

RESOLUTION TO SUPPORT THE EMPLOYEE FREE CHOICE ACT (EFCA)

Adopted by the Reconstructionist Rabbinical Association, March 16, 2010

Do not oppress your neighbor and do not rob; the wages earned by a day laborer shall not remain overnight with you until the morning. (Lev. 19:13)

BACKGROUND

The dignity of the worker in Jewish tradition is rooted in the dignity of the human being created in the image of God. Of equal standing before God, the employee and the employer are each servants of God, thereby equal in relation to each other, each with responsibilities toward the other. Jewish law affirms the personal autonomy of workers. “Rav said: A worker can withdraw from employment even in the middle of the day without loss.” (TB *Bava Metzia* 77a).

On the other hand, workers are required to be honest and responsible. In the *Mishneh Torah*, Maimonides offers a biblical paradigm for honest employees. Before leaving his father-in-law’s employ, Jacob turned to Rachel and Leah and said: “As you know, I have served your father with all my strength” (Genesis 31:6). Citing this source, Maimonides ruled that “just as an employer must not cheat an employee, so too the employee must not cheat the employer. In what way does an employee cheat an employer? By wasting a bit of time here and a bit of time there, until the entire day has been craftily passed, with little or no work done. An employee should be like the righteous Jacob who worked with all his might for his employer” (*Hilchot S’chirut*, 13:7).

Though each has responsibilities to the other, the relationship between a worker and an employer is ultimately a power relationship, in which workers are the vulnerable party. The Torah anticipates the ease with which a worker can become dependent and thereby mistreated. Regarding the obligations of employers to employees, the Torah says “You shall not abuse a needy and destitute laborer, whether of your own people or a stranger.... You must pay the worker’s wage on the same day, before the sun sets... lest in crying out to God against you, you will incur guilt.” (Deuteronomy 24:14-15). The Torah is clear in its demand that employers treat workers justly, and Jewish law protects the worker from exploitation and neglect by employers.

Jewish ethical teachings have consistently favored the right of workers to organize in order to secure improved labor conditions and fair wages. One rabbinic work teaches, "Wool workers and dyers have the right to say, 'We will all be partners in any business that comes to the city.' Bakers have the right to arrange their shifts." (*Tosefta Bava Metzia* 11:24)

From the time of Samuel Gompers until today, Jews have played a central role in the American labor movement. Protection of workers in American law came through the courage and determination of workers to join together, and through unions to speak with one voice. Responsible for much that is taken for granted today, such as safety standards in the workplace,

child labor laws, minimum wage, collective bargaining, and the two-day weekend, unions continue to be essential for ensuring the rights and dignity of workers..

Unfortunately, the rights of workers and enforcement of laws protecting those rights have been eroded since Congress passed the National Labor Relations Act in 1935. Current federal labor law is not protecting workers' freedom to form unions and bargain. Approximately 40 million employees, encompassing 29 percent of all private-sector workers and 35 percent of all public sector workers, are denied any legally protected rights to form unions and bargain collectively. Excluded workers include independent contractors, supervisors, managers, students, workers in the Department of Homeland Security, and public employees in many states.

For the majority of workers who do have the legal right to form unions and bargain collectively, the law just doesn't work. Many companies intimidate, harass, coerce and even fire people who try to organize unions. Workers are fired in one-quarter of private-sector union organizing campaigns, and most workers who try to form unions are subjected to repeated, coercive, one-on-one, anti-union meetings with their supervisors.

Furthermore, after a majority of workers have joined together to form a union and asked for recognition from their employer, the employer can refuse to recognize the union and instead require an election be held, during which employers can continue campaigns of threats, intimidation, and harassment. These campaigns are so coercive that Human Rights Watch has determined that the United States is in violation of the fundamental human right to organize unions.

Even when workers successfully form unions, 44% of the time they can't get a first contract because the majority of employers delay negotiations endlessly, thereby preventing workers who have chosen to form a union from ever reaching a collective bargaining agreement.

The lack of fair and enforceable labor law in the United States is an urgent crisis not only for individual workers, but for the economy as a whole.

The Employee Free Choice Act (EFCA) will help workers achieve the American Dream by removing some unfair barriers to union representation and collective bargaining. It removes the power from the employer to determine if a majority of employees have formed a union, and grants that determining power to the National Labor Relations Board. It also strengthens the ability of the National Labor Relations Board to enforce violations of labor law by imposing strong penalties on employers who fail to obey the law. EFCA also implements a system of mediation and binding arbitration for collective bargaining of the first contract so that workers who have chosen to form a union are guaranteed a collective agreement.

Our Jewish ethical tradition instructs us to protect the weak from exploitation by the mighty and to treat laborers fairly and honestly. It is time to reinforce these ancient ideals by supporting national labor law reform.

Therefore, be it resolved that the Reconstructionist Rabbinical Association supports legislation, beginning with the Employee Free Choice Act, which strengthens the right of workers to collective bargaining.

Be it further resolved that the Reconstructionist Rabbinical Association urges rabbis to:

- Sign the <http://rabbisforworkerschoice.org/> petition
- Raise awareness in congregations, communities, campuses, schools and organizations of the importance of unions and collective bargaining and the need for labor law reform
- Support workers who are in struggles with management for their rights
- Employ union labor where possible
- Hold all events, both communal and personal, in union-friendly venues.
- Consider the rights of those who work in our buildings and institutions, including those of professional staff and administrative support, as well as those who care for our buildings, whether contracted or salaried workers. In addition, we ask rabbis and congregations to be concerned for the ethical treatment of all employees of the services we use.

Be it further resolved that, whenever possible, the Reconstructionist Rabbinical Association pledges to hold all RRA conventions, programs and events in hotels that have no outstanding or ongoing labor disputes.

Be it further resolved that this resolution will be distributed to the media and to organizations working for worker justice. This resolution should also be publicized throughout the Reconstructionist movement.

Be it further resolved that the RRA empowers the RRA Executive Director and members of the RRA Board to speak out publicly on its behalf on this issue, and encourages them to do so.