

## Resolution 3

### Strengthen Civil Rights, Union Rights and Diversity

The struggles for workers' rights and civil rights are inseparable. The Union movement fought for passage of critical civil rights legislation such as the Equal Employment Opportunity Act, the Fair Housing Act and the Voting Rights Act. The Transport Workers Union is proud of its long tradition of fighting for and protecting the fundamental rights of all people.

Since the rise of Ronald Reagan, both civil and Union rights have been under attack by the American Conservative movement. Under President Bush's two terms, right-wing Republicans succeeded in substantially weakening critical human rights in the legislative arena, in the courts and, perhaps most damaging, in the public perception.

Civil rights legislation and enforcement have helped to bridge the opportunity gap by removing barriers to educational, career and economic opportunities for people of color, women, Lesbian, Gay, Bisexual, Transgender individuals, and other underrepresented groups and have improved countless lives.

However, people of color, LGBT individuals, women and immigrants still face discrimination and unequal access to opportunity in America. In 2007, women were paid 77 cents for every dollar men received. The same year the median income for African Americans was 25 percent lower than that of whites and Latino's earnings were 27 percent lower. Union membership helps to narrow these income gaps: Union women earn 32 percent more than nonunion women, African American Union members earn 28 percent more than their nonunion counterparts, and for Latino workers, the Union advantage equals 43 percent.

Immigrant workers often face the harshest forms of workplace problems: employer interference with our rights to improve wages and working conditions through unionization, discrimination and abuse at the hands of unscrupulous employers and the enduring struggle for dignity and respect, both as workers and human beings.

Hate crimes remain a festering problem in the U.S. The number of "hate groups" increased to 926 in 2008, up 54 percent since 2000. Currently, the federal government can intervene in a hate crime only if it occurs on federal property or if the victim was participating in a protected activity, such as voting.

Our Union has a diverse membership, including many thousands of immigrants whose contributions are vital to the economy, culture and strength of our country and our Union. We are strongest when we empower all workers because when any worker's rights are abused, all workers are harmed.

**THEREFORE, BE IT RESOLVED**, that the Transport Workers Union of America believes in equal opportunity and rights for all and is committed to the elimination of all racial and gender disparities, both legislatively and by helping workers of every background to join Unions and win better living standards. Because unionization leads to higher wages and better protections for all workers, a strong defense of Union rights is central to a more just society.

**BE IT FURTHER RESOLVED**, that TWU applauds the passage of the "Local Law Enforcement Hate Crimes Prevention Act" in the U.S. House. The bill would expand existing hate crime prevention programs, expand the definition of a hate crime and allow the federal government to assist local authorities in the investigation and prosecution of crimes. We urge the U.S. Senate to pass companion legislation, S. 909, introduced by the late Senator Kennedy.

BE IT FURTHER RESOLVED, TWU re-affirms our opposition to racial profiling and our determination to bring an end to this practice. We call on Congress and the states to move quickly to enact meaningful prohibitions against racial profiling.

BE IT FURTHER RESOLVED, since President Nixon implemented the first federal affirmative action program, it has served as a necessary and appropriate remedy for discrimination and its effects. Though affirmative action has detractors, programs have been successfully implemented around the country, businesses have supported it and the labor movement has fought to maintain it. TWU will vigorously oppose legislation and ballot initiatives that seek to end affirmative action.

BE IT FURTHER RESOLVED, that the TWU affirms our support for federal legislation that insures the full inclusion and equal rights of lesbian, gay, bisexual and transgender people in the workplace and in society, including full health and pension benefits for domestic partners. We deplore and will resist divisive measures, such as California's Proposition 8 that would turn state Constitutions or the U.S. Constitution into instruments to deny rights to individuals and families and undermine Union efforts to negotiate fair treatment for all members.

BE IT FURTHER RESOLVED, the TWU commend the U.S. Supreme court for upholding Section 5 of the Voting Rights Act. Section 5 of the Act, reauthorized by Congress in 2006, is one of its most crucial enforcement provisions. It requires that jurisdictions with a history of discrimination in voting submit proposed voting changes to its election process to the Department of Justice or the D.C. District Court for pre-approval.

BE IT FURTHER RESOLVED, that the TWU shall defend the rights of immigrant workers-both documented and undocumented-to join a Union and be protected on the job.

BE IT FINALLY RESOLVED, that the Transport Workers Union of America affirms this resolution as a common standard for all TWU affiliates and members to unite in education about civil rights issues, the support of equal protection under the law, workplace diversity and the fight to improve worker standards. We further commit to return to our communities and Local Unions and put into practice these principles.

# Resolution 10

## Outsourced Aircraft Maintenance

It is of critical importance that the imbalances between the standards imposed on U.S.-based repair stations and foreign repair stations be made uniform. The Federal Aviation Administration (FAA) Reauthorization Act (H.R. 915), which passed the House of Representatives in May, aims to put an end to the loopholes allowing foreign repair stations to operate under less oversight, with no drug testing of maintenance workers, and with radical disparities between standards of workmanship at U.S.-based and foreign aircraft repair stations.

Mechanics at U.S. facilities, whether employed at U.S. carriers or at third party contractors, are subject to stringent drug and alcohol testing as safety-sensitive workers. However, mechanics at foreign repair stations are not required to meet any uniform standard for drug and alcohol testing, despite the fact that they are doing the exact same work on the exact same aircraft.

Additionally, while U.S.-based repair stations are subject to routine unannounced safety inspections by FAA inspectors, foreign repair stations avoid this necessary type of oversight. These visits ensure that standard keeping is routine and not simply a show. The Bush Administration undermined the ability of front-line FAA inspectors to provide oversight of contract repair stations located abroad, a fact which has been documented by the Department of Transportation (DOT) Inspector General (IG). This has led some in the industry to partner with the European Union (EU) in opposition of these necessary safety inspection measures. They argue that foreign countries will inspect these facilities based on Bilateral Aviation Safety Agreements (BASA), but we reject this argument because it places the American flying public at risk.

To maintain the safety of aviation workers and the flying public, there can be absolutely no substitute for direct FAA oversight of the work performed on U.S. aircraft.

In this time of great economic strain in our country, air carriers seeking to cut costs are increasingly contracting out their repair work to foreign repair stations – over 60% of aircraft maintenance is contracted out – and it is likely that this trend will continue to grow.

**THEREFORE, BE IT RESOLVED**, that the Transport Workers Union of America will continue to advocate to close the loopholes allowing foreign repair stations to operate without the necessary oversight, without the necessary drug and alcohol testing for maintenance personnel, and without a uniform standard of maintenance protocol across all foreign repair stations that are working on U.S. certified and U.S. bound aircraft.

**BE IT FURTHER RESOLVED**, that TWU will continue to work with Members of Congress to ensure that the Senate version of the FAA Reauthorization Act mandates drug and alcohol testing for mechanics at foreign repair stations and requires twice yearly inspections by the FAA, with the goal of presenting a bill to President Obama this year, and with his signature, finally ending the disparities between standards imposed on U.S. based and foreign based aircraft repair stations.

**BE IT FURTHER RESOLVED**, that TWU will continue to inform its members, the public and Congress of the security risks involved with having such lax standards for mechanics at foreign based aircraft repair stations.

**BE IT FINALLY RESOLVED**, that copies of this resolution be sent to the FAA Administrator, President Obama, the leaders of the Congress, and the AFL-CIO President.

# Resolution 15

## Pension Protection

The U.S. private retirement system is unraveling. Hundreds of companies have frozen, terminated or cutback on pensions for rank and file workers. In bankruptcy proceedings, workers are too frequently left with drastically reduced pensions and little recourse. The majority of employer based retirement plans, 401(k) type plans, are essentially savings plans that inappropriately place the responsibility and risk of investment on workers. In the public sector, there is increasing political pressure to reduce or even end traditional Defined Benefit Pension Plans.

Retirement security and the right to a decent, adequate and predictable pension must be placed at the heart of economic recovery plans. Cutting pensions during this period of uncertainty acts as an economic destabilizer. Governments should focus on the clear economic and social benefits of effective pension systems, rather than only on the immediate costs.

With nearly 80% of union members covered by pension plans, organized labor has fought to ensure that workers receive a dignified and secure retirement. For the vast majority of union members, employer-provided defined benefit pension plans are the main source of retirement income – but employer pensions are rapidly declining. Foremost among the changes in America's employer-based retirement plans over the past decades the long-term evolution away from "traditional" defined benefit pension plans to individual-account defined contribution retirement plans, such as the 401(k), especially in the private sector. Unlike a traditional pension with guaranteed benefits, the value of a 401(k) plan fluctuates with the stock market. In the current economic crisis, workers have seen the value of their plans plummet – forcing many to postpone hard earned retirements, and forcing those already retired to return to the workforce.

The current outlook for traditional plans is mixed to bad. Plan terminations have accelerated, as have plan freezes. And, the current economic crisis holds the potential for more plans to shift liabilities to the Pension Benefit Guaranty Corporation. The Pension Benefit Guaranty Corporation (PBGC), the federal agency that regulates pensions, is over \$33.5 billion in debt as of May 2009 and growing. The passage of the Pension Protection Act (PPA) in 2006, just before the nosedive of the stock market, has not stopped the decline of the pension funds. The effect on many seemingly healthy defined benefit plans is not encouraging, as plan sponsors have taken action to freeze their plans, at least temporarily, because of extraordinary investment and interest rate volatility requiring large employer contributions. PPA rules have prompted plans to freeze or reduce accruals for rank and file workers, yet executives at many companies continue to earn extraordinary retirement benefits, and are unaffected by any cutbacks.

Despite the relative security afforded to unionized workers by a defined pension plan, opponents define such plans as placing a considerably higher risk to taxpayers. Under the guise of "reform," opponents would change the definition of funding, and then use these changes to restrict our ability to negotiate increases and even to continue to accrue seniority to our pension. Retirement security should be based on mutual responsibility; with workers able to trust that their government is acting to ensure that the benefits they have bargained for in youth will be there to claim in retirement.

**THEREFORE, BE IT RESOLVED**, that the Transport Workers Union of America calls on Congress to fight for real pension reform that benefits current and future retirees. Among the

most critical objectives is the protection of earned pension benefits when companies are bought, sold or enter bankruptcy proceedings. Employee pension benefits must be given first priority in cases of bankruptcy, pension plan relief, and reform, as pensions are deferred wages and a benefit earned and negotiated by employees. Any proposed reform must protect earned and promised pension benefits when plans become underfunded.

BE IT FURTHER RESOLVED, TWU is strongly opposed to efforts to dismantle secure defined plans for public sector workers and supports voluntary employee participation in defined contribution plans only as a supplement to coverage under a defined benefit plan. Government should encourage private sector employers to preserve and create defined benefit pension plans through tax incentives and other inducements.

BE IT FURTHER RESOLVED, TWU calls on Congress to enact legislation to curtail the practice of companies that reduce worker pension benefits while preserving their own, superior benefits. This could be accomplished by freezing executives' deferred compensation when a business freezes its defined benefit plan, and not allowing a business to use one benefit formula for the rank-and-file employees and another for management employees.

BE IT FINALLY RESOLVED, that TWU strongly urges that President Obama establish a cabinet-level committee or Presidential commission to explore options for shoring up the retirement systems, both public and private, with the aim of pension sustainability to strengthen the economy.

# Resolution 16

## The Employee Free Choice Act

The freedom to join a union is recognized as a fundamental human right. Private sector workers have the right under federal law to form unions, but these laws have eroded over the years and are poorly enforced. There is no federal law granting full collective bargaining rights to public employees.

Our laws guarantee America's private sector workers the right to choose a union. Nevertheless, employers routinely violate that right by harassing, intimidating, coercing and even firing workers just for exercising, or attempting to exercise this fundamental freedom. This has resulted in more than 30,000 workers being punished for supporting unions annually.

They also arbitrarily refuse to bargain a first contract in good faith, hoping to frustrate a new union. The dealers at Wynn and Caesar's casinos who voted to join the TWU but have yet to receive a contract are a prime example.

When employers violate workers' right to form a union, everyone suffers – wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear.

Union membership provides workers better wages and benefits and protection from discrimination and unsafe work places, while benefiting whole communities by strengthening tax bases and promoting equal treatment. A recent survey shows that more than 57 million Americans said they would join a union if they had the chance, yet only 12.4 percent of workers are unionized.

A worker's fundamental right to choose a union must be guaranteed by law. Congress is considering legislation, the Employee Free Choice Act (S.560 and H.R. 1409), which aims to restore the freedom of workers to join a union by prohibiting employers' delaying tactics that give them time to fire union supporters. The bill would:

- Authorize the National Labor Relations Board to certify the individual or labor organization as the exclusive bargaining representative of employees through majority sign-up. Majority sign-up simply means that the NLRB certifies a union as collective bargaining agent when a majority of employees in a unit voluntarily sign authorization cards for the union;
- Provide for first contract mediation and arbitration;
- Speed up union elections, where called for, and establish meaningful penalties for employers that violate the right of workers to join a union;
- And include, for workers, the same process for immediate relief from illegal conduct that the law presently gives only to employers.

Airline and railroad workers who are not covered under the Employee Free Choice Act also need relief. In order to join a union, these workers currently need a majority of all employees, even those who don't exercise their right to vote, unlike other workers who only require a majority of those voting.

THEREFORE, BE IT RESOLVED, that the Transport Workers Union of America, AFL-CIO calls on Congress to support the Employee Free Choice Act.

BE IT FURTHER RESOLVED, that TWU urges affiliates to seek to amend existing state and local bargaining laws to include these same provisions.

BE IT FURTHER RESOLVED, that the TWU calls on the National Mediation Board to conduct union elections under the Railway Labor Act under the same standard applied to National Labor Relations Board elections – a majority of those voting.

BE IT FURTHER RESOLVED, that TWU will advocate for a federal law covering all public sector employees, and, until such a law is passed, TWU will fight for state and local laws granting bargaining rights to public employees who currently do not have such rights.

BE IT FINALLY RESOLVED, that the TWU supports efforts to build a broad movement in support of the civil right of a worker to join a union.

## Resolution 24

### Support and Encourage The Legislative and Political Activism of Our Members

The work, civic and personal lives of TWU members and their families are directly affected by legislative actions on the national, state and local levels. Workers have learned through bitter experience that there is a powerful link between the breadbox and the ballot box. Gains won at the bargaining table or through sacrifice on the picket line can be wiped out by unwise actions of local, state or federal legislators as well as other political leaders.

Our objectives are simple; protect the interests of working men and women, and educate our members on the legislative and political process. Though our objectives are simple, we realize that achieving them takes a concerted effort. At the 22<sup>nd</sup> Constitutional Convention in 2005 we were urged to retool our activities around issues and not just campaigns, which we have done. Furthermore, we've urged involvement on the state, local and national levels as well as more involvement with central labor councils, state federations, community groups and other union groups with similar interests.

We have answered the call to train rank and file members and keep them active in the legislative and political arenas with the development of our successful intern program; our Grassroots Program in which we have trained activists at locals around the country and at the National Labor College in Silver Spring, MD; and through the creation of a Field Services Program to assist locals with their COPE programs. Moreover, the Transport Workers Union has worked with locals to increase political activism and to promote grassroots initiatives, such as the campaigns for the Employee Free Choice Act and Health Insurance reform.

Further, we have made significant strides in uniting TWU locals and members from different locals and Divisions around these fights with the creation of a number of new TWU State Conferences in New York, New Jersey, Georgia, Florida, Texas, Ohio, Pennsylvania and Illinois, in addition to the long-running successful California State Conference.

The success of the COPE "Trendsetter" program in raising voluntary COPE dollars has enabled us to spread our influence to areas with few TWU members and gain unparalleled access to Congressional and other offices.

And no summary of the past four years would be complete without mentioning the exceptional contribution of TWU members and activists to the nomination and election of Barack Obama as President.

Now, this Convention must build on these gains and accomplishments. We need to expand our efforts to educate our interns, Local coordinators and activist members by employing tools like email, instant messaging and the TWU website to rapidly disseminate information and offer new and innovative learning methods; broaden our base of activists through greater involvement of our retirees; encourage TWU members to run for local office; and further increase our COPE war chest by reaching out to those who do not yet participate.

**THEREFORE, BE IT RESOLVED**, that the Transport Workers Union of America continues to build our grassroots efforts by expanding our training to include online training and the use of technology to coordinate interactions between locals and their legislators; and further

to use modern technology to keep our members apprised of issues and campaigns and to allow them to spread this message among themselves.

BE IT FURTHER RESOLVED, that the TWU International will assist locals to organize and utilize retired TWU members in political and issue campaigns.

BE IT FURTHER RESOLVED, that the TWU International Convention calls on all members and officers to redouble their efforts to raise funds for COPE. It calls on the International, to assist affiliates in reaching out to members to substantially increase participation with their COPE contributions; to provide information on best fundraising practices, encouraging such activities at local union events; to use our website to provide greater transparency on COPE contributions; and to assist in establishing voluntary COPE check-off in their labor agreements.

BE IT FURTHER RESOLVED, that the TWU conduct TWU-wide voter registration drives yearly, utilizing all available methods and technologies.

BE IT FINALLY RESOLVED, that the TWU establish a program to encourage and train members to become involved in, and run for office in, local election boards, metropolitan planning organizations (MPOs), state legislatures and other local, state and federal positions.

## Resolution 37

### Preserve and Expand the Family Medical Leave Act

Labor unions fought for the passage and expansion of the Family Medical Leave Act (FMLA) in the belief that workers have the right to take leave during times of personal or family illness or to care for newborns and newly adopted children without worrying about job security. More than 100 million workers have benefited from taking leave for family and medical reasons since the law was enacted in 1993. As it stands, the FMLA allows up to 12 weeks of unpaid and job-protected leave for qualifying workers.

Predictably, corporations have attempted to weaken the law by proposing the elimination of specific illnesses for which workers can take leave and restricting the amount of time that workers can take for intermittent leave, such as treatments for chronic illnesses. This makes it more difficult for workers to qualify for leave.

Legislators at the state level have moved to shore up some of the weaknesses of the FMLA. Nearly half of all states already provide more family leave protection than federal law affords, such as extending coverage to employees of small businesses or making leave more broadly available. Several states, including New Jersey, Maryland, and Washington have passed laws to provide paid leave and many unions have successfully bargained for paid family and medical leave for their members.

Despite the value and importance of the FMLA, it has serious shortcomings that must be addressed to extend its benefits to more workers and to make its protections more meaningful. Since the law only applies to workplaces with 50 or more employees, tens of millions of workers are not covered. Moreover, because workplaces covered under the FMLA are more likely to provide paid leave and other benefits, the Act has failed to cover workers who often have the greatest needs.

Currently, many flight attendants are unfairly denied FMLA benefits because current FMLA language has been narrowly interpreted and has failed to take into account the unique way in which the airline industry counts its workers' hours. In most cases, workers are eligible for FMLA if they have worked for at least 12 months and for 1,250 hours. However, flight crews do not work a traditional 40-hour work-week and often do not meet the requirements for qualification.

Another significant shortcoming of the FMLA is that it only provides unpaid leave. The United States is the only industrialized nation that fails to provide paid family leave benefits with a guaranteed right to return to work. More than seventy five percent of employees who have needed to take FMLA-covered leave declined to do so because they could not afford unpaid leave.

THEREFORE BE IT RESOLVED, that the Transport Workers Union of America supports the expansion of the FMLA so that more workers, including part-time workers, will be able to meet their families' needs without compromising income or job security, and opposes any efforts to exclude workers or illnesses from FMLA protections. TWU also advocates for federal legislation to provide paid family leave.

BE IT FURTHER RESOLVED, that the TWU calls on the Obama Administration to reverse all federal rules implemented just before President Bush's departure from office that make it more difficult for employees to take the FMLA leave they need.

BE IT FURTHER RESOLVED, that the TWU applauds the U.S. House of Representatives for passing H.R. 912, The Airline Flight Crew Family and Medical Leave Act to clarify the intent of the original FMLA and finally provide all flight attendants equal coverage under this statute. We further urge the U.S. Senate to pass their version of the bill, S. 1422.

BE IT FINALLY RESOLVED, that the TWU will actively fight to win paid family leave benefits for all working families, and encourage local unions to bargain for paid family leave for their members.

## Resolution 40

### Health, Safety, Wellness and Pension Benefits

Extensive worldwide studies have shown that high levels of occupational stress and other health hazards accompany many jobs that Transport Workers Union of America members perform. These working conditions place workers at increased risk for adverse health outcomes, such as increased risk for hypertension, heart disease, stroke and musculoskeletal disorders.

For TWU members, the consequences of these problems are potentially devastating. For employers, absenteeism, high turnover, reduced work efficiency, medical insurance and Workers' Compensation rates are substantial issues as well.

There is an imperative need to conduct further research on workers' health to clarify and prioritize these risks and to communicate the resulting information to employers of TWU members, Unions representing workers, and to the workers themselves. It is equally imperative to design, implement, and evaluate workplace interventions to reduce these health, safety and wellness problems facing workers.

The Obama administration has renewed the national agenda for worker safety, and his health care goals cannot be truly accomplished without attention and emphasis on occupational health. Improvements in these areas cannot be accomplished without education and training.

Due to reductions in jobs because of employer cutbacks, more TWU members considering retirement need assistance with plan options and specifically, with selections.

**THEREFORE, BE IT RESOLVED**, that the Transport Workers Union of America will continue our support on issues related to health, safety and wellness, including:

- Collecting and disseminating existing information
- Working with labor, government agencies, academic centers and industry partners to identify areas for further research and to conduct such research
- Developing and evaluating strategies for intervention
- Developing training programs for TWU members on issues that impact health, safety and wellness
- Providing technical training to assist Union Locals in developing health, safety and wellness programs
- Developing policy analysis of issues that impact occupational health and safety on behalf of TWU members.
- Support and encourage research on the impact of transportation alternatives on the environment, including the cost of environmental pollution on worker and community health

**BE IT FURTHER RESOLVED**, that TWU requests that each local Union designate a representative for Health, Safety and Wellness to pursue these objectives.

**BE IT FURTHER RESOLVED**, that TWU work closely with the International Transport Workers Federation (ITF) in areas related to health and safety.

**BE IT FURTHER RESOLVED**, that TWU recommends to the AFL-CIO Transportation Trades Department (TTD) to work with the National Institute of Occupational Safety and Health

to develop national research strategies to improve transportation workers' occupational health and safety.

AND BE IT FINALLY RESOLVED, that as an initial step TWU will support the development of a position paper on workplace factors in relation to health, safety and wellness, moving beyond industry's current focus on personal factors.