



## Labor Standards and Worker Empowerment

*"The IBEW stands ready to work with members of Congress to ensure that [infrastructure investments] are coupled with strong labor protections that build worker power and protect the standards that create and sustain good-paying union jobs."*

*—International President  
Lonnie Stephenson*



900 7th Street NW  
Washington, DC 20001

202-728-6046

governmentaffairs@ibew.org

IBEWAction.org  
IBEW.org/political

# IBEW POLICY BRIEF

## GOVERNMENT AFFAIRS DEPARTMENT LEGISLATIVE ACTIVITY

### Labor Standards and Worker Empowerment

Union membership was at its highest rate in 1954, shortly after World War II ended. As union strength steadily declined—particularly after 1979—income inequality got worse and is now at its worst point since the Great Depression.

This widespread and deep economic inequality, stagnant wages, and the shrinking of the middle class are all associated with the declining percentage of workers represented by unions. Lower union membership rates have exacerbated the pay gap for women and workers of color. Through the power of collective bargaining, unions win better wages and benefits for working people and reduce income inequality.

The Biden administration has taken several steps to improve and protect unions and the rights of working people. These initiatives can be leveraged as tools to organize new members and win new work.

### NLRB Initiative on Injunctions for Threats, Coercion by Employers

On February 1, 2022, the National Labor Relations Board (NLRB) announced a new initiative to seek injunctions in certain cases where employers engage in threats or other coercive conduct during organizing. Importantly, this announcement comes at a time of several highly-publicized organizing efforts within the IBEW and other industries and is likely to have a significant impact on these and future union organizing campaigns.

The initiative will allow the NLRB to harness the power of the federal courts to quickly end unlawful interference by employers in union organizing campaigns. It will give unionizing employees the ability to take such employers to court before they can be fired.

Section 10(j) of the National Labor Relations Act has long been utilized to prevent employer interference with organizing rights. Typically, by the time injunctive relief is sought in cases of threats or coercion during organizing, the employer has already followed through on its threats and terminated union supporters.

NLRB's regional offices and directors have been directed to consider seeking 10(j) injunctions immediately after determining workers have been subject to threats or other coercive conduct during an organizing campaign in order to "fully erase the chilling impact on organizing activity."

### White House Task Force on Worker Organizing and Empowerment

A task force created by President Biden in the early days of his administration to promote worker organizing and collective bargaining has produced a report with nearly 70 recommendations. The group includes more than 20 cabinet members and heads of federal agencies who pledged to come together to empower workers.

The report outlines federal policies, practices and programs to promote the Biden administration's policy of support for worker power. It also connects the relatively low percentage of unionized workers in the private sector (6 percent) with their popularity. Nearly 1 in 2 workers say in polls they would join a union if they had a chance.

Its first report recommends:

- Increasing visibility, support, awareness, and promotion of collective bargaining
- Ensuring effective enforcement of existing laws that establish and protect rights to organize and bargain collectively
- Developing research/collecting data to advance worker empowerment policy
- Directing certain agencies to allow unions to talk to federal employees on federal property
- Ensuring certain federal agencies do not spend funds on anti-union activities

The Task Force will release another report on implementation progress. The administration has encouraged all stakeholders, especially organized labor, to provide input and feedback.

Read the Task Force's first report and recommendations here:

<https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>.



### **Pending Priorities**

#### The Protecting the Right to Organize (PRO) Act

Support for unions has grown in recent years, especially in the wake of the COVID-19 pandemic. A September 2, 2021 Gallup poll showed approval for labor unions at its highest point since 1975, with 68% of those polled voicing their approval. Despite this strong and growing support, the share of workers represented by a union is only around 12%. The erosion of federal labor law in recent decades by anti-union interests has made it increasingly difficult for workers to win union representation and have their voices heard.

In 2021, lawmakers introduced the Protecting the Right to Organize (PRO) Act, which would bolster workers' rights to organize, make classification rules for independent contractors more stringent, impose harsher punishments on employers that violate workers' rights, allow workers to override right-to-work laws, protect the right to strike, and prevent employer interference in elections.

The PRO Act passed in the U.S. House of Representatives on March 9, 2021, but is unlikely to pass in the Senate due to the filibuster and a slim Democratic majority. However, pieces of the PRO Act were included in the Build Back Better Act, which also stalled in the Senate. These provisions included civil penalties of up to \$50,000 per violation of the National Labor Relations Act (NLRA), double civil penalties up to \$100,000 for repeat NLRA violations and civil penalties against directors and officers.

The IBEW Government Affairs Department will continue to advocate for the passage of the PRO Act and any opportunities to include provisions from the bill in new legislation.

Labor Standards on Renewable Energy Tax Credits

The IBEW believes that federal financial assistance for all infrastructure projects – including, but not limited to tax incentives, loans, bonds, grants and direct federal spending – should include labor standards requirements for all recipient contractors and subcontractors.

Federal tax credits and deductions, including renewable energy tax credits, have been one of the main tools Congress has used to drive the construction of clean energy infrastructure projects to combat climate change. However, recipients of renewable energy tax credits are not always required to comply with prevailing wage requirements and other labor standards policies.

The IBEW supports prevailing wage requirements, registered apprenticeship utilization requirements, the application of the ABC test, and local hire provisions on legislation that provides renewable energy credits. This includes Section 45, the Production Tax Credit, Section 48 the Investment Tax Credit, 30C the EV INFRA Tax Credit, 45Q the Carbon Capture Tax Credit, 48C the Advanced Manufacturing Tax Credit and 179D Energy Efficiency Deductions.

The Build Back Better Act included several labor standards provisions on renewable energy credits. The IBEW continues to advocate for the passage of the Build Back Better Act and any new legislation that will attach labor standards requirements to federal tax incentives for clean energy projects.

**Government Affairs Department Staff Policy Area Points of Contact:**

**Sergio Espinosa**

**Policy Expertise**

Sergio\_Espinosa@ibew.org ..... Energy

**Taylor Waites**

Taylor\_Waites@ibew.org ..... Labor Law, Construction and Procurement

