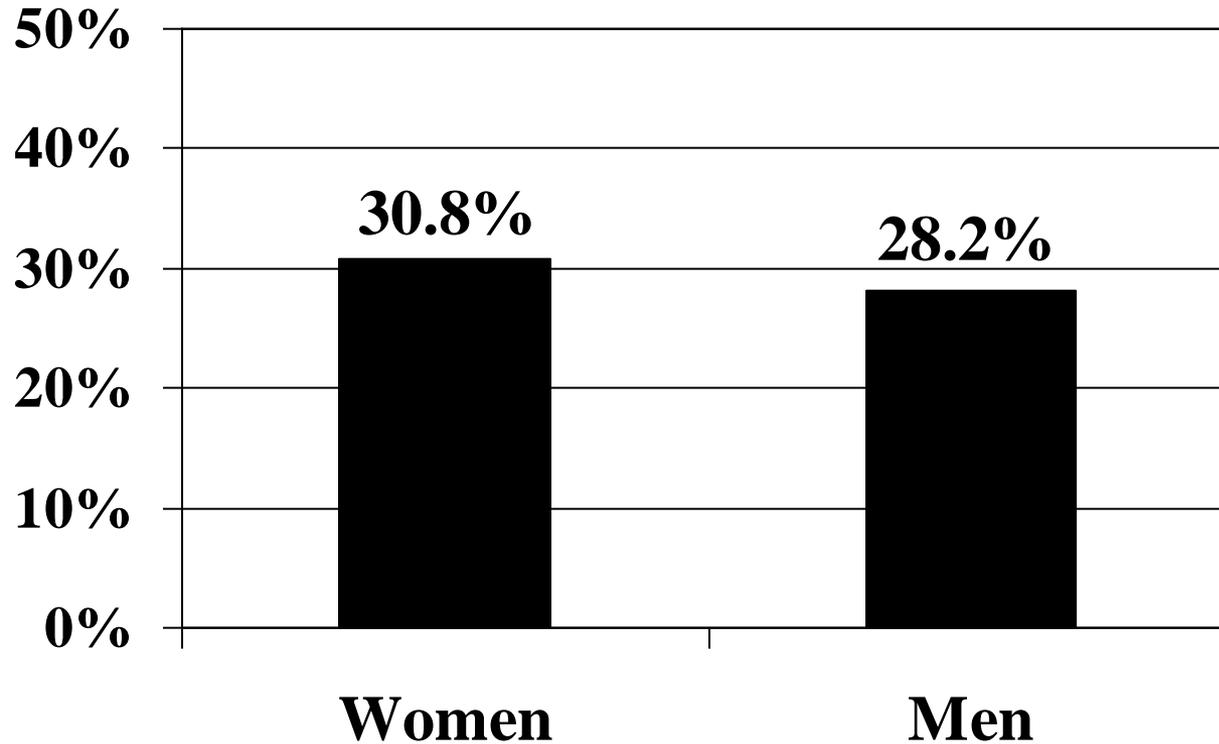
Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 9.

Percentage of Employees Who Are Women, By Industry - 2006

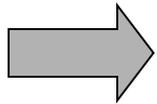


Source: Statistics Canada, "Women in Canada: Work Chapter Updates 2006," 10.

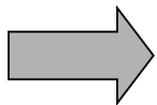
Unionization Rates - 2009



Source: CAW TCA, "Union Membership in Canada: A 2009 Update."



The increasing numbers of female workers around the world has not resulted in real socioeconomic empowerment for women. Neither has it brought about equal sharing of household responsibilities, equal pay for equal work, or gender balance across the occupations.



From a global perspective, true equality continues to be out of reach for women in the workplace.

Source: International Labour Organization, "Global Employment Trends for Women 2004," March 2004 in www.ilo.org

APPENDIX A

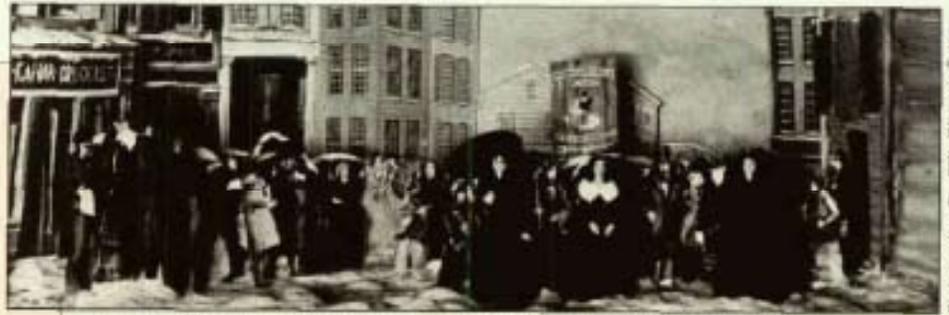
The Resolute Spirit of Trade Union Women

The following articles comprise a six-part series on trade union women that appeared in the *IBEW Journal* between July 1992 and April 1993. The articles present the history of women in the labor movement and illustrate how, at every turn, women have proven themselves to be skilled tradeworkers, determined organizers, and effective union leaders.

The Resolute Spirit of Trade Union Women— Their Valiant Struggles and Poignant Victories

"In the labor movement of this country, woman has played, and is playing, an important part. But in its completeness, no one knows the story, and those who know sections of it most intimately are too busy living their own parts in that story, to pause long enough to be its chroniclers. For to be a part of a movement is more absorbing than to write about it. Whom then shall we ask? To whom shall we turn for even an imperfect knowledge of the story, at once noble and sordid, tragic and commonplace, of woman's side of the labor movement? To whom, you would say, but to the worker herself? And where does the worker speak with such clearness, with such unfaltering steadiness, as through her union—the organization of her trade?"

—Alice Henry, Author
The Trade Union Woman, 1915.



In 1860 women shoeworkers went on strike. They were then organized as the "Daughters of St. Crispin," which was the first national trade union for women.

This is the first article in a six-part series on trade union women—from their increasing efforts after industrial organization and the formation of unions to the movement to receive fair wages, shortened work hours, and better treatment. The degrading industrial conditions under which a large number of women, and young girls, had to live and work, severely depressed and limited basic living standards. Women's

early trade-union activities and their emerging victories, shows the courage of women on the move—ever changing, ever growing, ever evolving. This is a chronicle of the persistent efforts of workingwomen to benefit themselves through collective action, with portions excerpted from the recordings of Alice Henry, then-member of Office Employees' Association of Chicago, No. 12755, and former editor of *Life and Labor*.



Many women took in sewing at home, earning livable wages; others worked in the factory, earning 25 cents per hour.

It was in the New England cotton industry that large numbers of women were employed as mill hands. The first power loom, set up in 1814 in Waltham, Massachusetts, was operated by Deborah Skinner. In 1817 three more power looms were opened in Fall River, Massachusetts, hiring weavers Sallie Winters, Hannah Borden and Mary Healy. They were poorly paid, and suffered workplace injustices that had to be addressed.

Trade union activity among trade-union, wage-earning women in the United States began with local strikes—sudden, impulsive uprisings of unorganized women workers against workplace inequities. These revolts did not last long, ending with workers returning to the same conditions, but they became the germinating seeds for the whole labor movement. For example, a

small strike took place in July 1828, in the cotton mills of Patterson, New Jersey, this time over a change of the lunch hour from twelve o'clock to one. This involved carpenters, machinists and masons. But later that year, mill operators of a Dover, New Hampshire, mill participated in the first really important strike involving three-to-four hundred women who went on strike. They were dubbed the "Dover Girls." There is no evidence of management concessions. Six years later, 800 "Dover women" went on strike, revolting against a wage cut.

The women did not realize at that time that factory employment required the protection of a permanent organization, and resorted to temporary strikes to solve their problems. However, the employers recognized what they considered hazards in organization of em-

ployees, and sought to stifle any efforts of women to organize a permanent body. They issued an "ironclad oath," to which the employees had to agree before entering the factory. It included their acceptance of whatever wages the employer might "see fit to pay," as well as their promise not to join any organization "whereby the work may be impeded or [act against] the company's interest in any work-injury claim."

The usual remedy suggested by workmen was that women should go back into the home, and the then-powerful *Boston Courier* let it be known that women ought to be thankful to be employed at all. Thinking men soon realized that the underpayment of women would also mean the underpayment of men. It also signaled to the men that hiring women would mean not hiring men. Soon there were groups of workmen publicly advocating the organization of women into trade unions as the only rational plan to cope with the situation.

The United Tailoresses' Society

The women who worked in the mills were drawn together by the misery of their condition. The women who did the sewing, both at home and in the factory, were in much smaller groups, but widely scattered. Despite the difficulty of comparing notes on who was receiving the same or different rates of pay, the women managed to form a very loose organization among the tailoresses of New York in 1825. Six years later, under the direction of Mrs. Lavinia Waight, who served as secretary, and President Louisa Mitchell, the society fought against reduced and inadequate wages, and even included the demand that women have the right to vote.

In that same year (1831), the tailoresses went on strike for a wage increase—a re-

ported 1,600 women strong—and remained out for four or five weeks. There is no record of them since that time, nor of when they were dissolved, or how. Many other short-lived societies came and went from time to time in such cities as Baltimore and Philadelphia.

The women had a supporter in the person of **Matthew Carey** of Philadelphia. He was instrumental in starting the first public inquiry into the conditions of workingwomen. He was also the first in America to protest against insufficient pay and wretched conditions imposed on women. He assisted the sewing-women to form what at that time was practically a city federation of women's unions. One committee was assigned the task of contacting the secretary of war to protest against the pitifully low prices paid for army clothing. Matthew Carey caused an uprising in the book-binding industry, the umbrella-sewers organization, and in the shoe-binders industry, and provided money to support the ladies' **Association of Shoe Binders and Corders**, then on strike.

From 1831 to 1845, a decrease in labor unionism was brought about, partly by the abolition movement and by the long financial depression that was widely felt in



Photo courtesy Encyclopædia Britannica

Elizabeth Cady Stanton, a moving force in the Female Industrial Association, read a "Declaration of Sentiments" at the Seneca Falls Convention in Seneca Falls, New York, in 1848, which stated grievances of women against existing laws and customs. Mrs. Stanton's first speech before the New York legislature, made in 1854, was a demand that married workingwomen should have the right to collect their own wages, after which the law was amended.

the manufacturing districts of the eastern states. Great Britain and Ireland suffered greatly during this period, resulting in an influx of Irish immigrants to the United States. These immigrants were hired in the mills under the same, or sometimes even worse, conditions as their New England counterparts.

The bricklayers craft was successfully performed by many women; but these workers had difficulty penetrating the bricklayers trade unions. They finally succeeded in the early 1900s.



Photo courtesy The Department of Labor, Women's Bureau

Labor Reform Associations

Labor Reform Associations, deemed strictly trade unions, drew their membership from workers in the local trades in different cities. The association in Lowell, Massachusetts, well known for its quality of women leaders, was headed by its first president, **Sarah G. Bagley**. She and other delegates went before the Massachusetts Legislative Committee in 1845, to give evidence as to the conditions in the textile mills. Thus, the first American governmental investigation was brought about almost solely by the efforts of workingwomen.

These women secured thousands of signatures on a petition requesting a 10-hour workday. They had the support of the publication, *Voice of Industry*, as well as a press committee to respond to negative statements appearing in local papers about factory workers. They boldly attacked legislators who did not support their cause. In one instance, the women influenced an election, and secured the defeat of the chairman of the legislative committee before which the women delegates had appeared. The chairman was accused of withholding from the legislature pertinent facts brought to him by trade-union witnesses.

The **Female Industrial Association**, organized in 1845, represented the sewing trades, cap-makers, straw workers,

Woman operates weaving machine out of her home. The burning question was, "Is this my home, or a factory?"



Illustration courtesy of The Department of Labor, Women's Bureau.

book folders and stitchers and lace makers. At the men's conventions, women were seated as delegates from their own labor reform associations. They were elected to offices, and were appointed to some boards of directors. The New England Congress heard the women's point of view, well presented by delegates from the various trades.

The **National Industrial Congress**, organized in 1845 in New York City, was formed to uphold the interests of the workingman and workingwoman. However, most of its efforts were directed to the land question [where formerly indentured persons were to be given a patch of land on which to live and grow food] and subjects of general reform, which weakened its power as a trade union. But during the long anti-slavery agitation which had heightened just before the Civil War, the land question was forgotten, and trade-unionism was greatly ignored.

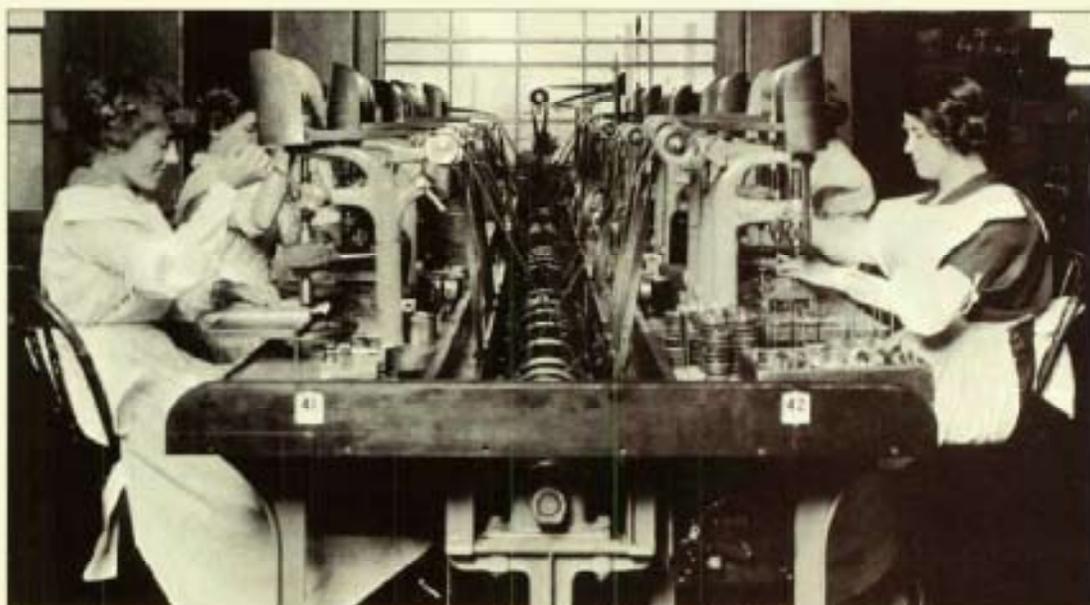
Women from different areas still collaborated trying to gain concessions

from their employers on the 10-hour workday. They found, to their dismay, that strikes for higher wages, the 10-hour day and even their interstate coalition failed. Not to be defeated, the women appealed to the legislatures, and between 1847 and 1851, New Hampshire, New Jersey and Pennsylvania had passed 10-hour workday laws. But employers still found excuses for not adhering to the law, and for nearly 50 years thereafter, these injustices remained untouched by legislative interference.

Between the years of 1860 and 1880, there were more than 30 national trade unions. Of these, only two—the printers and cigarmakers—admitted women to their membership. In addition, the women shoemakers had their own national union—**The Daughters of St. Crispin**. The first president and secretary of the women's union was **Carrie Wilson** and **Allie Jacques**, both of Lynn.

(Continued on Page 35)

In the early 1900s, women performed tedious jobs in industrial shops, laboring 10 to 12 hours per day for a pittance.



Photograph courtesy of The Department of Labor, Women's Bureau.

Trade Union Women

(Continued from Page 16)

Massachusetts, where the first convention was held on July 28, 1869. There were two state labor unions composed solely of women. They were the **Massachusetts Working-Women's League** and the **Working-Women's Labor Union for the state of New York**.

The influx of immigrants was a source of cheap labor for employers, and these workers could be pushed to do more for less. The New England woman was practically pushed out of work, and the experience several generations of workers had acquired in trade unionism, trade-union policy and methods were lost for that time. But even the immigrants naturally rebelled at the ever-increasing work that was demanded of them. Instead of working two looms, that number had risen to six and seven; instead of cloth 30 yards long, that, too, increased to 42 yards, with the price per piece remaining the same.

Strike after strike was lost, except for one notable instance. The strike of the Fall River weavers was led by women weavers who refused to accept a 10 percent wage cut, to which the men of the organization (who were organized) had agreed. Striking in the bitter-cold month of January, women (and men) struck against three mills, keeping the rest of the members at work at the other mills to provide funds for their purposes. There were 3,125 strikers, who held out more than two months and were successful.

Still, women in the sewing trades continued to suffer under debilitating working conditions and starvation wages. Girls living at home would take in sewing at livable wages, but the wages of the factory women, who had to work outside the home, were cut. It was learned that more than 8,000 Boston women did not earn over 25 cents per hour.

In 1875 a large, very active association of umbrella-sewers was formed in New York, which so impressed a visit-

ing Englishwoman, that when she returned home, she struggled to form unions among workingwomen and encouraged others to do the same. Through her persistence, the **British Women's Trade Union League** was formed.

Other notable unions, formed to organize women into a force to be reckoned with, were the **Cooperative Linen, Collar and Cuff Factory**, formed by **Kate Mullaney** in 1868; the **Women's Typographical Union No. 1**, organized by **Miss Augusta Lewis** in 1868, who served as president. Within three years, women were admitted into the printers' unions of Chicago, Washington, Philadelphia, Pittsburgh and Boston. The women's union was growing in number and stature, and obtained national recognition from the International Typographical Union of North America.

From these accounts, trade-union women were, and remain today, an important force in labor, but this story has just begun. It continues with women's historic work in the **Knights of Labor**. #

The Resolute Spirit of Trade Union Women— *Their Valiant Struggles and Poignant Victories*

“...the women of no race or class will ever rise in revolt or attempt to bring about a revolutionary readjustment of their relation to society, however intense their suffering, and however clear their perception of it, while the welfare and persistence of society requires their submission; that whenever there is a general attempt on the part of women of any society to readjust their position in it, a close analysis will always show that the changed or changing conditions of society have made women’s acquiescence no longer necessary or desirable.”

—Olive Schreiner, *Author
Woman and Labor, 1911*

Part II—Women in the Knights of Labor

There is very little left in the annals of organized labor of that short-lived body, **The Knights of Labor**. Still, women had peculiar reason to remember the Knights, and to be grateful to them, for they were the first large national organization to which women were admitted on terms of equality with men; and in the work of the organization itself, they played an active and notable part,” said author, Alice Henry. Ms. Henry, who in 1915, wrote the book, *The Trade Union Woman*, believed the illusive history of the Knights in the United States and Canada, is worthy “of but slight notice” in any general narration of the problems that plagued trade-union women.

The Knights of Labor in the United States existed as a secret organization from 1869 to 1878, having as its aim the improvement of living conditions of workingpeople. At the National Convention in 1878, the Knights began to work as an active force in the communities. The organization concentrated its efforts on wage-earning and farming groups, which constituted three-fourths of the membership. The Knights believed in organizing all workers without regard to skill, sex or race. Their plan was to include representatives of

different trades and crafts. Women were formally admitted to the order in 1881, and the first woman to join was said to be the wife of the then-Grand Master Workman, Terence V. Powell.

While it was not known how many women belonged to the Knights at one time, it was estimated that about 50,000 women were members by the year 1886. Among this number, a great variety of crafts and trades were represented, predominated by the shoeworkers. Many of the shoeworkers received prior training in trade-unionism among the **Daughters of St. Crispin**. At first, some male members of the Knights believed that the woman’s industrial problems must be handled apart from men’s; however, a number of more thoughtful heads prevailed and decided that women’s problems must be handled with men’s as a whole.

At a Knights of Labor Convention in 1885, it was voted, on the motion of **Mary Hannafin**, a Philadelphia saleswoman, that a committee be appointed to collect statistics on women’s work. The committee consisted of the only women delegates to the convention—Miss Hannafin; **Mary Stirling**, also of Philadelphia; and **Lizzie H. Shute**, Haverhill, Massachusetts. At the next

convention held in Richmond, Virginia, in 1886, there were 16 women delegates out of a total of 600 attendees. These 16 women delegates were appointed by the Knights’ Grand Master Workman, to receive and consider the report from the previously appointed committee of three.

After reviewing the report, the committee of 16 took an independent stand. They announced that they had “formed a permanent organization, the object of which will be to investigate the abuses to which women are subjected by unscrupulous employers; to agitate the principle which our order teaches of equal pay for equal work; and to lobby for the abolition of child labor.” The report was adopted, and shortly thereafter, the **Woman’s Department of the Knights of Labor** was created, led by a brilliant, capable and devoted woman—**Leonora Barry**—as general investigator.

Leonora Barry— Trade Unionist

Leonora Barry, a young widow with three children, had tried to earn a living for her family in a hosiery mill at Amsterdam, New York. Her endeavor to work as a mill hand earned her only 65 cents during the first week. And in that first week, she observed that young girls were obliged to submit to insults or be fired, which enraged her. When she first heard of the Knights of Labor, she promptly joined. Shortly thereafter, Mrs. Barry was chosen as general investigator.

Planning her own methods, she took every opportunity to organize women while in her position as general investigator, and gave numerous public lectures. At the 1886 Knights convention in Richmond, Virginia, Mrs. Barry re-

ported her findings on her extensive travels, covering almost all the eastern half of the country. She traveled as far west as Leadville, Colorado, where she founded the **Martha Washington Assembly of the Knights of Labor**.

When dealing with those in high places, Leonora Barry could be "intensely scornful." When she made an impassioned appeal to the order itself, she asked that "more consideration be given, and more thorough educational measures be adopted on behalf of the workingwomen of our land, the majority of whom are entirely ignorant of the economic and industrial question, which is to them of vital importance; they must ever remain so while the selfishness of their brothers in toil is carried to such an extent as I find it to be among those who have sworn to demand equal pay for equal work. Thus far in the history of our order, that part of our platform has been but a mockery of the principle intended."

To accurately inform herself and others of actual workplace conditions for women, she made regular investigations of different worksites and trades. In two instances of workplace abuse, she found that girls in a corset factory in Newark, New Jersey, if not inside when the whistle stopped blowing, were locked out until half-past seven and were then docked two hours for wasted power. She further learned of a demeaning practice in a Paterson, New Jersey, linen mill, where women stood on a stone floor working, and water from a nearby revolving cylinder flew constantly against their breasts. In the cold weather, they had to go home in wet clothing because they were not allowed the space or a few moments of time to change their clothing.

Her veracity did not go unnoticed by employers. Some unsuspecting workers, when found just talking to her, were dismissed. Spurred on by these intolerable situations, she continued to build close relations with workers of the poorest and most oppressed classes and was often furnished information which she channeled to the then-newly established state bureaus of labor.

Until her marriage to a union printer

in 1890, Leonora Barry worked educating, organizing, and pushing forward protective legislation for workingwomen. She then withdrew from active participation in the labor movement. Her social vision, acumen and tolerant spirit brought limited, but highly visible, results and left a memorable legacy of achievements.

1921 poster emphasized the plight of workingwomen.



Illustration courtesy National Archives, Washington, D.C.

Canadian Knights Of Labour

The Knights of Labour, a major reform organization of the late 19th century, grew slowly in Canada. It expanded into Ontario around 1875, and into Hamilton by 1881. Continuing into British Columbia, Manitoba, Nova Scotia, New Brunswick and Alberta, the Knights enjoyed the success of major labor breakthroughs. The order, which included a notable number of women, organized some 450 local assemblies across Canada. Key Knights' strongholds were in Toronto, Hamilton, Montreal, Quebec, Ottawa,

St. Catharines, St. Thomas, London, Kingston, Winnipeg and Victoria.

The Knights were the most important organization of this era, with more than 20,000 members across the country. Strongest in Ontario, Quebec and British Columbia, they were firm believers in economic and social democracy. They were often critical of the

developing industrial, capitalist society. At the demise of the Canadian Knights of Labour in 1890, the union question remained active for women, but ineffective. For most of the 19th century, unions were usually small, local organizations, and were often illegal, and did not allow women to join. Participation in some of the local organizations was sometimes punished by prison terms.

Early Status Of Canadian Female Workers

Men and women worked together in textile plants in 1908,

and by the late 19th century, the "labor question" had gained recognition. Canadian history of female labor notes that at the end of the 19th century, the factories replaced families as the main productive unit. Factory work involved long hours, low wages and often brutal working conditions. For example, young girls worked for 60 hours a week for 80 cents, or less than 2 cents per hour. In 1901 women comprised 13 percent of the total labor force and the female labor-force participation rate (FLFPR—defined as that proportion of working-age female population with jobs or looking for jobs) was 14 percent. (This refers to women who worked for pay;

many women worked but were not paid). A report by the Ontario Bureau of Industries in 1889 provided the following statistics:

Female Workers Over 16 Years of Age

(Without Dependents)

Average number of hours/week worked	54
Average number of days/year worked	259
Average wages/year from occupation ..	C \$216.71
Cost of Clothing	C \$ 67.31
Cost of Board & Lodging	C \$126.36
Total cost of living	C \$214.28
Surplus	C \$ 2.43

Source: Ontario Bureau of Industries, 1889
Courtesy Canadian Encyclopedia

Women's Labour Leagues of Canada

Modeled after the British Labour Leagues, the Women's Labour Leagues emerged in Canada prior to World War I. Their purpose was to organize women workers and support the trade union movement. The leagues saw a period of limited growth until, under the direction of activist, Florence Custance, they grew to 37 locals by 1927. The WLL's platform, radical for its time, included among its demands equal pay for equal work. Although the WLL was not successful in unionizing women, they did educational work and organizing work for the labor movement.

The Emergence Of Strong Women's Trade Unions

Women workers in the United States and Canada continued to fight for an equitable and just workplace. The entrenched traditions that continually blocked the growth of women's labor unions were difficult to remove, and the labor movement suffered ongoing opposition in the wake of continued efforts by some to halt the movement altogether.

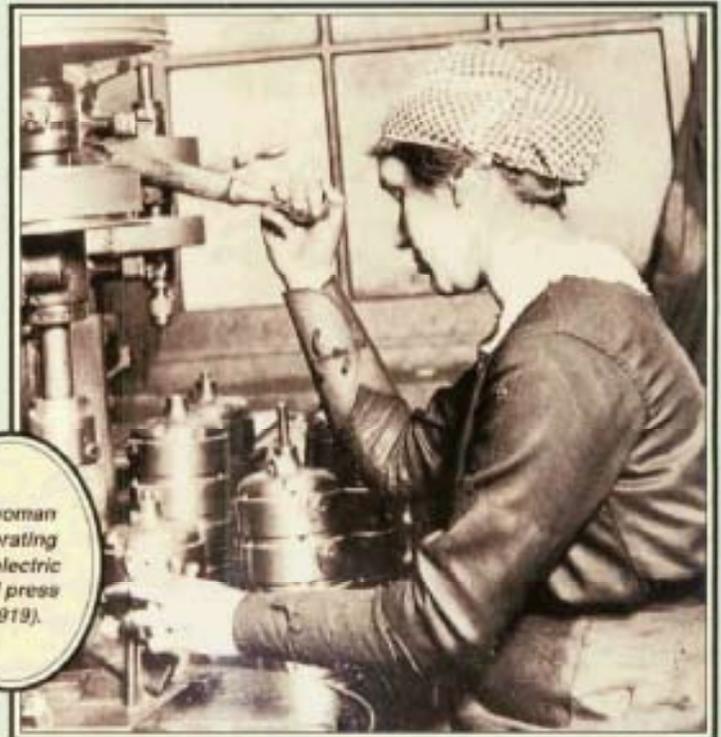
Women seeking to be apprentices in non-traditional crafts were, as a matter



Women on a factory assembly line making telephone equipment at a handset receiver assembly conveyor at Western Electric, Hawthorne Works, Chicago, Illinois (1919).



A woman in the construction trades, "pinning in sash" on a window (1919).



A woman operating an electric drill press (1919).

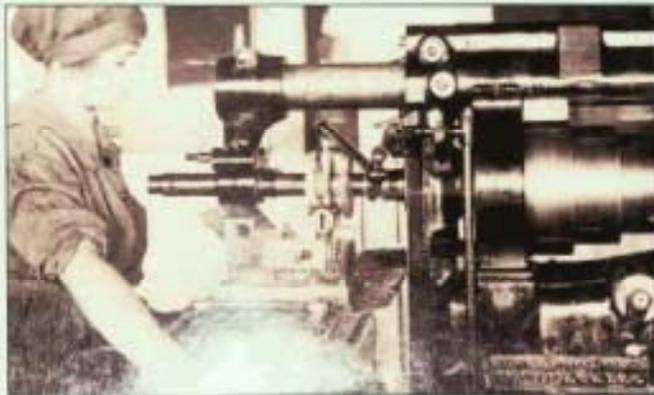
of practice, rebuffed. Apprenticeship in the United States and in early Canada was a system that rarely trained women to acquire the skills of a particular trade or profession. The three major means of access to apprenticeship were through institutions, family, or an agreement with an established craftsman. Women

soon discovered that it was nearly impossible to break into the ranks of apprenticeship until the mid-19th century. One such notable group was the National Women's Trade Union League—a dynamic force in the emergence of the Telephone Operators' Union.



At the Packard Motor Car Company, a woman pleats cloth over filling for automobile seats (1927).

A woman metal trades worker operates a machine "three times too heavy for a woman to operate. She must lift heavy pieces of iron to the machine to angle-bend the iron, and stand continuously" (1919).



A woman machine operator for the Packard Motor Car Company, operates a mill machine. Notice that no seats were provided (1919).

Photos courtesy National Archives, Washington, D.C.

More than 20 years after the demise of the Knights of Labor, the short-lived women's organizations and unfruitful strikes, women labored in the trades, still without adequate workplace fairness, decent wages or safety. And, very few women were allowed in the unions.

The Resolute Spirit of Trade Union Women—

Their Valiant Struggles and Poignant Victories

Part III— Women Operating Communications Lines Of a Nation

The series highlighting trade-union women continues with a look at the trials and tribulations faced by courageous workingwomen as they sought first to become telephone operators and then to organize their numbers. Portions of this historical account are excerpted from the publication **Labor's Flaming Youth: Telephone Operators and Worker Militancy, 1878-1923**, by Stephen H. Norwood.

Telephone operating became a woman's job during the 1880s, and was part of the trend toward feminization of lower white-collar work. When the telephone was introduced in the 1870s, the first telephone operators employed were teenage boys. When the pace of work was slow during the day, the boy operators were assigned a wide range of additional tasks, such as cleaning the exchanges. The companies were unhappy with their boisterous behavior, inattention to instructions and use of profane language with customers. They switched to female operators, whom they deemed capable of greater civility, could tolerate monotonous work and low wages. By the 1880s, most of the daytime telephone operators were young women and girls, but boys remained as night operators until 1904.

While women telephone operators have been largely ignored by history, they were the largest group employed by the **Bell System**, which held a monopoly on telephone service in the early 20th century. Organization was always present in the minds of the telephone operators and, of course, in the fears of telephone companies. Women also faced further discrimination by male telephone workers, and these men never suggested that women be organized into



Julia O'Connor,
president
of the
Telephone
Operators
Department,
IBEW,
1919-1938.

"Don't overlook the telephone operators as important organization factors and, potentially at least, as the source of increased economic strength to the Brotherhood....We've had to deal with the gorilla warfare of the telephone company, with its company unionism, its spy system, its intimidations and, in the face of all this, telephone operators' unionism has written into the history of labor achievements a more than doubled scale of wages, a working day decreased by as much as two hours and two hours and one-half, and had made the beginnings of an industrial democracy within the largest monopoly in the world."

—President Julia O'Connor, 1925
Telephone Operators' Department

their locals. The women waged a long campaign against male trade unionists for self-determination within the labor movement. The establishment of separate women's locals made it possible for women operators to exercise some measure of control over their organizing efforts.

Early Working Conditions

Conditions faced by women telephone operators in the 1880s and 1890s were stressful and demeaning—a situation

"I'll always remember the name—Vice President [Gustave M.] Bugniazet of the International Brotherhood of Electrical Workers, who organized us. The chief operator and other officials of the company would find out where we were having the meeting...would hide behind trees, and telephone poles and get our names. The next morning we'd be called up to the desk...and told the advantages and disadvantages of joining a union.... But it didn't deter any of us.... We were all young girls, most of us still in our teens."

—Operator Mary Quinn, 1912
Springfield, Massachusetts



Telephone Operator at switchboard, New England Telephone Company, 1915.

that continued unchanged until 1910. Wages and hours were completely without union influence. The company adopted a rapid pace for answering calls, strict supervision, and standardized procedures. Women worked with headsets that were heavy and uncomfortable, and sometimes worked 10-12 hours a day without specified relief

periods. A nine-hour day was common, but “split trick” shifts would stretch, in some cases, into a 14-hour workday. On the split trick, introduced by the **New England Telephone Company**, the operator’s day was divided into two separate work tours, with several hours off in between. Many complained that they often had to work additional hours because boy operators assigned to relieve them did not show up on time or at all.

Overtime was declared to be an integral part of the scheduled hours, with extra periods assigned each operator each week for certain days without extra compensation. The operator was virtually compelled to do this extra work or face the displeasure of her superior. The working environment was poor. Women had to work in dingy lofts at the top of six or seven flights of rickety stairs. Stoves to warm the lofts in winter sometimes did not function, and operators had to sometimes work in cold rooms. This situation posed a fire hazard when the stoves did work, and caused severe health problems.

There were no “retirement rooms” where workers could take a break, or cafeterias, and operators often ate at their stations. Complaints would only increase the likelihood of job loss or hinder any chance at promotion. Weekly wages were grossly inadequate, with no pay during training and no compensation for sickness or disability. Work done on Sundays or holidays was not compensated.

Some of these difficulties were altered, however, when the Bell Company took a paternalistic stand, with the introduction of exchange cafeterias, retiring rooms, company-sponsored athletics and a benefit plan. These concessions were designed to generate a sense of belonging, loyalty to the company, and to promote work efficiency by reducing fatigue and nervous irritability produced by the faster pace of the company’s rigid “scientific management system.”

Nelle Curry, an investigator for the **U.S. Commission on Industrial Relations**, stated in 1915, “There is possibly no woman in any industry whose errors are more instantly checked by the incisive action of an overseer than



“Weavers of Speech,” a telephone company painting depicting the telephone operator as a central force in the nation’s economic life—an emblem adopted by the IBEW Telephone Operators’ Department.

the telephone operator.” Los Angeles, California, operators suffered “punishment hours,” where they would receive undesirable work shifts for such offenses as a slow disconnect or slow answer (over 10 seconds). **Mary Quinn**, an operator in Springfield, Massachusetts, who became the first vice president of the Telephone Operators Department, left the employ of the New England Telephone Company for six months in 1911 because a supervisor refused to let her go to the bathroom. **Julia O’Connor**, then-president of the Telephone Operators Department, who began as a telephone operator in 1908, said, “...an operator is tested, observed, disciplined, almost to the breaking point. It is scarcely possible for her to obey any natural impulse without breaking a rule....”

WTUL Assists Telephone Workers

In the early 20th century, when union organizing was spreading, women workers received far more assistance from the middle- and upper-class women in the suffrage movement than they did from male trade unionists. Without the support of three major Boston-based suffrage organizations—the **Massachusetts Woman Suffrage Association**, the **College Equal Suffrage League**, and the **Boston Equal Suffrage Association**—and the support of progressive labor leaders in 1903 to establish the **Women’s Trade Union League (WTUL)**, telephone operators could not have organized in 1912. The League’s first chapters were in Boston, Chicago

and New York. In 1908 a chapter was formed in St. Louis, Missouri. Under the strong influence of WTUL, telephone workers worked tirelessly to promote trade-union commitment among women.

The **American Federation of Labor (AFL)** gave its formal support to the WTUL. The AFL was never comfortable with the league’s feminism or the upper-class background of many of its leaders, and remained largely unresponsive to the needs of women workers. Some of the most prominent women allies and leaders in the Boston WTUL were **Julia O’Connor**, **Elizabeth Glendower Evans**, **Mabel Gillespie**, and **Anna Molloy**.

Increasing attention to women workers was seen after a wave of strikes from 1901 to 1911, in which New York’s “Uprising of 20,000” was the most prominent. National attention was focused on the WTUL when it became deeply involved in the strike, and virtually stopped production in New York’s garment industry. The WTUL also intervened in a strike by Roxbury, Massachusetts, carpet weavers, and organized them as a local of the United Textile Workers Union. By 1912, the WTUL had become a significant force in Boston.

Strike!!!

The working conditions of telephone operators received wide-spread attention as a result of an investigation into the 1907 strike of over 400 Bell Telephone Company operators in Toronto, Canada. This strike was brought on by

Photo courtesy Boston Public Library, First Department



Telephone Operators' Union delegates at the 1917 IBEW Convention in Atlantic City, New Jersey. Front row, Mary Mahoney (left) and May Matthews (fourth from left) Local 1A, Boston; Mary Quinn (second from left), Local 3A, Springfield, Massachusetts; Julia O'Connor, Local 1A, is in the middle row (second from right).



Striking Boston telephone operators in the 1919 New England telephone operators' strike.

Photo courtesy The Boston Globe

Photo courtesy Schlesinger Library, Boston College



New England Telephone Company, Boston, telephone operators at switchboard in 1915, with supervisors standing behind them.



Boston Mayor Andrew Peters and strike committee leader Julia O'Connor (seated) discuss grievances during the 1919 New England telephone operators' strike. Standing with them (from left) are Bridie Powers, Mary Mahoney, May Matthews and Mary June.

a company announcement that effective immediately, the workday would be extended three hours, with a wage increase disproportionate to the increased hours. This move deprived operators of overtime wages upon which they depended and without hesitation, they went on strike.

Although the strike ended without achieving any concrete gains or the desired unionization, the **Canadian Department of Labour** stepped in. They appointed a special **Royal Commission** to conduct hearings and make recommendations. Its findings concluded that the strike had been justified. The commission sharply criticized the Bell Company for its lack of concern for the health of the operators, emphasizing the physical and nervous strain to which the operators were sub-

jected. From the east to the west, strikes occurred among unorganized women operators—some successful in gaining concessions, some unsuccessful.

In April 1919 a vote to strike by women telephone operators employed by the New England Telephone Company was one of the largest movements in history. Workers were denied a wage-adjustment procedure by the U.S. Post Office Department, which used an unfair system excluding union bargaining with management. After working without a contract for several months, the operators had enough. **Julia O'Connor**, then head of the IBEW Telephone Operators' Department, led more than 2,000 Boston telephone operators and representatives to Faneuil Hall on April 11. A motion to strike on April 15 was unanimously passed, and telephone

service was disrupted from Maine to Rhode Island.

IBEW male telephone workers joined the women on the third day of the five-day strike. Post office officials finally agreed to bargain with the union, giving former positions and full seniority back to returning workers and allowing the women bargaining rights with company officials.

Julia O'Connor also led the massive strike of 1923, where the central demands were the reduction of the workday from eight to seven hours; a reclassified wage schedule for differentials; and a wage increase of \$5 to \$9 per week. All were rejected by the company. Workers were also concerned about the introduction of the dial phone—a technology which would reduce the importance of telephone

operators and cause layoffs. It was a long, bitter strike, ending in defeat, and from that point, the Telephone Operators' Union declined rapidly, and collapsed.

Pockets of telephone company unionism prevailed, however, for nearly half a century. To discourage further organization, the Bell companies formed "committees" to address employee concerns. Some operators reported that these committees merely addressed such trivialities as beach parties for employees. Forty percent of the operators were laid off arbitrarily. In the interim, the **National Federation of Telephone Workers (NFTW)** was formed, but was a loose confederation. Affiliates remained autonomous and each unit bargained with its respective company.

However, the NFTW led the first nationwide telephone strike in 1947, involving over 300,000 workers. The defeat of this strike made it clear that a nationwide trade union was necessary if telephone operators were to successfully confront the highly centralized Bell management.

A few months later, the **Communication Workers of America (CWA)** was formed, an industrial union including telephone workers in all departments. They soon affiliated with the **Council of Industrial Organizations (CIO)** in 1949. The influence wielded by women prior to 1923 was never regained because of advanced telephone technology and resulting job loss. However, since 1919, divisional structures of the IBEW Telephone Department existed

prior to its formal establishment in 1955. Approximately 10,000 workers were organized in the New Jersey Bell Plant and Accounting Department in 1955, and became local 827 of the IBEW. In 1956 nearly 16,000 women working in the Traffic Department of Bell of Pennsylvania were organized and became IBEW Local Union 1944. The IBEW also succeeded in organizing the New England telephone operators who had remained outside the CWA.

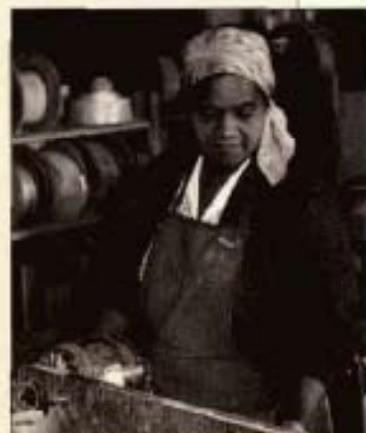
During its lifetime, the Telephone Operators' Union not only significantly improved the wages and working conditions of telephone operators across the country, but also forcefully asserted their interests as women in the labor movement. ❁

The Resolute Spirit of Trade Union Women—

Their Valiant Struggles and Poignant Victories

Part IV—Portraits of Immigrant and Minority Women Workers and Union Organization

“The melting-pot of the races is also the melting-pot of nationalities. The drama that we are witnessing in America is a drama on a more tremendous scale than can ever have been staged in the world before. The incoming immigrant is regarded as an outsider, who may be graciously permitted to hew wood and draw water; to forge steel in a rolling mill or to sew in a factory; and to cut ice or make roads for the rest of us. I speak of [all] women workers



here, because it is she who is my concern at present, and in all the now-historic strikes, she has played a very large part. Most of these strikes have been strikes of unorganized workers, who did not know even of the existence of a union [un]til after they had gone out, and therefore with no idea of appealing to an organization for even moral support. Yet these people struck in spots all over the city almost simultaneously... making a stand against any further degradation of their poor standards of living. Amid every variety of shop grievance, and with the widest possible difference in race, language and customs, they shared two disadvantageous conditions: industrially they were oppressed, and socially they were subject races. Therefore, they were one people, in spite of

their nine nationalities. These two conditions acted and reacted upon one another, complicating and intensifying the struggle. But because of this very intensity, it has been easier for the onlooker to separate out the real questions at issue; easier for the sympathetic American to come into wholesome and human relationship with this large body of... sisters. So the searchlight turned on then, on the sewing trades, has since cast its enlightening beams on industrial conditions in other trades, in which, too, one race is perpetually played off against another with the unflinching result of cuts in wages and lowering of standards of living.”



—Alice Henry, Author
The Trade Union Woman, 1915

The Immigrant Woman

Alice Henry, who was an English-speaking and Anglo-Saxon immigrant, spoke often of the sense of separation she felt from her fellow-immigrants—"not by one wall, but by many." She discussed a few of these "walls" as first, the wall that none of us can help—the wall of language differences; and next, the wall raised by different manners and customs. But the walls we can transcend are the walls of provincial arrogance and crass self-satisfaction. The English-speaking foreigner, who works in one of the professions or skilled trades, sometimes never meets others from their country. She stated, "The Americanizing process takes place in the street, in the cars, the stores, the workshops, the theaters, and in the schools; however, nowhere so consciously has the [Americanizing] process taken place as in the trade unions, where foreigners have been drawn into its fold."

Carrying their earthly possessions on their backs, immigrants arrived in America in search of jobs that often paid far less than they expected. Unionization of immigrant workers, unable to understand the English language or American ways, required special recruitment techniques. In industries employing a large number of immigrants, unions organized foreign language locals. These locals sometimes banded together to form such groups as the German Trades Circle, the United Hebrew Trades, and the Italian Chamber of Labor. Women were often excluded, and denied participation in unions, making organization of the needle trades very difficult. Undaunted, these persistent pioneers laid the groundwork for the formation of the Amalgamated Clothing Workers and the International Ladies' Garment Workers' Union. They paid a terrible price—lost youth, poor health and little happiness—in a demanding industry which exacted long hours of work, at exhausting speeds and wretched pay.

In the huge 1910 Chicago strike of organized and unorganized garment workers, more than one-fourth of the strikers were immigrant women from the Slavic countries, Italy, England, Russia, Switzerland, Bohemia, Lithuania, Ireland and Germany. Because they spoke many different languages, they did not fully understand what was going on. In a strike, immigrant workers just followed the leaders out into the street. Placards, expressing grievances in many languages, were later used in strikes, but the need to speak

the average sum of money each woman had with her upon her arrival was \$3; some had nothing and were destitute at the depot. They had used their meager savings for passage to America. The first factory workers, who were relatives of native settlers, were the earliest leaders in trade organizations. When they withdrew from the factories to work in offices, the Irish immigrants took their places.

Henry wrote, "The first Irish girls, who came into the factory life of New England with no knowledge of city life, were quick and ready to learn. They went into new occupations, and picked up the new ways of doing things... Despite untold handicaps, they began with rebellions on their own account... They showed in the trade unions which they [had] organized, the remarkable qualities for political leadership that became well-known in American trade unionism." Some of these outstanding women were Maude Gonne, an Irish patriot; Maggie McNamara, who led the Brooklyn Female Burnishers' Association in 1868; Kate Mullaney, who led the body of Troy laundresses; Julia O'Connor, whose untiring work with the telephone workers won hard-fought concessions; Leonora Barry, who was the leading spirit among the women of the Knights of Labor; Leonora O'Reilly, a staunch organizer; and countless others.

The Slavic Jewish women, especially those from Russia, and the Bohemian woman, advanced as faithful unionists. They brought with them a spirit of fearlessness and independence of thought and action, which had an amazing effect upon the conditions of factory industry in the trades where they worked. Henry wrote, "When the Russian Jewish girl first hears of a trade union, she has usually been some years in one of our cities, working in a factory or a sweatshop, let us say as a garment worker. The religious and social liberty which she has here learned to consider her due has stimulated her desire for further freedom,



Immigrants, seeking work and housing, are interviewed upon arrival in America.

English was considered the foreign women's greatest barrier to further participation in the unions. More than half of the 147 young girls and women who died in the deadly fire in 1911 at the Triangle Shirtwaist factory in Manhattan, New York, were newly arrived immigrants from Russia, Switzerland, and Slavic countries. There were only four young Italian girls working at the Triangle, because of the reluctance of their families to send daughters to the United States alone.

When the Chicago Women's Trade Union League began its Immigration Department in 1912, they found that

while the tremendous industrial pressure under which she earns her daily bread stirs the keenest resentment. One day, her patience reaches its limit, and she strikes out to remedy her situation."

German and Scandinavian immigrants were amalgamated into trade unionism "with such speed that most of those who had been in America for some time (invariably children of the first-comers), were considered American." One large problem faced in attempting to organize Italian women was their culture, in which no young girl or woman had freedom of the streets accorded to other women, unless accompanied by their father, brother or mother. It raised a serious barrier in that these young women could not be effectively protected from the evils of the industrial system. They were cruelly overworked in their homes, whether it was sewing, feather-making or nut-picking. Whole families worked under the watchful eye of the mother, often far into the night.



Woman welder.



Railroad-car cleaners.

Minority Women During the War

During the early 1900s, minority women served mainly as field hands, domestic servants and laundresses. They were neither organized nor approached to organize, because they were considered "new to industry, and lacked factory know-how." However, in 1902,

when Irish immigrants working in a packing plant, formed the *Maude Gonne Club* (which was later transformed into a real union), to address working conditions, a young African-American girl applied for admittance and was accepted.

In 1914, when more black women were allowed in factories and offices, they—along with white women—participated in wartime labor rebellions.

Unfairly characterized as being unable to cope with their wartime dislocations (i.e., from servitude to factory worker) black women, well aware of ingrained racial separateness, expressed a distinct sense of self-worth as other more seasoned blue-collar and white-collar workers. They expected better treatment from their employers during the war because of the nation's government and business campaigns for home-front solidarity. If this is the case, they thought, how could discrimination be acceptable to them when it contradicted the ideals for which the war was presumably being fought? Minority women earnestly awaited the day when these indignities were bad memories. They

Minority women working as railroad-bed attendants for the Baltimore & Ohio Railroad.



rebelled by quitting their jobs, as an entire group of young black women did on the first day of work after a foreman cursed them for protesting undesirable working conditions. In another instance, they walked off the job after learning of the great disparity in wages between their pay and the pay of white women working beside them.

Maureen Greenwald, in her book, *Women, War and Work: The Impact of World War I on Women in the United States*, stated, "Little is known about trade union organization among African-American women during the war, for there are no nationwide tabulations of their membership in unions. Given the limited number of women who entered organized industries, it can be safely assumed that black female trade-union members constituted a small group...; and that they were suspicious of unions. A wartime study of black women industrial workers in New York City found that only 21 (or 12 percent) had joined a union. Those few were affiliated with the Amalgamated Clothing Workers, the Fancy Leather Goods Union, and the International Ladies' Garment Workers' Union...." When working at the Frankford Arsenal in Philadelphia during the war, not one of the 500 black women joined the National Federation of Federal Employees. They felt that these jobs were temporary and after the war, they would be summarily dismissed anyway.

Greenwald also noted that as a center of trade-union activity among government workers, Washington, D.C., offered a receptive setting for the union affiliation of black women. One example was the organization in September 1918 of the *Charwomen's Branch of Washington Local 2 of the National Federation of Federal Employees*. This union enrolled women office cleaners, and was strengthened by another independent branch of black women members of Local 2. These women worked as machine operators in the Bureau of Printing and Engraving, which for the

Swedish immigrant Mary Anderson was a factory worker for 13 years, and was an organizer for the Chicago and National Women's Trade Union Leagues. She helped gain better living wages, shorter hours, safer working conditions for workers in factories, mines and other establishments. Pioneering in the field of collective bargaining, Sister Anderson helped draw up and put into effect the labor constitution of the Amalgamated Clothing Workers of America. She was a member of the Boot and Shoe Workers International Board, and ultimately was appointed director of the Women's Bureau of the U.S. Department of Labor, Washington, D.C.



As an immigrant of Russian-Jewish descent, Rose Schneiderman came to America as a child, without knowledge of English, and settled in New York. She worked untiringly among the white-goods workers until they were strong enough to call a general strike, in which they won a great part of their demands. She held the union—the Cloth Hat, Cap and Millinery Workers International Union—together and eventually it grew to 7,000 strong. Sister Schneiderman addressed the delegates at the Women's Industrial Conference in 1923.



Photos courtesy National Archives, Washington, D.C.

first time had begun to hire black women for such work. These two branches of black women unionists demonstrated their potential organizing force. They joined with white women unionists in an effort to win a new classification system for female federal workers; to raise the wage level for unskilled women; to obtain a retirement program; and collectively resist the introduction of "efficiency schemes" in government agencies.

The Baltimore & Ohio Railroad hired immigrant and minority women as common laborers assigned as railroad-car cleaners, railroad-bed attendants, and scrap-heap laborers. A small number of these women gained admittance during the war to nontraditional jobs in railroad yards. Some wiped engines, while others operated electric lift trucks at freight-transfer stations or worked on docks, moving lumber or lifting heaps of scrap iron. Wartime also provided women with positions such as electric welders, oxyacetylene cutters and welders, and core makers. Male trade unionists, outraged that women were "undermining their relatively privileged positions," treated these "newcomers" with

disdain. To protect themselves from the prospect of permanent competition from unorganized female workers, the members of the *International Association of Machinists (IAM)* passed a resolution in 1917 to organize women into their union. They reasoned that women as union members would act in solidarity with male machinists for the protection of the craft. By June 1918 women accounted for nearly 12,500 of the 229,500 IAM members.

Trade unionism among immigrant and minority women wage earners comprised only one facet of the female labor revolt in the United States before, during and after the World War I. Drawing on their own experiences, these women forced their employers and government agencies to take notice of what women had to say about wages, hours of work, and other conditions which affected their labor. No group of workers penetrated the atmosphere of American trade unionism, and had more militant determination and enthusiasm than this force of brave, persevering workingwomen in the face of limited opportunities, discrimination and opposition. ■

The Resolute Spirit of Trade Union Women—

Their Valiant Struggles and Poignant Victories

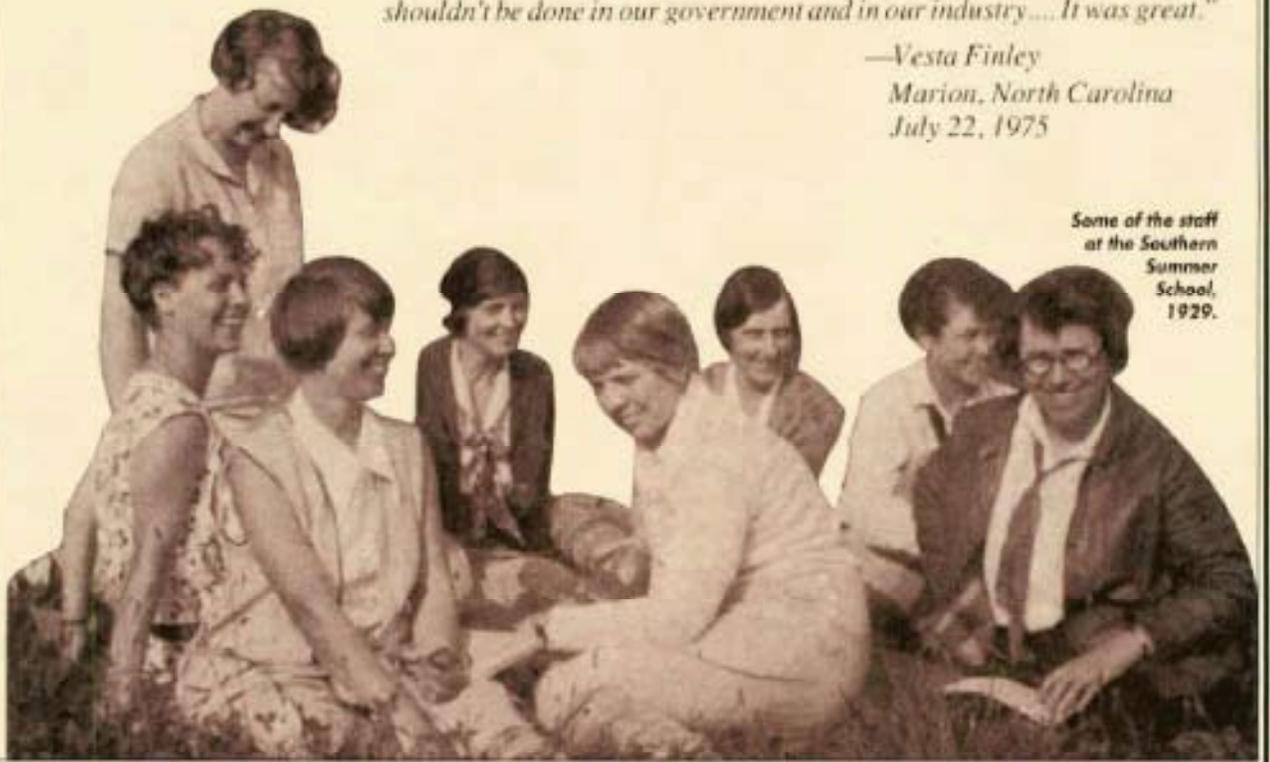
Part V—Women Workers—Holding Their Own

“So you want to know about the Southern Summer School. Well, all I can say is—that group is responsible for whatever sense I have today. It made a big impression on me. It was the first time I had ever been away from home, but that didn’t bother me. The school was so informal; ...like everyone was on the same level.... You were taught to be aware of what was going on around you, about the labor movement, and the fact that women should...[remain] active in it.”

—Polly Robkin,
New York City
November 2, 1974

“It was a great inspiration to me to feel like women were considered capable of participating. It was something new and interesting and I guess it was to most of the girls. They had never had a chance to speak up, talk or express themselves about what they felt should and shouldn’t be done in our government and in our industry.... It was great.”

—Vesta Finley
Marion, North Carolina
July 22, 1975



Some of the staff
at the Southern
Summer
School,
1929.

Photo courtesy Marc S. Miller, available for Southern Studies, Durham, N.C.

Author Mary Frederickson, in her book, *A Place to Speak Our Minds*, wrote of a group of committed women trained in the social sciences, who organized a workers' education program for women in the South in the late 1920s. It was called "*The Southern Summer School for Women Workers*," and was a unique effort of women cooperating across class lines. Each summer from 1927 to World War II, young workers from the textile, garment and tobacco factories were provided with the opportunity to develop solidarity with each other, and confidence for full participation in the emerging Southern labor movement.

It was founded by Louise Leonard McLaren, daughter of a Pennsylvania banker, who had served as the YWCA industrial secretary in the coal-mining region of Wilkes-Barre, Pennsylvania, and Lois MacDonald, a native of South Carolina, who was a YWCA leader credited with a summer program that placed college students in industrial jobs. Ms. MacDonald worked in an Atlanta textile mill, and was outraged at the human costs of Southern industrial development. Together these two women formed a Southern-based workers' movement in which the workers were encouraged to "take a hand," with the threat of limitations and regulations they knew would be imposed on the workers if they sought support from the employer and management.

Early in the opening decades of the 20th century, the Young Women's Christian Association (YWCA) and the Women's Trade Union League (WTUL) sought to channel women's desired reforms into viable programs responsive to the needs of workingwomen. An industrial department was created at the YWCA on the local level to reach



Women textile workers strike.

workingwomen, and the WTUL established workers' education programs. Both organizations supported the passage of protective legislation and the expansion of trade unions.

McLaren describes their plan, and said, "As models for our plan, we looked to the Brookwood Labor College, the Bryn Mawr Summer School, and the workers' education programs of the International Ladies' Garment Workers' Union (ILGWU) and the Amalgamated Clothing Workers Union (ACWU)." They applied to the American Federation of Labor for financial aid, and found that the AFL was "devoted to craft unionism and most organizations were uninterested either in organizing women workers or in promoting workers' education." Undaunted, McLaren and MacDonald were forced to create an organization which could approach a wide range of interest groups for support. Many women's organizations came to their aid, including the American Fund for Public Service, led by Elizabeth Gurley Flynn, a veteran member of the International Workers

of the World (IWW).

During the school's 15-year existence, over 300 women, between the ages of 18 and 25, attended its sessions—all intent on changing the patterns of their lives. Students were encouraged to compose and perform original dramas based on their own biographies, which provided a rich collection of memoirs from a cross-section of Southern workingwomen. For example, one young woman was a cotton spooler from Macon, Georgia. She illustrated to the other students the double-edged impact of protective legislation that was frequently passed. She first worked in the mill as a "bobbin girl" at the age of 8. A short time later, she left work to attend school when the Georgia legislature passed a law forbidding the employment of children under 14, effectively putting a stop to the hiring of children under that age. At 14 she returned to the mill as a "spooler," working 11 hours a day until she was 15; then her hours were reduced by a new state law preventing children under 16 from working more than eight

hours a day. At each point in her story, Georgia legal reforms had changed the conditions under which she worked, providing fair and equitable working conditions long advocated by unions.

Other students wrote of similar experiences. A young woman from the Hanes Hosiery mill in Winston-Salem, North Carolina, reported that while the male employees in her plant were well paid and did not work over eight hours a day, the local union excluded women from membership. Women were only allowed to work every other day. A student from Alabama, who worked as an organizer for the United Textile Workers during 1935, stressed that it was necessary "to convince the men of women's ability and sincerity." She argued that women often did not participate in unions because they had the double burden of working in the mill during the day and doing housework at night. Many of the life histories written by the students graphically mirrored other social and economic changes—changes that reflected the difficulties faced by those who worked the land, the hazards of coal dust, textile fibers and dangerous machinery. Most suffered from an inadequate diet, ill health or the early death of their parents.

As the 1930s progressed, women workers across the South had revolted against increased workloads and reduced wages with a series of wildcat strikes which drew national attention to the labor problem and compelled industrialists to make changes in the working and living conditions in many Southern towns. The years of steadily worsening economic conditions caused the eruption of a general textile strike

in 1934, where 200,000 workingmen and workingwomen showed their discontent. When the Committee for Industrial Organization (CIO) was formed in 1935, there was a rise of labor organizing in mining, textile and garment industries. In 1937 the CIO established the Textile Workers Organizing Committee to spread the idea of industrial democracy throughout the South. As a result of these developments, the num-

ber of the school's students affiliated with trade unions rose substantially to 80 percent. Financial support from labor increased and in the newly formed unions across the South, scholarship money was raised to send women members to the school to receive training in labor history, economics and parliamentary procedures. But the realities faced by workingwomen were not fully understood by those McLaren was trying to mobilize for labor—middle-class support. One of the obstacles, for example, was the Roanoke, Virginia, worker's education committee chairman, a former YWCA industrial secretary, who had been forced to sever her connection with the school. The secretary stated, "I had no freedom to express my interest in the labor movement due to my husband's employment in a large corporation." Other problems were the hostility to female assertiveness and labor organization. This made the school's hope for female solidarity across class lines rather illusive. Thereafter, the school became more dependent upon organized labor.

When World War II brought full employment, many women had little time to attend school. The women's relationship with male-dominated labor had deterred their goal of organizing women workers. As the unions gained strength and financial solvency, they began to establish their own workers' education programs. In 1943, after 20 years of work in the South, Louise McLaren decided to leave the school. Under new leadership, it ran literacy programs for black workers, organized voter-registration drives, and addressed other social

issues. By 1950, the organization folded due to lack of funding. The Southern Summer School for Women and its affiliates made a great impact on the lives of Southern workers, both black and white. One school official remarked, "Our school planted the seeds of change. It did not die, but is very much alive today, for it has entered into the bloodstream of the evolving history of the South."



Elizabeth Gurley Flynn, workers' rights activist.

March Is Women's History Month

4 Union Stockyards opened in 1865, leading to the establishment of Chicago as the world's greatest meat producing and packing center by the end of the decade. With the stockyards came thousands more workers, who organized into unions like the UFCW predecessor, United Packinghouse Workers of America, to raise wages and improve conditions in the dirty, dangerous industry. Chicago later became the headquarters of the Amalgamated Meat Cutters, another predecessor union of the UFCW.



Melinda Scott, member of the United Textile Workers of America, was a delegate to the Women's Industrial Conference.

4 President Franklin Delano Roosevelt was inaugurated in 1933. His support of the 1935 Wagner Act, which affirmed workers' "right to organize and bargain collectively through representatives of their own choosing," helped consolidate labor's gains in the 1930s.



Elizabeth Cristman, secretary-treasurer of the National Women's Trade Union League.

7 The Knights of St. Crispin, and a companion group of women workers called the Daughters of St. Crispin, organized in 1868 to try to regulate the use of machinery when the beginnings of mechanization in the shoe industry threatened handcrafted work. Organizing by groups like the Crispins set the stage for the birth of the Boot and Shoe Workers' Union, a predecessor of the UFCW.

17 St. Patrick's Day. Many Irish, forced by religious persecution and economic oppression in their native country, emigrated to the U.S. in the mid-1800s. On U.S. soil, the new immigrants encountered severe discrimination, such as in employment notices that advertised "No Irish Need Apply." Many Irish workers turned to the labor movement for support, and union membership grew thanks to Irish leadership and determination.



Fannia Cohn, vice president of the ILGWU; she represented the AFL at the Women's Industrial Conference in 1923.

24 In 1974, the Coalition of Labor Union Women (CLUW) was founded by some 3,000 women trade unionists from 58 labor organizations at a meeting in Chicago. The coalition was forged to promote equal rights and better wages and working conditions for women workers. Today there are more than 20,000 CLUW members representing more than 60 unions in 75 chapters throughout the U.S.



Mrs. Raymond Robbins, a social economist, was president of the International Congress of Working Women in Vienna in 1923.

25 A fire broke out on the upper floors of the Triangle Shirtwaist factory in New York City, in 1911. Within minutes, the fire killed 147 young workers, most of them Jewish and Italian immigrant women. The workers were locked in by their employer. The tragedy inspired new fire safety laws.

Photos courtesy National Archives, Washington, D.C.

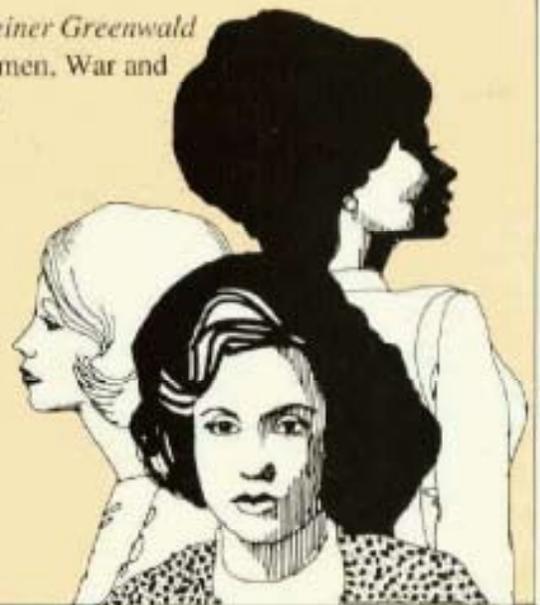
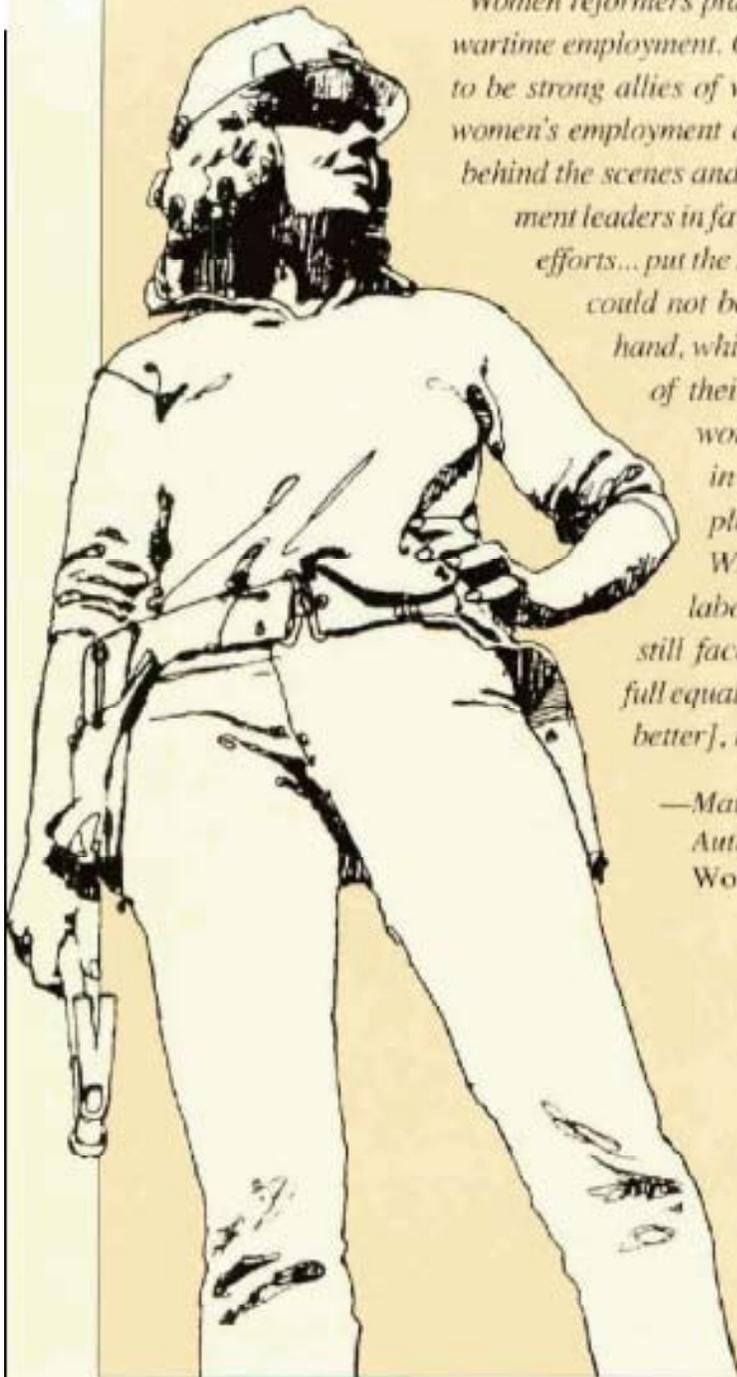
The Resolute Spirit of Trade Union Women—

Their Valiant Struggles and Poignant Victories

Part VI—And Miles To Go Before We Sleep

“Women reformers played an important role in the history of women’s wartime employment. On the positive side, middle-class women proved to be strong allies of wage-earning women. In the controversies over women’s employment as streetcar conductors, they worked vigorously behind the scenes and in public to influence local and federal government leaders in favor of the workingwomen’s cause. The reformers’ efforts... put the National War Labor Board on notice that women could not be expected to support the war effort on the one hand, while being denied the right to work at employment of their own choice on the other. Organized women workers encountered stubborn limits to their power in the 1920s, when management plans for employee representation stifled unions’ development. While a new set of relations among management, labor and government emerged after the war, women still faced entrenched opposition.... [And even today], full equality in women’s employment, [although somewhat better], remains rather illusive.”

—Maurine Weiner Greenwald
Author, *Women, War and Work*, 1980





A s a litmus test of whether labor has progressed in meeting the needs of its workingwomen and -men, we need only to respond to the words of the late former President Franklin D. Roosevelt who said, "The test of our progress is not whether we add more to the abundance of those who have too much; it is whether we provide enough for those who have too little." In such a test, labor certainly has made many noteworthy contributions. This is the last of six installments in the series, "Trade Union Women." There is so much that was left unwritten, and so many amazing heroines of the women's labor movement, who struggled, suffered and even gave their lives for dignity, and justice in the workplace.

The history of workingwomen in the United States and Canada includes the noble achievements of individual women and summons the collective spirit of generations of women who helped change the existing prejudices, attitudes, and traditions so prevalent in their time. Such women include Frances Perkins, whose work in women's organizations and with impartial labor authorities, earned her the position of industrial commissioner in President Roosevelt's "New York Cabinet." He had been impressed by her work in getting out the women's vote in the 1932 presidential election and by the success of the Women's Division of the Democratic National Committee. When Roosevelt was attempting to fill the position of secretary of labor, the candidacy of Frances Perkins had great appeal to him even through the American Federation of Labor, the United Mine Workers, and the Amalgamated Association of Iron, Steel



and Tin Workers insisted that Roosevelt's choice be an AFL man. Nevertheless, the political impact of organized labor did not influence him, as he wanted to be the first president ever to name a woman to the cabinet.

When he approached Perkins, she wrote back to him, "someone straight from the ranks of organized workers should be appointed to reestablish firmly the principle that labor is in the President's Councils." Late in February 1933, Roosevelt called Frances Perkins to his home in New York, and informed her that he wanted her to become secretary of labor—an honor she reluctantly accepted. Said Perkins, "I had been taught long ago by my grandmother that if anybody opens a door, one should always go through it." She and the president discussed at length the "New Deal," and what it would do for labor—direct unemployment relief, public works, regulation of minimum wages and maximum hours, unemployment insurance, old age pensions, abolition of child labor, and creation of a federal employment service. On March 4, 1933, Frances Perkins attended the inauguration, and thereafter was appointed the new secretary of labor.

The Women's Movement

Women have been instrumental in moving many roadblocks in their quest for equal pay for equal work. They were compelling, elegant, and grew to an impenetrable force—organizing, lobbying and supporting. Many labor organizations were formed and led by these women, who also

encouraged their members to apply for nontraditional apprenticeships in the trades. Despite the obstacles and difficulties, the women's willful persistence brought positive results.

In order to pressure the paternalistic unions into acceptance of capable tradewomen, the Coalition of Labor Union Women (CLUW) was organized in 1974. Still prominent today, CLUW works within the established AFL-CIO union structure and is open only to union members. This had initially restricted CLUW's efforts to organize nonunion workers and develop programs to incorporate women's issues outside the area of production, but that hurdle was removed. Union restraint is not new to those women seeking achievements in securing women's and worker's rights.

The United Auto Workers (UAW) has maintained a Women's Department since 1944, and UAW women were among the founders of the National Organization of Women (NOW). However, union women could not support the Equal Rights Amendment (ERA) because the UAW was opposed to it. Soon, the UAW reversed its stand, and supported the ERA—becoming one of the first unions to do so. CLUW also had the highest percentage of African-American women as members. At the founding convention in 1974, 20-25 percent of the 3,200 women who attended were black and several assumed leadership positions.

Unlike CLUW, most of the new workingwomen's groups have their roots in the women's movement, rather than the trade unions. In the 1970s, one-third of all American workingwomen were in clerical jobs, but only 9 percent belonged to unions—many of which had a history of neglecting women workers. Thus independent organizations, on a city-wide basis, were formed. These included 9 to 5 in Boston; Women Employed (WE), Chicago; Women Office Workers (WOW), New York; and Cleveland Women Working. This movement had generally contributed better conditions for all women through collective action. One notable organization, Union WAGE (Women's Al-

liance to Gain Equality, founded by Joyce Maupin, was more class-conscious than others, Maupin stated, "Union WAGE does not see the problem of workingwomen in terms of advancement and promotion of individuals. Rather, our goal is to change the lives of all file clerks, factory workers, farm workers and waitresses."

Signs of cooperation with the women's movement from other unions came in 1977. Shortly thereafter, the American Federation of State, County and Municipal Employees (ASFCME) joined in and supported a successful 1979 strike in San Jose, California, to re-evaluate jobs and wages—an issue of equal pay for

Baltimore area—the first time CLUW worked directly with international unions to organize the unorganized. CLUW President Joyce Miller, the first woman appointed to the AFL-CIO Executive Council in 1979, was joined in 1981 by Barbara Hutchinson of the American Federation of Government Employees. Despite the progress made by union women in leading and organizing, they continue to push for visibility and involvement.

Outlook

The U.S. Department of Labor published a pamphlet entitled, "Women Workers: Outlook to 2005," prefaced by the question, "What role will women play in the labor force of the 21st century? It is predicted that men will leave the labor force in greater numbers than women—by more than 4 million in the period 1990-2005. Female labor force participation in all racial groups will rise during this same period. It is also projected that women will account for 52 percent of the nearly 43 million workers who will enter the labor force by the year 2000. There will be more women in the skilled trades—precision production, craft and repair, customarily dominated by men.

There is no doubt that the labor movement has gained immeasurable success from women's work in organizing, educating and supporting, together with their dynamic political activity. Women leaders anticipate that in the next century, greater opportunities for women in employment, particularly in nontraditional areas such as the trades, will ensure continued progress towards full equality for women. Legislation, such as the Nontraditional Employment for Women Act of 1991, will help women obtain justice as they battle ingrained prejudices and traditionalism. ■



comparable work. One of the founders of 9 to 5, Karen Nussbaum, helped to form Working Women, a national organization of local clerical groups. In 1981, 9 to 5 joined and became part of the Service Employees International Union (SEIU), and created District 925, a nationwide SEIU union to organize clerical workers. The organizing drive emphasized that unionized clerical workers earn 30 percent more than their non-unionized counterparts.

In 1982, CLUW mounted a joint campaign with unions in the Washington, D.C.-



Reflections On Canadian Trade Union Women

The number of Canadian women entering such trades as carpentry, welding and construction has increased. Organizations in Canada have prepared informational publications on union crafts to increase awareness of and encourage women to consider these fields. One such publication was distributed in 1989 by the Women's Bureau, Labour Canada, entitled, "Building the Future: Profiles of Canadian Women in Trades." Excerpts from the experiences of these tradeswomen follow:



Heather Watt, Boilermaker

Heather Watt was a very successful saleswoman, until she and her husband moved to northern British Columbia, where the only company in town told her that if she didn't type, there was no work for her. She went to the local Canada Employment (manpower) office, and when an officer repeated the question, "Do you type?" she saw red. Recalling her experience, Watt said, "There was a piece of paper on her desk, and I grabbed it and said, 'I want to apply for this.' The secretary grabbed the other side of the paper saying, 'you can't touch that.'" While they tugged back and forth, a supervisor came out and Watt said, "I'd like to apply for this position—a Field Engineer." When asked by the supervisor if she were qualified, Watt replied, "Certainly." It turned out that, thanks to her drawing skills, and some drafting she had done on the side, she was indeed qualified. She was hired that afternoon at the construction site.

She did her job well, but was more interested in "doing the job" rather than "drawing" the blueprints. After discussions with her coworkers as to what to do and how to proceed, she was introduced to a whole new world of unions and

apprenticeships. Her first year of school was difficult as the only female in the class. She endured hostilities and assaults, but received her boilermaker ticket. As a member of the International Boilermakers Union, she is enormously satisfied with her career, and takes great pride in her work.



Lynn Standing, Electrician/ Electronics Technician

A few years after Lynn Standing moved to the Yukon Territory at age 18, she became dissatisfied with her job as a barnmaid. She went to the Canada Employment (manpower) office and signed up for what she called the "hardest course in vocational school." After a grueling 10 months in theory, she tackled the mechanical aspects of the trade. Only her stubbornness, discipline and perseverance got her through her classes. After passing the course, she found a position with a small contractor. To the workers, she was only an electrician on site for six months. After completing her apprenticeship and receiving her journeyman ticket, Standing took a job working as marine electrician on a ship in the Beaufort Sea. That was the turning point. She was offered the job as foreman after six

months on the job. Later, she retrained to become an industrial electrician.



Pat Oakes-Scattergood, Ironworker, Subforeman/ Foreman

Pat Oakes-Scattergood's father was an ironworker who regularly took her brother out in cold, rainy weather and made him walk on high steel, saying, "This is what it's like to be an ironworker..." She married an ironworker while she was very young, and had a son. Her interest was sparked in the trade. After separating from her husband, Scattergood was living on the Mohawk Indian Reserve in Cornwall, Ontario, Canada, and she talked the tribal council into sponsoring her for a course in structural steel welding. After some persuasion, they agreed, but issued a warning, "If you don't make it, you will be the first and last woman to go to welding school."

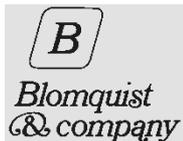
She attained her goal by 1974, after which she decided to enter school as an ironworker apprentice. In 1978 she received her journeyman ironworker ticket. Scattergood has worked as subforeman and foreman on the Darlington Nuclear Project, one of the biggest construction projects in the world.

APPENDIX B

Development of the NECA/IBEW Family Medical Care Plan

The NECA/IBEW Family Medical Care Plan is a specially designed plan to provide electrical employees with a reliable and cost-effective option for healthcare coverage.

DEVELOPMENT OF THE NECA/IBEW FAMILY MEDICAL CARE PLAN



Healthcare in the U.S.

- 44,000,000 uninsured Americans
- 16.2% total GDP spent on healthcare in 2007 (estimated at 17% in 2008)
 - Projected to be 19% by 2014
 - Projected to be 25% by 2020
- U.S. has poorer health outcomes than many other nations, even though it spends 1/3 to 1/2 more than those nations.
- The future of government-sponsored national health plan is in doubt, although the current administration is taking a close look at some version of national coverage.
- Much of the coverage for electrical employees is provided through small plans and employers and is neither stable nor cost-effective.

Somebody Has to do Something....

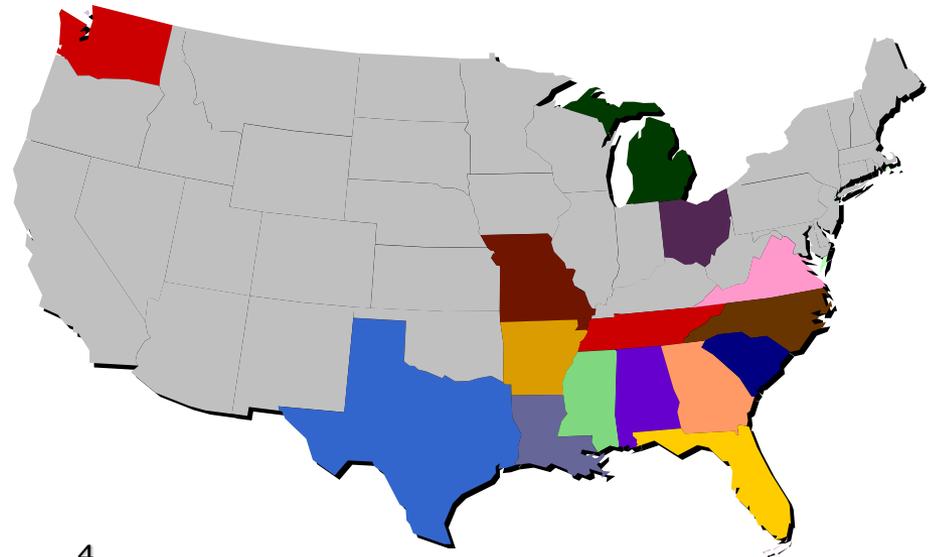
-
- In 2003 and 2004, IBEW and NECA took on the job
 - Began surveys and research on benefit plans and financing
 - Extensive studies of existing plans in various regions
 - Selection of IBEW 10th District as pilot group

Growth of the IBEW National Plan

- Began operations January 1, 2006
 - 3,500 employees
 - 12 Local Unions
 - \$17 million in assets
- Status as of January 1, 2009
 - 13,800 employees
 - 38 Local Unions
 - \$65 million in assets

States Currently Participating

- Alabama
- Arkansas
- Florida
- Georgia
- Louisiana
- Michigan
- Mississippi
- Missouri
- North Carolina
- Ohio
- South Carolina
- Tennessee
- Texas
- Virginia
- Washington



Trustees of the National Plan

- Current Union Trustees
 - Lindell Lee
 - Darrell McCubbins
 - John Nickles
 - Shane Roberts
- Current Employer Trustees
 - Geary Higgins
 - Howard Hughes
 - Larry Moter
 - Jerry Sims
 - Kevin Tighe
- Union Trustees selected by IBEW Vice-Presidential District
- Employer Trustees selected by NECA
- Trustees' obligation is to managed the Plan and its resources in the best interests of its participants

How the Board of Trustees Interacts

- Trustees accept input from all local plans and participant groups
- Trustees from each IBEW VP District help oversee the interests of their regions
- Local parties have voice in contract negotiations



IBEW Local Unions Participating in the New Plan

Southern Electrical Health Fund

175 and TVA	Chattanooga, TN
238	Asheville, NC
270 and TVA	Oakridge, TN
295	Little Rock, AR
342	Winston-Salem, NC
379	Charlotte, NC
436	El Dorado, AR
446	Monroe, LA
495	Wilmington, NC
553	Raleigh, NC
700	Fort Smith, AR
776	Charleston, SC
934	Kingsport, TN
1516	Jonesboro, AR
2113	Manchester, TN

Memphis Electrical Health and Welfare Plan

474	Memphis, TN
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Southwest Louisiana Electrical Welfare Fund

861	Lake Charles, LA
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Decatur Welfare Fund

429	Nashville, TN
443	Montgomery, AL
676	Pensacola, FL
760	Knoxville, TN
852	Corinth, MS
1316	Macon, GA
1531	Albany, GA
1925	Martin, TN

IBEW Local Unions Participating in the New Plan

IBEW 602 & WTX NECA Health & Welfare Fund

602 Amarillo, TX

IBEW Local No. 1340 Health Fund

1340 Newport News, VA

NECA-IBEW Family Insurance Benefit Fund

177 Jacksonville, FL

IBEW Local Union 136 Family Healthcare Plan

136 Birmingham, AL

Electricians Local Union No. 756 Health and Welfare Fund

756 Daytona Beach, FL

IBEW Local 673 Family Health Plan

673 Mentor, OH

Great Plains Energy Fund

412 Kansas City, MO
1464 Kansas City, MO
1613 Kansas City, MO

Electricians Local 606 Health & Welfare Fund

606 Orlando, FL

City of Potosi

1439 St. Louis, MO

IBEW Local Union 984

984 Richland, WA

National Electrical Contractors Assn (NECA)

Nationally



Service Providers

Fund Counsel

Mr. Hugh Arnold, Arnold & Kadjan
Mr. Gary Lieber, Schmeltzer, Aptaker & Shepard

Fund Consultant/Actuary

Mr. Jack Diem, Blomquist & Company
Mr. Kurt Starbuck, Blomquist & Company

Fund Administrator & Claims Processor

Mr. Joel France, CompuSys
Ms. Jeri Hill, CompuSys

Fund Auditor

Mr. Bruce Pavlik, Legacy Professionals

PPO Network

Blue Cross Blue Shield of Georgia

Pharmacy Benefits Manager

Sav-Rx

Dental Claims Processor

Metropolitan Life Insurance Company

Life and AD&D Insurance

Union Labor Life Insurance Company

Cost Benefits

- Reduced administration eliminates redundant services
- Larger asset pool allows professional management and more efficient asset allocations
- Reduced net operating expenses
- Reduced investment management expenses
- Larger volume discounts with providers
- Transparency of operations and expenses
- Flexibility with regard to reserves and funding
- Improved bargaining position through larger group

Benefit Designs

- Several Plan design options available for smaller groups
 - Various deductibles & out-of-pocket limits
 - Wellness benefit options
 - Dental or no dental
 - Vision or no vision
 - Life and A&D insurance options
- Standard design:
 - \$350/\$1,050 deductibles
 - \$1,500/\$3,000 out-of-pocket limit
 - 85% PPO/75% non-PPO
 - \$10,000 life insurance
- Customized plans available for larger groups



Funding and Rating

- Pooled rates based on demographic and geographic factors
- Variation of pooling and self-funding for custom plans

Advantages of Blue Card[®] Network

- No balance billing to participants.
- Lower out-of-pocket cost to participants, and savings to Plan.
- Same benefit schedule for participants regardless of region or state in which they receive medical care.
- All Blue Cross plans linked together nationally.
- Large national provider network:
 - 212,987 PCPs
 - 415,987 specialists
 - 5,238 hospitals
 - 80% of all physicians contract with Blue Cross
 - 90% of all hospitals contract with Blue Cross



Blue Card® National Network

Participant Access to Blue Card® Network

- 1) Participant shows I.D. card to his doctor or hospital.
- 2) Doctor or hospital submits the claim to the local Blue Cross plan.
- 3) The local Blue Cross plan transmits the claim to Blue Cross Blue Shield.
- 4) Blue Cross Blue Shield adjudicates the claim and credits the local Blue Cross plan.
- 5) The local Blue Cross plan sends payment to the doctor or hospital.
- 6) Blue Cross Blue Shield sends an EOB to the participant.
- 7) Participant is billed his portion of the claim by the doctor or hospital.



Blue Cross Blue Shield of Georgia

- Blue Cross Blue Shield of Georgia (BCBSGa) provides extensive reporting
- BCBSGa provides access to national savings
 - 90% all hospitals nationwide participate
 - 80% all physicians nationwide participate
- Plan contracts directly with BCBSGa, so all fees and expenses are fully revealed
- Although Plan contracts directly with BCBSGa, participants can seamlessly access any Blue Cross provider in any state
 - BCBSGa and local Blue Cross plan coordinate benefits behind the scenes



Customer Service

- Enrollment or paperwork issues:
 - Dedicated office — Fund Office

- Claim Issues
 - Medical — Dedicated BCBSGa office
 - Dental — MetLife
 - Vision — VSP

Reporting for the National Plan

- The National Plan is intended to be a transparent Health and Welfare Plan
- CompuSys, the administrator, is the single point of contact for issues and concerns
- The National Plan will provide reports showing experience, utilization and trends
- All Plan information will be completely available to the Trustees

Retiree Eligibility Rules

A retiree may choose to take COBRA coverage for 18 months or retiree coverage as long as he meets the following rules:

- 1) Persons being covered as retirees under the old Plans can continue to be covered under this Plan, but under this Plan's rules.
- 2) **Early and normal retirements**—At least age 55; **and** retired from any and all employment in or related to the electrical industry; **and** receiving retirement income benefits from an industry plan or Social Security; **and** eligible in this Plan on retirement date; **and** eligible under this Plan for 48 of the 60-month period immediately preceding his retirement.
- 3) **Disability retirements**—Must be receiving disability retirement benefits from an industry plan or Social Security; **and** must be eligible in this Plan on the date of disability pension benefits.
- 4) **Spousal coverage postponement**—If retiree's spouse has or obtains other group coverage, this Plan's coverage can be postponed or suspended, and retiree will pay only the single rate. If spouse's other coverage terminates, spouse must be enrolled in this Plan within one month.
- 5) **Retiree self-payments**—Self-payments will be targeted to cover 50% of expected retiree costs, and are broken out by Medicare and non-Medicare, and single or spousal coverage.



Special Fund (HRA)

- If the Local Union and an employer wish to provide a valuable supplemental benefit for bargaining unit employees, a special additional amount can be contributed on a tax-free basis to the employees' Special Fund (HRA) accounts.
- The attraction of a Special Fund is that an employee can use it to pay deductibles, copays or other qualifying expenses, including self-payments that he otherwise would have had to pay with after-tax earnings.
- The reimbursable expenses are limited to specific allowable expenses under the Internal Revenue Code.
- Unused balances could be carried forward from year to year and would not be "lost" if not used. However, an employee's balance is not vested—there is no provision for cashing in an account balance.
- If an employee dies while an account balance remains, his dependents can use it.
- The interest earned on accumulations in the Special Fund can help defray the Fund's operating expenses.
- This benefit is not available to non-bargaining employees.



Special Fund (HRA)

Covered Expenses

- Deductibles & co-payments
- Acupuncture
- Self-payments for Plan coverage
- Medical expenses not covered by the Plan
- Vision expenses not covered by the Plan
- Dental treatment not covered by the Plan
- Smoking cessation programs
- Certain transportation expenses
- Vision-correction surgery
- Weight loss programs
- Christian Science practitioners

Non-Covered Expenses

- Cosmetic surgery or treatment
- Health club memberships or expenses
- Household help
- Maternity clothes
- Food or dietary supplements

Implementation Steps

- Modify labor agreements to reflect new contribution rates
- Transition employees into eligibility under National Plan
- Terminate existing contracts
- Transfer COBRA qualified beneficiaries
- Transfer disabled employees
- Transfer retirees

APPENDIX C

Planner for Assembling Important Records

This planner is designed to assist you in putting together a useful record of important information that you or your family might need in the event of an emergency. It is prudent to keep an updated record available for ready reference. You may want to copy a blank form and review and update your record annually.

Keep this record in a safe place, such as with your will and other important personal papers. Tell your family or loved ones where they can find this record if they should need it.

Date on which you last updated the information in this planner:

Preliminary Basic Information

Your Full Name:

Your IBEW® Card No:

Your IBEW® Local Union:

Address:

Telephone:

LU Contact Person:

Spouse's Employer (or Last Employer):

Address:

Telephone:

Your Employer (or Last Employer):

Address:

Telephone:

Your Attorney:

Address:

Telephone:

Your Accountant:

Address:

Telephone:

Other Business/Professional Contacts:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Financial Information

(1) Social Security Information:

Address of Local Soc. Sec. Office:

Telephone:

Your SSN:

Spouse's SSN:

Your Date of Birth:

Spouse's Date of Birth:

Your Place of Birth:

Spouse's Place of Birth:

Location of
your birth certificate:

Location of
spouse's birth certificate:

Estimated Monthly Soc. Sec. Survivor Benefit:

Social Security Death Benefit:

(2) Pension Information:

Employer:

Address:

Telephone:

Option Chosen:

Employer:

Address:

Telephone:

Option Chosen:

Employer:

Address:

Telephone:

Option Chosen:

(3) Information on Deferred Compensation (such as 401(k) or 457 plans)	
Employer or Plan Administrator:	
Address:	
Telephone:	Where Held:
(4) Veterans' Benefit	
Veterans' Administration Office:	
Address:	Telephone:
Name of Veteran:	G.I. No.:
Branch of Service:	Rank:
Type of Discharge:	Date of Discharge/Retirement:
Name of Veteran:	G.I. No.:
Branch of Service:	Rank
Type of Discharge:	Date of Discharge/Retirement:
(5) Annuity	
Company:	
Address:	
Telephone:	Representative:
(6) Savings Account(s)	
Bank:	Address:
In the name(s) of:	Telephone:
Account No.:	Passbook location:
Bank:	Address:
In the name(s) of:	Telephone:
Account No.:	Passbook location:

(7) Checking Account(s)	
Bank:	Address:
In the name(s) of:	Telephone:
Account No.:	Location of checkbook:
Bank:	Address:
In the name(s) of:	Telephone:
Account No.:	Location of checkbook:
(8) Credit Union(s)	
Name of credit union:	
Address:	Telephone:
Account Number(s):	Account(s) in the name(s) of:
Name of credit union:	
Address:	Telephone:
Account Number(s):	Account(s) in the name(s) of:
(9) Savings Certificates	
Bank:	
Address:	Telephone:
Certificate No.:	Value:
Due Date:	
In name(s) of:	

Bank:	
Address:	Telephone:
Certificate No.:	Value:
Due Date:	
In name(s) of:	
(10) Stock and Bonds	
Brokerage Firm:	
Address:	
Telephone:	Broker:
Name or Type of Bond:	
Serial No.:	Face Value:
Name or Type of Bond:	
Serial No.:	Face Value:
Name of Stock:	
Where held:	
Number of shares:	
Name of Stock:	
Where held:	
Number of shares:	
Mutual Fund:	
Account Number:	
In the name of:	
Mutual Fund:	
Account Number:	
In the Name of:	

Mutual Fund:	
Account Number:	
In Name of:	
(11) Individual Retirement Accounts (IRA's)	
Entity holding IRA (bank, mutual fund, etc.)	
Address:	Telephone:
Account No.:	
In name of:	
Entity holding IRA (bank, mutual fund, etc.):	
Address:	
Account No.:	
In name of:	
(12) Safety Deposit Box	
Bank:	
Address:	Telephone:
Key Number:	Location of Key:
Person(s) authorized to open box:	

Contents of Safety Deposit Box

Additional Notes on Financial Information:

Insurance Information	
(1) Your Life Insurance	
Employer Plan:	
Amount:	Beneficiary:
Additional Life Insurance:	
Company:	
Address:	Telephone:
Policy Number:	Location of policy:
Amount:	Premium Date:
Beneficiary:	
Agent:	Agent's Telephone:
(2) Spouse's life insurance	
Employer Plan:	
Amount:	Beneficiary:
Additional Life Insurance:	
Company:	
Address:	Telephone:
Policy Number:	Location of policy:
Amount:	Premium Date:
Beneficiary:	
Agent:	Agent's Telephone:
(3) Health/Disability Insurance	
Company:	
Address:	Telephone:
Policy Number:	Location of policy:

In name of:	
Company:	
Address:	Telephone:
Policy Number:	Location of policy:
In name of:	
(4) Homeowners Policy	
Company:	
Address:	Telephone:
Policy Number:	Amount:
Location of Policy:	Premium Date:
(5) Auto Insurance	
Car No. 1: Make and model:	Policy Number:
Vehicle Identification Number:	
Address:	
Agent:	Agent's Telephone:
Location of policy:	
Car No. 2: Make and model:	Policy Number:
Vehicle Identification Number:	
Address:	
Agent:	Agent's Telephone:
Location of policy:	

Deeds and Titles

Home

Mortgage Company:

Address:

Telephone:

Account No.:

Monthly Payment:

Due Date:

Location of title:

(2) Other Property

Site:

Lot Number:

Lender's Name

Address:

Telephone:

Monthly Payment:

Due Date:

Location of title:

Site:

Lot Number:

Lender's Name:

Address:

Telephone:

Monthly Payment:

Due Date:

Location of title:

(3) Gravesite	
Site:	Lot No.
Site:	Lot No.
Location of title paper:	
(4) Automobile Titles	
Make and model of car #1:	
Vehicle identification number:	
Lender:	
Address:	Telephone:
Monthly Payment:	Due Date:
Location of title:	
Location of registration:	
Make and model of car #2:	
Vehicle identification number:	
Lender:	
Address:	Telephone:
Monthly Payment:	Due Date:
Location of title:	
Location of registration:	
(5) Credit Cards	
Company:	Telephone:
Card Number:	Expiration date:
Name on card:	

Arrangements for Funeral/Memorial	
(1) For Yourself	
Funeral Home:	
Address:	Telephone:
Body cremated by:	Telephone:
Body donated to:	Telephone:
Organ donations to:	Telephone:
Location of signed organ donor card(s):	
Cemetery:	Lot No.
Information about Funeral/Memorial Services:	
Funeral to be held at:	
Religious services to be held at:	
Memorial to be held at:	
Other wishes:	

Arrangements for Funeral/Memorial	
(2) Your Spouse	
Funeral Home:	
Address:	Telephone:
Body cremated by:	Telephone:
Body donated to:	Telephone:
Organ donations to:	Telephone:
Location of signed organ donor card(s):	
Cemetery:	Lot No.
Information about Funeral/Memorial Services	
Funeral to be held at:	
Religious services to be held at:	
Memorial to be held at:	
Other Wishes:	

Information About Wills and Personal Effects
(1) Your Will
Date of Will:
Executor:
Will drawn up by: <i>(give name of the attorney, if applicable)</i>
Attorney's Address
Attorney's Telephone:
Location of original will:
Location of copies of will:
(2) Your Spouse's Will
Date of will:
Executor:
Will drawn up by: <i>(give name of the attorney, if applicable)</i>
Attorney's Address:
Attorney's Telephone:
Location of original will:
Location of copies of will:
(3) Locations of Other Important Papers
Your Birth Certificate:
Your Spouse's Birth Certificates:
Marriage/Divorce Certificates:
Military Papers
Tax Records:

Structure of the IBEW

This appendix briefly summarizes the organizational structure of the International Brotherhood of Electrical Workers. **Figure D.1** illustrates the functional organization of the IBEW and shows how each segment of the organization interrelates with all the other segments. For additional information, consult your copy of the IBEW Constitution.

THE CONSTITUTION: THE LAW OF THE IBEW

The IBEW Constitution contains more information about the Brotherhood than any other single document. It sets forth the purpose, the philosophies, and the structure of the union; the laws by which its members are governed; and the rights and duties of its members. It is the Brotherhood's supreme law; but it is not inflexible and may, when necessary, be amended by action of the membership.

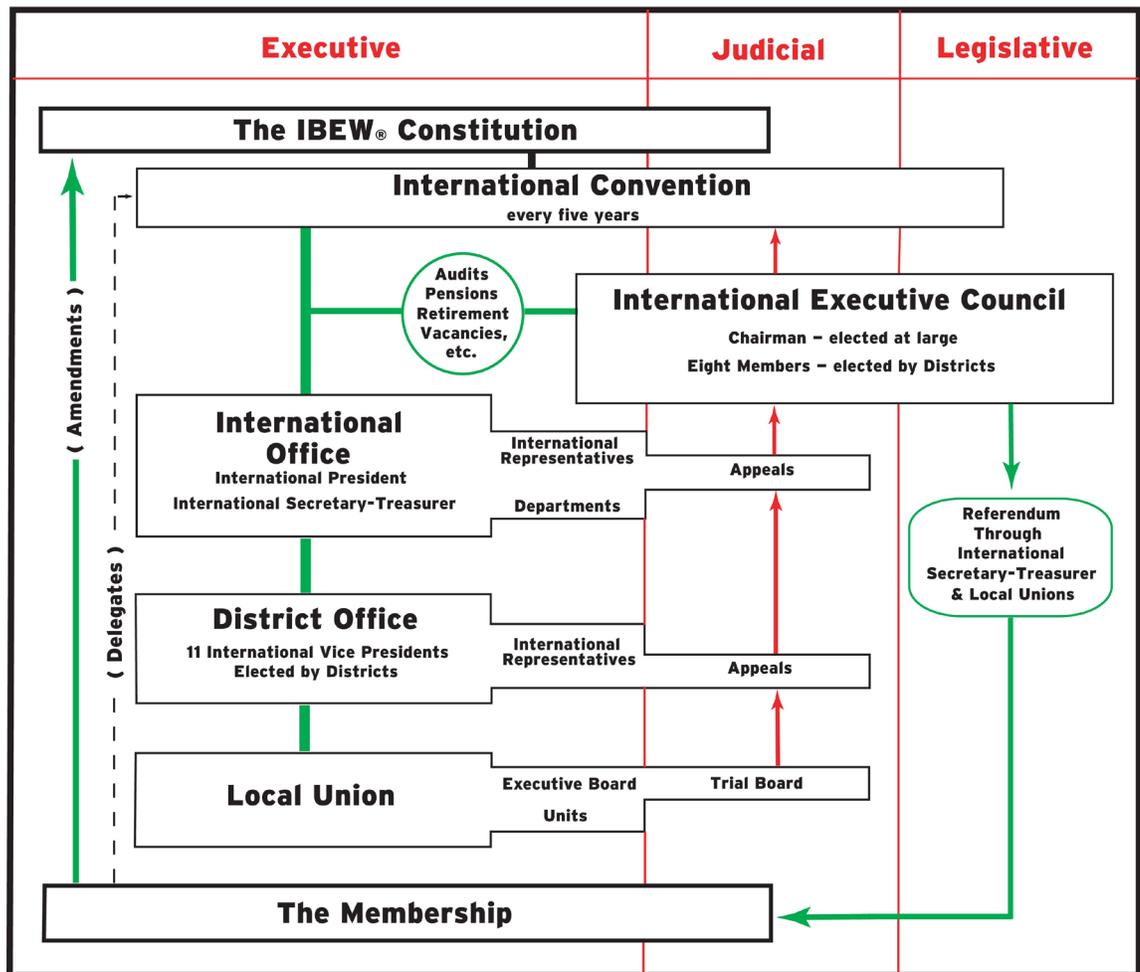
Article XXVII, Sec. 1, of the Constitution provides methods by which the Constitution may be amended. They are as follows: (1) by referendum, on petition of 15 local unions, of which no two may be from the same state or province, with the approval of the International Executive Committee (IEC); (2) by referendum, at the initiation of the IEC; (3) by the majority vote represented at a regular session of the International Convention. Most constitutional amendments are adopted by convention action. All amendments become effective 30 days after adoption and are binding on all members of the IBEW.

The Objects of the International Brotherhood of Electrical Workers are:

To organize all workers in the entire electrical industry in the United States and Canada, including all those in public utilities and electrical manufacturing, into local unions; to promote reasonable methods of work; to cultivate feelings of friendship among those of our industry; to settle all disputes between employers and employees by arbitration (if possible); to assist each other in sickness or distress; to secure employment; to reduce the hours of daily labor; to secure adequate pay for our work; to seek a higher and higher standard of living; to seek security for the individual; and by legal and proper means to elevate the moral, intellectual and social conditions of our members, their families and dependents, in the interest of a higher standard of citizenship.

Figure D.1
FUNCTIONAL ORGANIZATION OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Functional Organization



INTERNATIONAL CONVENTION

The Constitution declares that the IBEW shall meet in regular convention every five years. The International Convention is the highest governing body of the IBEW. It elects all International Officers and determines the basic law of the IBEW by its votes on proposed resolutions and constitutional amendments. It is also the final authority on appeals.

DELEGATES

The International Convention is composed of delegates elected by secret ballot from and by the membership. Delegate representation is based on the number of members per local union, with a maximum of 15 delegates per local union. However, no local union is entitled to representation at the International Convention unless it has been in continuous good standing for at least six months prior to the Convention. Article II, Sections 7 through 13 of the IBEW Constitution contain detailed information on delegate eligibility and selection.

COMMITTEES

The Constitution authorizes the International President to appoint committees to perform the basic work of the Convention. Proposals for amending the Constitution must be approved by the local unions submitting them and must be submitted to the International Secretary-Treasurer 45 days prior to the International Convention.

RESOLUTION ACTION

Resolutions unrelated to constitutional amendments to be acted upon by the International Convention must be submitted to the International Secretary-Treasurer 45 days prior to the International Convention and are presented to the Resolutions Committee. This committee reviews the resolutions submitted by the local unions and makes a report and recommendation relative to each resolution to the delegates. The International Executive Council serves as the Committee on Credentials and Rules, which is concerned with the operation of the Convention.

ELECTION OF OFFICERS

While the International Convention meets regularly once every five years, the business of the Brotherhood must continue from day to day. The day-to-day administration of the Brotherhood is the duty of the International Officers—the International President, International Secretary-Treasurer, 11 vice presidents (I.V.P.s), and nine executive council members—who are nominated and elected, by duly elected delegates, at the International Convention. They assume office 30 days after their election and serve for five years or until their successors are elected and qualified.

THE INTERNATIONAL EXECUTIVE COUNCIL

The International Executive Council (IEC) consists of nine elected members. The Chairman is elected at large, and the other members are elected from each of the eight IEC districts. (See **Figure D.2** for a map of the IEC districts.) The IEC meets quarterly to deal with its judicial, pension fund, and other responsibilities. The IEC is the final authority on applications for and the granting of pensions, disability benefits, and vested rights of members. It acts on appeals from the decisions of the International President and on charges filed against pensioned members; may try any member of a local union charged with violation of IBEW laws or the obligation of membership; names a successor to the office of International President in case a vacancy occurs; and approves or recommends constitutional amendments for submission by referendum to local unions. The minutes and report of each IEC meeting are published in the *The Electrical Worker*.

INTERNATIONAL PRESIDENT

Administration of the IBEW is entrusted to the International President. The responsibilities of the office include many varied duties in order to serve the best interests of the Brotherhood and the labor movement. It is not possible to list all the duties and responsibilities of the International President. A few of the major duties are: carrying out laws of the Brotherhood; deciding all controversies, including questions of law; acting on all appeals from decisions of the I.V.P.s; deciding and establishing IBEW policy and procedure; approving all agreements and bylaws; chartering, merging, or amalgamating local unions; assigning local unions their jurisdiction; and suspending or revoking local union charters.

INTERNATIONAL SECRETARY-TREASURER

The International Secretary-Treasurer is responsible for handling the financial matters of the International. The International Secretary-Treasurer is empowered, jointly with the International President, to invest IBEW and pension funds. The International Secretary-Treasurer is charged with collecting, disbursing, and accounting for all funds; keeping records of the membership; and receiving and signing applications for local union charters upon authorization of the International President. The International Secretary-Treasurer has charge of the IBEW seal, receives all petitions for referendum and mails out same for vote by the local unions, acknowledges all appeals submitted to the IEC, prepares the IBEW *Local Union Directory*, prepares yearly audits for publication in the *The Electrical Worker*, and reports the financial status of the Brotherhood to the International Convention.

INTERNATIONAL VICE PRESIDENTS

The 11 IVPs, elected by the local unions in their respective vice presidential districts, work under the instruction and authority of the International President. (See **Figure D.3** for a map of the I.V.P. districts.) Each IVP

Figure D.2
IBEW® INTERNATIONAL EXECUTIVE COUNCIL DISTRICTS



Figure D.3
IBEW® INTERNATIONAL VICE PRESIDENTIAL DISTRICTS



supervises a staff of international representatives. Within their districts the I.V.P.s are responsible for the affairs of the IBEW and act on all appeals from members of local unions and all charges against local union officers. I.V.P.s are required to hold a yearly progress meeting.

LOCAL UNION CHARTERS

Local autonomy is achieved through the establishment of local unions. The locals then develop bylaws to take care of their business and responsibilities as effectively and efficiently as possible. A charter is issued by the International Secretary-Treasurer, upon authorization of the International President, to a local union organized by not less than 10 workers coming under the IBEW's jurisdiction. The awarding of trade and territorial jurisdiction and the types of membership covered are the responsibility of the International President. The type of work, the territory or jurisdiction, and the types of membership must be defined in the approved local union bylaws. Upon deeming it necessary, the International President can divide or change the jurisdiction of a local union or take charge of and direct certain jobs or projects. The International President also has the authority to merge or amalgamate local unions when conditions warrant and to suspend or revoke the charter of a local union that does not organize or protect its jurisdiction.

LOCAL UNION BYLAWS

Article XV, Sec. 6, of the International I provides: "Local unions are empowered to make their own bylaws and rules, but these shall in no way conflict with this Constitution. Where any doubt appears, this Constitution shall be supreme." To ensure that this intent is carried out, all bylaw changes, amendments, rules, or agreements of any kind must first be approved by the International President. Without such approval, a change is null and void. Further, this constitutional provision empowers the International President to correct all bylaws or amendments to conform to the Constitution and policies of the IBEW.

RAILROAD COUNCILS

Railroad councils are chartered by the International President and are subject to the same rules governing local unions. Bylaws, amendments, rules, agreements, etc., are subject to approval by the International President.

SYSTEM COUNCILS

Local unions outside the railroad industry, with the approval of the International President, may form system councils for bargaining purposes and shall do so when directed by the International President. When system councils are formed, local unions affected shall affiliate. The affiliates pay for the support of and conform to the approved bylaws of such councils.

LOCAL UNION OFFICERS

Today's union leaders require a wide range of knowledge and skills. The scope of collective bargaining has widened tremendously, and our economy has grown more complex. The union officer must develop and use skills in negotiations, mediation, and arbitration to improve the welfare of the membership through collective bargaining and the orderly adjustment of grievances. Officers must be familiar with economics, changing technologies, requirements of various labor laws, and politics.

President

The president presides at all meetings of the local union. It is the president's responsibility to conduct orderly meetings and see that they are adjourned by 11 p.m. The president ensures that everyone understands the nature of a motion or amendment and limits debate to comments pertinent to the subject.

The president's duties include the following:

- enforce constitutional provisions, rules, and local union bylaws;
- enforce all properly rendered penalties;
- appoint local union committees and act as ex officio member of the committees;
- make sure the committees perform their assigned duties within a reasonable time; remove committee members not performing their duties and appoint replacements;
- appoint delegates to central, trades, and political councils or bodies;
- appoint the business manager and any assistants to the business manager as delegates to local and state building and construction trades and metal trades councils.

As directed by the *Constitution*, the local union president performs all duties incidental to the office and such other duties assigned from time to time by the local union, provided such duties are not in conflict with the *Constitution* and local union bylaws.

Vice President

The vice president presides at local union meetings and otherwise discharges the duties of the president when the president is absent. The vice president renders such assistance as may be directed by the president and performs other duties as required by the *Constitution* and local union bylaws.

Recording Secretary

The recording secretary is the local union officer responsible for keeping minutes and preparing them for presentation. The recording secretary is the custodian of all records, except those specifically assigned to others, such as the treasurer's

and financial secretary's books. The recording secretary handles correspondence in accordance with instructions from the local union or president; directs the treasurer to draw funds for payment of authorized expenditures; notifies the International Secretary-Treasurer of all changes in officers, giving both names and addresses; and performs such other duties as are directed by the Constitution, local union bylaws, or president.

Financial Secretary

The financial secretary is responsible for all monies collected by the local union until such funds are turned over to the treasurer or are deposited in the local union's bank account. The financial secretary keeps the books and records and issues receipts as required or approved by the International Secretary-Treasurer.

The financial secretary mails the per capita report and the money due to the International Secretary-Treasurer by the 10th of the month, unless special arrangements are made with the International Secretary-Treasurer. The financial secretary must also keep on record each member's full name and address, notify the International Secretary-Treasurer of all suspended or expelled members, and perform any other duties as directed by the Constitution.

Treasurer

The treasurer receives from the financial secretary all monies collected, or the bank record of money deposited in the local union's bank account, and gives a receipt for same. The treasurer deposits in the name of the local union all local union monies received from the financial secretary, in a bank or banks designated by the local union.

The treasurer makes no disbursements without an order or warrant signed by the president and recording secretary and approved by the local union. However, payments of regular and standing bills do not require a vote of the local union. An itemized statement to the local union will be made by the treasurer when required by the local union or president. The treasurer must also submit books and records for inspection or audit when called upon by the proper authority.

Business Manager

The business manager is the recognized local union representative in dealing with employers. The business manager appoints all stewards where needed and aids them in the discharge of their duties. The business manager has general jurisdiction over stewards and can remove any steward at any time. Some bylaws provide that stewards may be recommended by their respective departments or work sections, but they are still subject to the business manager's appointment and authority and can be removed by the business manager at any time. The business manager may conduct training programs for stewards when, in the officer's judgment, such instruction is necessary.

The business manager is responsible for representing all members of the local union and all employees within the appropriate bargaining unit. The business manager is charged with enforcement of all terms of the collective bargaining agreement and should make every effort to establish friendly relations with the employers. The business manager should investigate and resolve all grievances or disputes promptly or cause same to be done through the appointment of competent stewards.

The business manager should be aware of all work in the local union's jurisdiction and is responsible for organizing all electrical workers within that jurisdiction. The business manager is also responsible for administering the local union's referral procedures. In protecting the jurisdiction of the IBEW, the business manager is required to cooperate with other local union business managers.

The business manager sees that accurate statistics are kept, as required by the International President, and cooperates with the IBEW Education and Research Department in such areas as collective bargaining, pension funds, productivity, financial analysis, etc.

The business manager, while not a member of the Executive Board, attends all of its meetings and has a voice but no vote. The business manager also must be available to make necessary reports to the Executive Board and to the membership at local union meetings.

The business manager serves as local union delegate to local and state building and construction trades councils and metal trades councils and serves as a delegate to the state, territorial, or provincial federation, central body, or system council with which the local union is affiliated. The business manager has authority to perform any other duties as provided for in the *Constitution* and local union bylaws.

Executive Board

The Executive Board considers all matters properly brought before it and has the power to take any action the local union can take and which should be taken prior to the next regular local union meeting. A report of the board's action or recommendations is submitted to the regular meeting of the local union for approval.

The Executive Board holds regular meetings at least once a month between the regular meetings of the local union. Special meetings of the board may be called by the board chairperson or the business manager. A majority of the Executive Board's members present during a meeting constitutes a quorum for the transaction of business. Although the local union must adjourn its meeting prior to 11 p.m., board meetings are not subject to this limitation. Only those members—officers and members—provided for in the approved bylaws may serve as members of the Executive Board.

The Executive Board is empowered to act as trial board to hear all charges and try all members for violation of the *Constitution*, bylaws, and working rules of the local union. This does not include charges against officers or representatives of the local union, railroad council, or system council or charges against pensioned members. Charges against these officers and representatives must be

filed with the I.V.P. in the district where the alleged violation occurred. Charges against pensioned members must be filed with the IEC.

Reports of the findings and action of the Executive Board, when sitting as a trial board, should be reported separately to the local union. No discussion or action by the local union membership is permitted on such matters. The records of the trial board must be kept separate from the Executive Board records.

Examining Board

The function of the Examining Board, if the local union has one, is to examine applicants for membership to determine their qualifications for the trade, except for those selected as apprentices under the provisions of a collective bargaining agreement. The Examining Board examines qualifications, as provided for in Article XIX of the Constitution.

The Examining Board meets at least quarterly when there are applicants to be examined. The results of the examinations are reported to the Executive Board and the local union.

APPENDIX E

Selected IBEW Convention Resolutions

This appendix contains some of the resolutions passed by the delegates to various Conventions of the IBEW. The resolutions address issues such as discrimination, sexual harassment, equal rights, and full participation. Resolutions passed at an International Convention provide the administration with a general consensus of the Convention delegates regarding various domestic and international social and economic issues.

RESOLUTION NO. 9: ERA (1978, 31ST CONVENTION)

Submitted by Local Union 1245, Walnut Creek, California

“WHEREAS, We as a Union have declared ourselves to be dedicated to the cause of human justice, human rights and human security; and

WHEREAS, The AFL-CIO, of which we are members has called for our support in obtaining passage of the Equal Rights Amendment; and

WHEREAS, The denial of full equality to women because of their sex is an obstruction of American democracy; and

WHEREAS, We as a labor organization must provide a prime example of equal opportunity within our own organization if we are to create support of such a program by others;

THEREFORE, BE IT RESOLVED, that the International Brotherhood of Electrical Workers, AFL-CIO go on record at its 31st International Convention as being in support of the Equal Rights Amendment; and

THEREFORE BE IT FURTHER RESOLVED, That the International Brotherhood will support ratification of the Equal Rights Amendment in the remaining three states necessary for ratification and will block efforts to rescind passage in states that have already passed the Equal Rights Amendment.”

RESOLUTION NO. 10: COMMITTEE ON WOMEN'S AFFAIRS (1978, 31ST CONVENTION)

Submitted by Local Union 1245, Walnut Creek, California

“WHEREAS, An enduring goal of the International Brotherhood of Electric

Workers, AFL-CIO, is to ensure all workers their full share in the benefits of union organization; and

WHEREAS, Women have been historically denied full equality because of their sex; and

WHEREAS, This denial of equality has not only hindered their progress on the job but within the labor movement; and

WHEREAS, The International Brotherhood of Electrical Workers, AFL-CIO, at its 30th International Convention established a Minority Affairs Committee that specifically deals with the plight of minorities in obtaining responsible positions within the Brotherhood; and

WHEREAS, Women within the International Brotherhood of Electrical Workers are in need of a committee similar to structure and purpose to that of the Minority Affairs Committee;

THEREFORE BE IT RESOLVED, that the International Brotherhood of Electrical Workers, AFL-CIO, at its 31st International Convention establish a standing committee on Women's Affairs to identify problems and make recommendations to improve the participation of women in the IBEW."

RESOLUTION NO. 14: FULL PARTICIPATION (1996, 35TH CONVENTION)

WHEREAS, our great union must continue to be a leader within the American and Canadian labor movement by effectively addressing the issues of discrimination and its impact on IBEW members; and

WHEREAS, not only union members but also unorganized workers, look at unions to see if their leadership, staff and structure reflect an atmosphere in which all members are visible and welcome to participate; and

WHEREAS, on of the most critical challenges facing the IBEW today is organizing; and

WHEREAS, African-Americans, Latinos, Asian-Pacific Americans, Native Americans, women and immigrants will represent a majority of the work force in America by the year 2000; and

WHEREAS, diversity is the strength of the labor movement, and should be represented at every level of the IBEW;

THEREFORE, BE IT RESOLVED, that the IBEW achieve greater visibility for African-Americans, Latinos, Asian-Pacific Americans, Native Americans, other people of color and women in union activities and as representatives of the IBEW by continuing to hire and train qualified people of color and women for all positions; and

THEREFORE BE IT FURTHER RESOLVED, that the IBEW continue to foster development of leadership from among historically under-represented groups

of workers; to develop plans for inclusion of more African-Americans, Latinos, Asian-Pacific Americans, other people of color and women in educational programs; to provide opportunities for people of color and women in delegations and other representation activities; and

BE IT FINALLY RESOLVED, that the IBEW strive for full participation and integration of its diverse membership into leadership positions at every level.

RESOLUTION NO. 31: SEXUAL HARASSMENT (1996, 35TH CONVENTION)

WHEREAS, the IBEW's founding principles have long championed the cause of human justice, dignity, and respect for all workers; and

WHEREAS, the IBEW recognizes sexual harassment is a universal problem that continues to plague our society. Studies reveal that many women, as well as an increasing number of men, have been victimized at some time during their work life; sexual harassment is discriminatory, abusive, exploitative, and humiliating and can have devastating psychological, physical, and economic consequences for those affected by it; and

WHEREAS, sexual harassment is a serious problem in the workplace because it is persistent and pervasive; it is most often about the abuse of power by the harasser; and can take place in every kind of occupation and in every industry; and

WHEREAS, the IBEW recognizes that sexual harassment is a union issue because it creates barriers to rights and privileges enjoyed by other workers. It also pits members against members and creates disharmony and distrust at a time when cooperation and unification is most needed among union members; and

WHEREAS, Title VII of the Civil Rights Act of 1964 affords all workers the right to work in an environment free from discrimination, intimidation, ridicule or insult, regardless of race, color, sex, religion, disability or country of origin. Sexual harassment is discrimination based on sex and prohibited by Title VII;

THEREFORE, BE IT RESOLVED, that the IBEW reaffirms its commitment to fight sexual harassment by expanding its current education and training programs on sexual harassment.

RESOLUTION NO. 29: DISCRIMINATION (2001, 36TH CONVENTION)

WHEREAS, the IBEW has always been a leader among the great unions in the American and Canadian labor movements; and

WHEREAS, the IBEW Constitution and the principles upon which it was founded, include the cause of human justice, human rights, human security, and opposition to oppression of any kind; and

WHEREAS, the principles enumerated in the Constitution and its Declaration and

Objectives, while written for the membership over 100 years ago, are as relevant and meaningful for the IBEW membership today, as they were when first written; and

WHEREAS, the membership continues to grow and has become more diverse over the last two decades and is expected to become increasingly diverse in years to come; and

WHEREAS, organizing continues to be the priority to build and strengthen the IBEW; and

WHEREAS, there is strength in a diverse membership and strength in using their skills and abilities to elevate the moral, intellectual, and social conditions of the IBEW membership as a whole; and

WHEREAS, bigotry, prejudice, social inequality, and economic injustice, continue to plague our nations; all of which perpetuates a society divided by hatred and intolerance for one another's differences; such as intolerance affects our schools, communities, and the workplace;

WHEREAS, employment discrimination based on race, gender, age, religion, ethnicity, disability, national origin, or sexual orientation is illegal and it creates and fosters an unjust society; and

BE IT FURTHER RESOLVED, that all members of the IBEW shall be treated with dignity and respect and afforded fair representation in the handling of discrimination issues; and

BE IT FURTHER RESOLVED, that the IBEW will continue to lead by example in taking proactive steps to reinforce tolerance and diversity in its policies, procedures, education programs, and employment practices.

Submitted by International President Edwin D. Hill

RESOLUTION NO. 42: SEXUAL HARASSMENT (2001, 36TH CONVENTION)

WHEREAS, the IBEW's founding principles have long championed the cause of human justice, dignity, and respect for all workers; and

WHEREAS, sexual harassment is a form of discrimination prohibited by the Federal Provincial and State legislation in Canada and the United States of America; and

WHEREAS, the IBEW recognizes sexual harassment is a universal problem that continues to plague our society. Studies reveal that many women, as well as an increasing number of men, have been victimized at some time during their work life; sexual harassment is discriminatory, abusive, exploitative, and humiliating and can have devastating psychological, and economic consequences for those affected by it; and

WHEREAS, sexual harassment is a serious problem in the workplace because it

is persistent and pervasive; it is most often about the abuse of power by the harasser; and can take place in every kind of occupation and in every industry; and

WHEREAS, the IBEW recognizes that sexual harassment is a union issue because it creates barriers to rights and privileges enjoyed by other workers. It also pits members against members and creates disharmony and distrust at a time when cooperation and unification is most needed among union members; and

WHEREAS, employers are obligated under law to maintain a work place free of sexual harassment, investigate complaints of sexual harassment and act accordingly on the findings of the investigation; and

WHEREAS, a complaint of sexual harassment made within the First District Staff was not initially taken seriously; resulted in an investigation which was not expeditious; reached incomplete resolution to all matters raised and leaves unanswered questions as to the application of the IBEW Sexual Harassment Policy;

THEREFORE BE IT RESOLVED, that the IBEW reaffirms its commitment made at the 35th Convention, to fight sexual harassment by expanding its current education and training programs on sexual harassment; and

BE IT FURTHER RESOLVED, that the IBEW establish an “arms length” process to address complaints of sexual harassment within, the IBEW Staff, IBEW Local Unions, and within the IBEW membership; and

BE IT FURTHER RESOLVED, that the process ensures timely action to: a complaint of sexual harassment; investigation of the complaint; provision of a written report of the findings including recommendations; action against the wrongdoer; protection from reprisals for the complainant and restatement and enforcement of the policy in the strongest terms; and

BE IT FURTHER RESOLVED, that if a complaint is against any Representative, Staff, or Officer of the IBEW, it be immediately forwarded to an independent body free of political nuances, for investigation, reporting, and recommendations; and

BE IT FURTHER RESOLVED, that recommendations and actions resulting from all investigations be acted upon forthwith; and

BE IT FINALLY RESOLVED; that the IBEW undertake to ensure that it is clearly understood the IBEW policy on Sexual Harassment pertains to all members, local unions, and staff of the IBEW.

RESOLUTIONS NO. 14 & 15 COMBINED: DIVERSITY AND FULL INCLUSION (2006, 37TH CONVENTION)

WHEREAS, the IBEW is and must continue to be a leader within the American and

Canadian labor movements by effectively addressing the issues of discrimination and its impact on IBEW members; and

WHEREAS, the labor movement is facing an undeniable crisis today, and if unions continue to fail to address this crisis, the decline in membership and, thus, power will be precipitous and fatal; and

WHEREAS, one of the most critical challenges facing the IBEW today is organizing; and

WHEREAS, in the last several decades the growth in the labor movement has come substantially from African American, women, Hispanic, Asian Pacific Islander, Native American, and immigrant workers, and it is projected that any growth realized in the next decade will come primarily from this labor pool; and

WHEREAS, people of color and women have joined unions in far greater numbers than other workers in the past 25 years, and this growth would have been even greater if the labor movement had adequately addressed issues important to them; and

WHEREAS, in the past 15 years the IBEW has made great strides and taken proactive measures in its efforts to address the changing needs of the diverse membership through its hiring practices, education, communications, relationship with the EWMC, diversity, anti-harassment, leadership, English-as-a-second-language and women's programs; and

WHEREAS, the IBEW must continue to retain its leadership status in the American and

Canadian labor movements and be the progressive voice for all of its members, without regard to race, gender, sexual orientation, ethnicity, culture religion, nationality or disability; and

WHEREAS, the IBEW recognizes that managing diversity is not only an economic and business imperative, but is a political, social, and moral imperative as well; and

WHEREAS, in order to grow and maintain power and standing as a great union, it is imperative to take decisive action now in the areas of recruitment, hiring, training, organizing, representation and in the core programs of the IBEW, to otherwise meet the growing needs of a diverse membership; and

WHEREAS, out of necessity, greater steps must now be taken, and each member must shoulder more responsibility for organizing, building solidarity, unity and strength in our great union through greater commitment and activism;

THEREFORE, BE IT RESOLVED, that the IBEW reaffirms its commitment to full participation, inclusion and equality of opportunity for all members of our great union through strategic goal setting, education and outreach programs; and

BE IT FURTHER RESOLVED, that in unity there is strength and power and the IBEW is only as great as its members; therefore, this commitment shall be the responsibility of each and every member of this great union at the International, district and local level; and

BE IT FURTHER RESOLVED, that the International President or his designee

shall have the ultimate authority and responsibility to devise a strategic diversity plan for the IBEW membership and will work with the Human Services Department to study, among other things, policies and procedures related to recruitment, hiring, access to education, career paths, mentoring and leadership to realize diversity as a core structural element to achieve inclusion and full participation for all members at every level of the IBEW; and

BE IT FURTHER RESOLVED, that the IBEW achieve greater visibility for African-Americans, Latinos, Asian-Pacific Americans, native Americans, and other people of color, women, and other underrepresented groups in union activities, and as representatives of the IBEW, by expanding recruitment programs to identify, hire and train qualified members of those groups, including expansion of training and promotional opportunities; and

BE IT FURTHER RESOLVED, that diversity is the strength of the IBEW and the labor movement, and that all IBEW members, including historically underrepresented workers, shall have equal access to education, apprenticeships, career paths, mentoring programs, appointed and elected leadership positions, representation on official union delegations and a voice on governing bodies at all levels within the union structure; and

BE IT FINALLY RESOLVED, that the IBEW reaffirms its commitment to full participation and to the integration of its diverse membership into leadership positions, is united in the fight to improve the lives of all workers and their families, and will lead the labor movement by example.

RESOLUTION NO. 38: SEXUAL HARASSMENT (2006, 37TH CONVENTION)

WHEREAS, the IBEW's founding principles have long championed the cause of human justice, dignity, and respect for all workers; and

WHEREAS, sexual harassment is a form of discrimination prohibited by Federal, Provincial and State legislation in Canada and the United States of America; and

WHEREAS, the IBEW recognizes sexual harassment is a universal problem that continues to plague our society. Studies reveal that many women, as well as an increasing number of men, have been victimized at some time during their work life; sexual harassment is discriminatory, abusive, exploitative, and humiliating and can have devastating psychological, and economic consequences for those affected by it; and

WHEREAS, sexual harassment is a serious problem in the workplace because it is persistent and pervasive; it is most often about the abuse of power by the harasser; and can take place in every kind of occupation and in every industry; and

WHEREAS, the IBEW recognizes that sexual harassment is a union issue because it creates barriers to rights and privileges enjoyed by other workers. It also pits members against members and creates disharmony and distrust at a time when cooperation and unification is most needed among union members; and

WHEREAS, employers are obligated under law to maintain a work place free of sexual harassment, investigate complaints of sexual harassment and act accordingly on the findings of the investigation; and

WHEREAS, the IBEW believes everyone has a right to work in a safe, respectable atmosphere and is committed to providing its officers, staff and members with a work environment that is secure, productive and free of gender bias and sexual harassment in all of its forms;

THEREFORE, BE IT RESOLVED, that the IBEW adopt a policy on sexual harassment and reaffirm its commitment made at the 35th and 36th Convention, to fight sexual harassment by expanding its current education and training programs on sexual harassment; all of which shall be made available to local unions, officers and staff to prevent sexual harassment from taking place; and

BE IT FURTHER RESOLVED, that the IBEW continues to process complaints of sexual harassment within the IBEW promptly, impartially, judiciously, without political bias and with regard to confidentiality for all parties involved; and

BE IT FURTHER RESOLVED, that the process includes an investigation of the complaint; findings and recommendations, protection from reprisals for the complainant and restatement and enforcement of the policy; and

BE IT FINALLY RESOLVED, that the IBEW encourage all local unions, and system councils to adopt the minimum standards established by the IBEW Policy on Sexual Harassment and undertake efforts to ensure that it is clearly understood that the IBEW policy on Sexual Harassment pertains to all members, local unions, staff and officers of the IBEW.

SUBMITTED BY:

Edwin D. Hill, International President

Jon F. Walters, International Secretary-Treasurer

Statement of Committee: A resolution pertaining to sexual harassment has been previously submitted to the 35th and 36th IBEW International Conventions, in both instances the Resolutions Committee has supported and recommended concurrence. Your committee reiterates the position that the IBEW is strongly opposed to any form of harassment, either sexual or otherwise, and recommends CONCURRENCE.

APPENDIX F

Structure of the AFL-CIO

The American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) was formed in 1955 through the merger of the AFL, whose guiding principle was organizing workers in craft unions (carpenters, iron workers, cigar makers, etc.), and the CIO, which organized industrial workers (steelworkers, auto workers, rubber workers, etc.). Its affiliated national and international unions retain full autonomy over their own business as labor organizations.

The mission of the AFL-CIO is to improve the lives of working families by bringing economic justice to the workplace and social justice to our country. To accomplish this mission, the AFL-CIO will build and change the American labor movement through a four-pronged strategy, consisting of organizing, political action, workplace participation, and community action.

The AFL-CIO sets policy on national and international labor issues. The quadrennial convention is the primary governing body of the AFL-CIO. National unions are represented at the convention by elected delegates of the affiliated unions in proportion to their membership.

The next highest authority is the Executive Council, consisting of the President, Secretary-Treasurer, Executive Vice President, and 45 vice presidents. The Executive Council meets at least twice a year and is the governing body between conventions.

A General Board comprises the Executive Council, a principal officer of each affiliated union and each trade and industrial department, and four regional representatives of the state federations. It convenes at the call of the President or the Executive Council to decide policy matters referred to it.

IBEW International President Edwin D. Hill serves on the AFL-CIO Executive Council. In addition, the IBEW is represented on the boards of the trade and industrial departments and on the Industrial Union Council.

A per capita tax on affiliated unions and organizing committees supports the organization and its projects. The AFL-CIO conducts organizing campaigns, provides educational programs on behalf of the labor movement, settles jurisdictional disputes among its affiliates, and supports legislation beneficial to working people.

Fifty-six national and international labor unions, including the IBEW, are affiliated with the AFL-CIO. These unions are grouped into constitutionally established trade and industrial departments:

- Building and Construction Trades
- Maritime Trades
- Metal Trades
- Professional Employees
- Transportation Trades
- Union Label and Service Trades

Each of the 50 states as well as Puerto Rico has a **state federation**, for a total of 51 state federations. These bodies lobby on state labor issues of mutual concern. Local labor affairs and grassroots campaigns are handled by more than 500 **central labor councils** (CLCs).

In 1999, the AFL-CIO undertook a new initiative to enable America's working families and their unions to meet the new challenges of the 21st century and to take a leadership role in the renaissance of the union movement in this nation. This initiative is called the New Alliance, and it provides for the reorganization of some central labor councils into **area labor federations**. A link to the complete report *Building a New Labor Movement in Our Communities: The New Alliance* is provided in the "Additional Resources" section at the end of this appendix.)

More recently, the *Executive Council Report* to the 2005 AFL-CIO Convention stated as follows:

The goal of the union movement's New Alliance initiative is to build strength for working families by growing and strengthening state and local union organizations. The New Alliance aims to bring all parts of the labor movement in a state together around a unified vision and program in support of working families. In some states, the New Alliance initiative includes strengthening local union movements by bringing together central labor councils to create larger and better-resourced Area Labor Federations. So far, seven states have forged New Alliances—Arizona, Colorado, Maryland/District of Columbia, Minnesota, New York, North Carolina and Oregon.

A link to the complete *Executive Council Report* is provided in the "Additional Resources" section at the end of this appendix. Page 56 of the Executive Council report continues with examples of how the New Alliance program has resulted in new solidarity and strength in many of these states.

PROGRAMMATIC DEPARTMENTS

The AFL-CIO contains 11 programmatic departments including the Civil, Human and Women's Rights Department. This department strives to fully integrate women and minority members into the labor movement. This goal is being achieved by forming coalitions to fight inequality through the creation of non-discriminatory contract language and to push for new legislation and regulations. For more information, see the link "How the AFL-CIO Works" in the "Additional Resources" section at the end of this appendix.

SPONSORED PROGRAMS, ALLIED ORGANIZATIONS AND CONSTITUENCY GROUPS

Programs sponsored by the AFL-CIO include the Union Privilege Benefits Program, the National Labor College, and the Working for America Institute. The A. Philip Randolph Institute, Coalition of Labor Union Women, Labor Council for Latin American Advancement, Asian Pacific American Labor Alliance, the Coalition of Black Trade Unionists and Pride at Work are the organization's constituency groups that promote union ideals and organize within communities of color and among women.

ORGANIZING

The AFL-CIO will build a broad movement of American workers by organizing workers into unions. It will recruit and train the next generation of organizers, amass the resources needed to organize, and create the strategies to win organizing campaigns and union contracts. It will create a broad understanding of the need to organize among its members, its leadership, and among unorganized workers.

POLITICAL ACTION

The AFL-CIO will build a strong political voice for workers in the United States. It will fight for an agenda for working families at all levels of government. It will empower state federations and create a political force within the labor movement that will empower workers and speak forcefully on the public issues that affect our lives.

WORKPLACE PARTICIPATION

The AFL-CIO will change its unions to provide a new voice to workers in a changing economy. It will speak for working people in the global economy, in the industries in which workers are employed, in the firms where they work and on the job every day. It will transform the role of the union from an organization that focuses on a member's contract to one that gives workers a say in all the decisions that affect their working lives—from capital investment to the quality of products and services to how work is organized.

COMMUNITY ACTION

The AFL-CIO will change the labor movement by creating a new voice for workers in their communities. It will make the voices of working families heard across the United States and in our neighborhoods. It will create vibrant community labor councils that reach out to workers at the local level. It will strengthen the ties of labor to our allies. It will speak out in effective and creative ways on behalf of all working Americans.

ADDITIONAL RESOURCES

AFL-CIO

About Us

<http://www.aflcio.org/aboutus/>

AFL-CIO Constitution

<http://www.aflcio.org/aboutus/thisistheafcio/constitution/>

AFL-CIO State Federation/Central Labor Council Affiliations

http://www.aflcio.org/aboutus/jointheafcio/statefed_clc.cfm

Building a New Labor Movement in Our Communities: The New Alliance

<http://www.aflcio.org/aboutus/thisistheafcio/ecouncil/ec08031999.cfm>

Executive Council Report

http://www.aflcio.org/aboutus/thisistheafcio/convention/2005/upload/execcouncil_report.pdf

How the AFL-CIO Works

<http://www.aflcio.org/aboutus/thisistheafcio/howworks.cfm>

APPENDIX G

Resources for Women

The following sources are intended to help you get more information regarding a variety of issues discussed in this publication. Please note that these links are provided as a service to IBEW members and do not constitute an endorsement of the sites or their publishers. Click on each link to access the information.

Union Resources

AFL-CIO

<http://www.aflcio.org>

AFL-CIO Civil, Human and Women's Rights Department

<http://www.aflcio.org/issues/civilrights/>

A. Philip Randolph Institute

<http://www.apri.org/>

Asian Pacific American Labor Alliance

<http://www.apalanet.org/>

Building and Construction Trades Department

<http://www.bctd.org>

Coalition of Black Trade Unionists

<http://www.cbtu.org/>

Coalition of Labor Union Women

<http://www.cluw.org/>

Labor Council for Latin American Advancement

<http://www.lclaa.org/>

Pride at Work, AFL-CIO

<http://www.prideatwork.org/>

Union Veterans Council

<http://www.unionveterans.org/>

Alliance for Retired Americans

<http://www.retiredamericans.org/>

American Center for International Labor Solidarity
<http://www.solidaritycenter.org/>

American Federation of Teachers
<http://www.aft.org>

American Nurses Association
<http://nursingworld.org/>

American Rights at Work
<http://www.americanrightsatwork.org>

Chicago Women in Trades
<http://www.chicagowomenintrades.org/>

International Brotherhood of Electrical Workers
<http://www.ibew.org>

Electrical Workers Minority Caucus
<http://www.ibew-ewmc.com/>

Labor and Working-Class History Association
<http://www.lawcha.org/>

National Education Association
<http://www.nea.org/>

National Labor College
<http://www.georgemeany.org/>

Tradeswomen Inc.
<http://www.tradeswomen.org>

Tradeswomen Now and Tomorrow
<http://www.tradeswomennow.org/>

Union Privilege
<http://www.unionprivilege.org>

Washington Women in Trades
<http://www.wawomenintrades.com/>

Wider Opportunities for Women

<http://www.workplacesolutions.org/about/index.html>

Working America

<http://www.workingamerica.org>

Regional Offices of the Women's Bureau

http://www.dol.gov/wb/info_about_wb/regions/regions.htm

Organizational Resources in the United States

The following list provides links to various organizations and federal government agencies that have a special interest in specific subject areas covered in this guide.

U.S.-Based Nongovernmental Organizations

9to5, National Association of Working Women

<http://www.9to5.org/about/>

AARP

<http://www.aarp.org/index.html>

American Association of University Women

<http://www.aauw.org/>

AAUW Leadership and Training Institute

<http://www.aauw.org/About/lti.cfm>

American Bar Association Commission on Domestic Violence

<http://www.abanet.org/domviol/home.html>

The Berger-Marks Foundation

<http://www.bergermarks.org>

Office of Women in Higher Education

American Council on Education

<http://www.acenet.edu/programs/owhe/>

American Medical Association Regional Conferences on Domestic Violence

<http://www.ama-assn.org/>

Association for Women in Science

<http://www.awis.org/>

Big Brothers Big Sisters of America

<http://www.bbbsa.org/>

Black Women’s Health Imperative

<http://www.blackwomenshealth.org/site/c.eeJIIWOCIrH/b.3082485/>

Business and Professional Women/USA

<http://www.bpwusa.org/>

**Center for American Women and Politics Eagleton Institute of Politics
Rutgers, The State University of New Jersey**

<http://www.rci.rutgers.edu/~cawp/>

Center for Policy Alternatives

<http://www.cfpa.org/>

**Center for Women in Government & Civil Society
State University of New York, Albany**

<http://www.cwig.albany.edu>

Children’s Defense Fund

<http://www.childrensdefense.org/>

Economic Policy Institute

<http://www.epinet.org/>

Excelsior College

<http://www.excelsior.edu/>

Families and Work Institute

<http://www.familiesandwork.org/index.html>

Girl Scouts of the USA

<http://www.girlscouts.org/>

Gray Panthers

<http://www.graypanthers.org/>

Institute for Women’s Policy Research

<http://www.iwpr.org/>

I Knew I Could Do This Work: Seven Strategies That Promote Women's Activism and Leadership in Unions

http://www.working-families.org/organize/IWPR_women_leaders.pdf

International Center for Research on Women

<http://www.icrw.org/>

Jewish Women International

<http://www.jewishwomen.org/>

Lawyer's Committee for Civil Rights Under Law

<http://www.lawyerscomm.org/>

Leadership Conference on Civil Rights

<http://www.civilrights.org/about/lccr/>

League of Women Voters

<http://www.lwv.org/>

Legal Momentum (Advancing Women's Rights)

<http://www.legalmomentum.org/>

MANA, A National Latina Organization

<http://www.hermana.org/>

Mexican American Legal Defense and Educational Fund

<http://www.maldef.org/>

National Association for the Advancement of Colored People

<http://www.naacp.org/>

National Black Caucus of State Legislators

<http://www.nbcsl.org/>

National Center for Victims of Crime

http://www.ncvc.org/ncvc/main.aspx?dbID=dash_Home

National Clearinghouse on Marital and Date Rape

<http://members.aol.com/ncmdr/index.html>

National Coalition Against Domestic Violence

<http://www.ncadv.org/>

National Coalition for Women and Girls in Education

<http://www.ncwge.org/>

National Committee on Pay Equity

<http://www.pay-equity.org/>

National Council on Disability

<http://www.ncd.gov>

National Council of Jewish Women

<http://www.ncjw.org/>

National Council of Negro Women Inc.

<http://www.ncnw.org/>

National Healthy Mothers, Healthy Babies Coalition

<http://www.hmhb.org/>

National Hispana Leadership Institute

<http://www.nhli.org/>

National Organization for Victim Assistance

<http://www.trynova.org/>

National Organization for Women

<http://www.now.org/>

National Partnership for Women & Families

<http://www.nationalpartnership.org/>

National Women’s Law Center

<http://www.nwlc.org/>

National Women’s Political Caucus

<http://www.nwpc.org/>

Older Women’s League

<http://www.owl-national.org>

Prevent Child Abuse America

<http://www.preventchildabuse.org/>

Women's Policy, Inc.

<http://www.womenspolicy.org/>

Women Work! The National Network for Women's Employment

<http://www.womenwork.org/>

YWCA USA

<http://www.ywca.org/>

Organizational Resources in Canada

Canadian Human Rights Commission

National Office

<http://www.chrc-ccdp.ca/default-en.asp>

Regional Offices

http://www.chrc-ccdp.ca/about/reach_us-en.asp

Provincial Human Rights Commissions

Alberta Human Rights and Citizenship Commission

<http://www.albertahumanrights.ab.ca>

British Columbia Human Rights Tribunal

<http://www.bchrt.bc.ca/>

Manitoba Human Rights Commission

<http://www.gov.mb.ca/hrc/english/>

New Brunswick Human Rights Commission

<http://www.gnb.ca/hrc-cdp/index-e.asp>

Human Rights Commission Newfoundland and Labrador

<http://www.gov.nl.ca/hrc/>

Nova Scotia Human Rights Commission

<http://www.gov.ns.ca/humanrights/>

Ontario Human Rights Commission

<http://www.ohrc.on.ca/english/index.shtml>

Prince Edward Island Human Rights Commission

<http://www.gov.pe.ca/humanrights/>

Commission des droits de la personne et des droits de la jeunesse Québec

<http://www.cdpdj.qc.ca/en/home.asp?noued=1&noeud2=0&cle=0>

Saskatchewan Human Rights Commission

<http://www.gov.sk.ca/shrc/>

Yukon Human Rights Commission

<http://www.yhrc.yk.ca/>

Additional Canadian Resources

Building and Construction Trades Dept., Canadian Office

Département des métiers de la construction, FAT-COI, Bureau canadien

<http://www.buildingtrades.ca/>

Canadian Consumer Information Gateway

Office of Consumer Affairs Industry Canada

<http://consumerinformation.ca/>

Canadian Federation of University Women

<http://www.cfuw.org/>

Canadian Heritage

http://www.pch.gc.ca/index_e.cfm

Canadian Human Rights Reporter

<http://www.cdn-hr-reporter.ca/index.htm>

Canadian Labour Congress

<http://www.clc-ctc.ca/>

Canadian Legal Resources

<http://www.canadalegal.com/>

Canada Pension Plan

<http://www.sdc.gc.ca/en/isp/cpp/cpptoc.shtml>

Canadian Race Relations Foundation

<http://www.crr.ca/>

Construction Sector Council (CSC)

<http://www.csc-ca.org>

Mentor's Handbook

http://www.csc-ca.org/pdf/mentorship_program_files/CSC-02-Mentor_Handbook_E.pdf

The State of Women in Construction in Canada

http://www.csc-ca.org/pdf/State_of_Women_in_Construction_in_Canada.pdf

Executive Council Office – Women's Issues (New Brunswick)

<http://www.gnb.ca/0012/Womens-Issues/index-e.asp>

Human Resources and Social Development Canada Labour Program

<http://www.hrsdc.gc.ca/en/labour/index.shtml>

Human Rights Research and Education Centre University of Ottawa

<http://www.cdp-hrc.uottawa.ca/>

Ontario Women's Directorate

The Assaulted Women's Helpline (Ontario)

1-866-863-0511 (toll-free), 1-866-863-7868 (TTY), 416-863-0511 (Toronto)

<http://www.citizenship.gov.on.ca/owd/index.html>

Québec Pension Plan

<http://www.rrq.gouv.qc.ca/en/>

Statistics Canada

<http://www.statcan.ca/start.html>

Status of Women Canada

<http://www.swc-cfc.gc.ca/>

Supreme Court of Canada decisions

<http://www.lexum.umontreal.ca/csc-scc/en/index.html>

Women's Directorate

Government of Yukon

<http://www.womensdirectorate.gov.yk.ca/>

WorkRights (Canada)

<http://www.workrights.ca/>