

NC Workers Deserve a Seat at the Table!



2019-2020 Legislative Session

Each state gets to decide what rights its public employees should have to collectively negotiate with their employer. North Carolina's law, G.S. 95-98, is among the most restrictive in this area. Under our law, any "collective bargaining agreement" between the state, a county, or a municipality and a union of its employees is unlawful. Thus, although those employees have the freedom under the First Amendment of the U.S. Constitution to join together in union, none can enjoy the protections of a collectively negotiated contract.

A Fundamental Human Right

- **Collective bargaining is a fundamental human right.** The Universal Declaration of Human Rights, adopted by the United Nations in 1948, states that "everyone has the right to form and join trade unions."¹

A Cornerstone of Democracy

- **The right to join unions and collectively bargain is a cornerstone of American democracy, rooted in the First Amendment's guarantee of freedom of assembly.** All private sector workers in the U.S. are guaranteed the right to collectively bargain under the National Labor Relations Act passed in 1935.²
- The vast majority of states recognize collective bargaining rights for some, if not all, public sector workers.³ In other states, public employers and employees are free to consider collective bargaining.

North Carolina is an Outlier

- **Despite this overwhelming recognition, North Carolina remains as one of only 3 states with a blanket prohibition on public employee collective bargaining.**⁴
- This means that public sector employers and employees are not allowed the freedom to engage in collective bargaining even if they agree it is beneficial for the efficient administration of public services.
- In 2007, the International Labour Organization of the United Nations called on the United States to "promote the establishment of a collective bargaining framework in the public sector in North Carolina."⁵

A Path to Equality, Efficiency, and Peace

A Simple Proposal

- **Collective bargaining in the public sector promotes equality, reduces turnover costs, and facilitates labor peace.** Unionized state and local government employees earn between 10.7 and 13.6 percent more in hourly wages than their non-union counterparts.⁶ Unions also reduce the gender and racial wage gaps.⁷
- When employees enjoy improved working conditions, they are less likely to leave their jobs. Thus, it is not surprising that unions reduce employee turnover.⁸ Less turnover means lower recruitment and training costs for government agencies and more experienced workers on the job.
- **North Carolina public sector employees deserve a seat at the table.** Our proposal is simple: to repeal NCGS 95-98 such that public employers and employees have the option to collectively bargain.
- Repealing NCGS 95-98 would not make collective bargaining mandatory.
- The repeal of the public sector bargaining ban would not give public employees the right to strike.
- Instead, this bill provides a first step to bring North Carolina laws in line with those of the majority of states.

Endnotes:

1. The Universal Declaration of Human Rights, United Nations General Assembly Resolution 217A, <http://www.un.org/en/universal-declaration-human-rights/>.
2. 29 U.S.C. §151 et seq.
3. Some states such as California and Florida have broad public sector collective bargaining protections. Others only provide collective bargaining rights to specific employees, like teachers in Tennessee or firefighters in Georgia. Others such as Wisconsin or Iowa, have public sector collective bargaining laws that give many employees collective bargaining rights but limit the scope of mandatory subjects of bargaining. A few states, such as Missouri, neither grant nor deny collective bargaining rights, leaving the decision up to public employers if they want to bargain with unions.
4. The only other states with blanket statutes prohibiting collective bargaining in the public sector are South Carolina and Virginia.
5. International Labour Organization, Case No 2460 (United States) (Dec. 07, 2005), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:50002:0::NO::P50002_COMPLAINT_TEXT_ID:2909835.
6. Celine McNicholas and Heidi Shierholz, Supreme Court decision in Janus threatens the quality of public-sector jobs and public services (June 13, 2018), <https://www.epi.org/publication/supreme-court-decision-in-janus-threatens-the-quality-of-public-sector-jobs-and-public-services-key-data-on-the-roles-these-workers-fill-and-the-pay-gaps-they-face/>.
7. Elise Gould and Celine McNicholas, Unions help narrow the gender wage gap (April 3, 2017), <https://www.epi.org/blog/unions-help-narrow-the-gender-wage-gap/>.
8. Brief for the States of New York, et. al. as Amici Curiae, Janus v. AFSCME, Case No. 16-1466, U.S. Supreme Court (Jan. 2018).