

Fighting for a Better Michigan

Why Collective Bargaining Rights Need Constitutional Protection

Michigan workers are the backbone of the state's economy. Generations of hard working Michiganders have made the Great Lakes state great — building the world's largest automaker,¹ educating students at some of the best public schools in the nation,^{2,3} and earning Michigan an international reputation for quality. But now, some in Lansing want Michigan workers to shoulder the state's economic woes by weakening collective bargaining rights, raiding state employees' pension funds, and passing costs onto workers who are already struggling.

It's time to fight back.

To protect hard working, middle class individuals, Michigan needs to enshrine collective bargaining rights in the state constitution. We must ensure that workers' voices are heard and that big corporate interests and politicians don't dominate our workplaces and our state government. Stand with workers this November: support Michigan's Collective Bargaining Constitution Amendment.

What is Collective Bargaining?

Collective bargaining is a process that consists of negotiations between a group of employees and an employer to determine the conditions of work. "The main body of law governing collective bargaining is the National Labor Relations Act (NLRA). It explicitly grants employees the right to collectively bargain and join trade unions. The NLRA was originally enacted by Congress in 1935 under its power to regulate interstate commerce."⁴

Collective bargaining improves wages, benefits, and working conditions.

States that protect employee rights to organize and collective bargain have higher wages, higher rates of employer-sponsored health insurance, and higher rates of employer-sponsored pensions than states that restrict or weaken collective bargaining activities.⁵

Organized workplaces are safer for workers and see fewer fatalities.

"Construction unionization is associated with lower industry and occupation fatality rates. Moreover, the positive effect that unions have on reducing fatalities appears to be stronger in states without Right-to-Work laws,"⁶ or rather states that protect workers' collective bargaining rights.

Joining a union and engaging in collective bargaining is your right as a person.

The Universal Declaration of Human Rights states that, "everyone has the right to form and to join trade unions for the protection of [their] interests."⁷ Furthermore, the International Labor Organization's Declaration on Fundamental Principles and Rights at Work states that "freedom of association and the effective recognition of the right to collective bargaining" are fundamental rights.⁸

Workers and their rights to organize and collectively bargain are under attack in Michigan.

Michigan lawmakers are doing everything they can to abolish workers' rights to organize and collectively bargain. Within the last year, Michigan legislators have proposed over 80 bills⁹ that harm rights of working people. The laws prohibit the choice of school teachers to have union dues deducted from their paychecks, prevent graduate student research assistants from forming unions, and allow appointed emergency city managers, not elected leaders, to dissolve or change collective bargaining contracts that have already gone into effect.

The collective bargaining agreements between working people and their employers deserve recognition and legal protection. Opponents of the rights of working people should not be able to dismantle existing agreements between workers and employers.

What to Say When Collecting Petition Signatures:

- Collective bargaining rights created the middle class, and they must be maintained in order to rebuild our economy.
- When the middle class thrives, working people are able to support business and create jobs.
- Politicians in Lansing are engaged in an all-out assault on collective bargaining rights. Without the ability to organize, working people are unable to stand up to corporate special interests.
- We can enshrine the rights of working people in Michigan's Constitution. That is something the politicians and corporations cannot take away, and it will benefit future generations of Michiganders.

Constitution Amendment Proposal Text

Initiative Petition Amendment to the Constitution

The proposal would add a new Section 28 to Article I of the State Constitution, as follows: (1) The people shall have the rights to organize together to form, join or assist labor organizations, and to bargain collectively with a public or private employer through an exclusive representative of the employees' choosing, to the fullest extent not preempted by the laws of the United States.

(2) As used in subsection (1), to bargain collectively is to perform the mutual obligation of the employer and the exclusive representative of the employees to negotiate in good faith regarding wages, hours, and other terms and conditions of employment and to execute and comply with any agreement reached; but this obligation does not compel either party to agree to a proposal or make a concession.

(3) No existing or future law of the State or its political subdivisions shall abridge, impair or limit the foregoing rights; provided that the State may prohibit or restrict strikes by employees of the State and its political subdivisions. The legislature's exercise of its power to enact laws relative to the hours and conditions of employment shall not abridge, impair or limit the right to collectively bargain for wages, hours and other terms and conditions of employment that exceed minimum levels established by the legislature.

(4) No existing or future law of the State or its political subdivisions shall impair, restrict or limit the negotiation and enforcement of any collectively bargained agreement with a public or private employer respecting financial support by employees of their collective bargaining representative according to the terms of that agreement.

(5) For purposes of this Section, "employee" means a person who works for any employer for compensation, and "employer" means a person or entity employing one or more employees.

(6) This section and each part thereof shall be self executing. If any part of this section is found to be in conflict with or preempted by the United States Constitution or federal law, such part shall be severable from the remainder of this section, and such part and the remainder of this section shall be effective to the fullest extent that the United States Constitution and federal law permit.

The proposal would add the following to Article XI, Section 5 of the State Constitution: Classified state civil service employees shall, through their exclusive representative, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions, which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness.

1. <http://articles.latimes.com/2012/jan/20/business/la-fi-autos-gm-sales-20120120>

2. <http://www.usnews.com/education/worlds-best-universities-rankings/top-400-universities-in-the-world>

3. <http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-education-schools/teacher-education-rankings>

4. http://www.law.cornell.edu/wex/Collective_bargaining

5. <http://www.epi.org/page/-/old/briefingpapers/BriefingPaper299.pdf>

6. <http://irlec.umich.edu/Publications/Docs/RightToWorkLawsAndFatalitiesInConstruction.pdf>

7. <http://www.un.org/en/documents/udhr/index.shtml#a23>

8. <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm>

9. <https://docs.google.com/spreadsheets/pub?key=0AjdCAJNl6gPdFdVZk1URjBLZmlkem15OVRQU1kUjFE&single=true&gid=0&output=html>

BLUEGREEN ALLIANCE

The BlueGreen Alliance is a national, strategic partnership between labor unions and environmental organizations dedicated to expanding the number and quality of jobs in the green economy.

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