



# **MAINE AFL-CIO**

A Union of Unions Standing for Maine Workers

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## **Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in favor of L.D. 900 "An Act To Expand the Rights of Public Employees under the Maine Labor Laws"**

Senator Bellows, Representative Sylvester and members of Labor & Housing Committee, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 900.

Across the country in the last two years, in deep red states as well as blue states, teachers and educational workers have been going on strike to demand better public schools for our kids, better funding for our public schools and better pay and treatment for teachers and school personnel. Teachers have correctly asserted that their working conditions are students learning conditions and they've successfully improved both.

These strikes have to be understood as a response to multiple decades of austerity – an economic and ideological framework that has defunded public services, devalued public services, shifted costs onto working people and sought to undermine the vital role of government in providing services and solving problems that no individual can solve alone. All of these strikes have been just, while some have been legal and others not. In all of these cases, the collective action of teachers, bus drivers and support staff could only succeed if they first organized deep support in the community. A strike in the public or private sector that lacks community and public support will not succeed.

We've been immensely inspired by these teacher strikes as a vital corrective action to restore some of the most basic promises of democracy and the essential project of quality, universal public education. We support LD 900 for a few basic reasons.

First, the right to strike and withhold one's labor is a fundamental labor and human right and a crucial tool to make collective bargaining work. We see the right to strike as an extension of workers' first amendment right to freedom of association and speech. Collective bargaining grows out of a recognition that there is a power imbalance in most workplaces. The employer controls one's livelihood and in a non-union environment the ability to fire largely at will. The individual worker typically is not in an equitable power relationship with a corporation or employer. Historically, labor advocates have viewed that power imbalance as corrosive to democracy and antithetical to our small "d" democratic commitments. Collective bargaining was born in an effort to level that power imbalance and deepen our democratic practice and values. The right to strike is an essential extension

of that collective bargaining process and democratic commitment. At a time when the power imbalance between employers and the individual worker is increasing in most American workplaces and at a time when inequality of income and wealth is at record levels, it is most appropriate to expand public sector workers legal rights.

Second, the right to take collective action in the public sector is a critical tool of last resort to ensure that we have access to the highest quality public services that we can create together. Teachers have left the workplace precisely because they have been unable to do their jobs and provide the level of service that our kids deserve. When aviation workers in the federal sector recently threatened collective action during the federal shutdown, again, it was because they were literally unable to do their jobs, the public's safety was threatened and the quality of service we all deserve was greatly undermined. Not surprisingly, throughout history, the strike has been instrumental in advancing the cause of working people and winning many of the key historical achievements that we all hold most dear.

Third, we also believe that public sector workers deserve the same rights as most private sector workers, who have the right to withhold their labor. As you've heard from others, 12 states, including Vermont, already allow public sector strikes. All of those states, as is proposed in this bill, have a public safety exemption for police, firefighters, corrections officers, etc.

We suggest three changes to the bill as drafted:

- 1) Public Safety definition – Clarity is a good thing for everyone involved. We suggest that we clearly and specifically define the public safety exemption and who it covers. We would be happy to work with the sponsor to develop that prior to the work session.
- 2) Prohibition on the permanent replacement of public sector workers on strike – It should be prohibited to permanently replace public sector workers who are on strike. If you permit the permanent replacement of workers, you are not creating a *right* to strike, you are simply creating a right to quit.
- 3) Removal of requirement to provide an end date for a strike – We recommend removing the language that public sector workers must provide a return date on a strike. Withholding labor is a tool to make a negotiation process work so it is fair and equitable. That is undermined if an employer knows exactly when workers will return to work. We would be happy to have this return date language be permissive/optional, but we do not think it should be required.

Finally, it is worth reminding all of us that when workers are on strike they lose income, they typically lose health insurance, their family goes through a very challenging time and in my experiences no worker ever wants to go on strike. Workers only go on strike when they have no other viable option. We strongly believe that creating this right would create a more efficient and effective bargaining system that would work better for all parties.

We urge you to support LD 900 and we are happy to work with the Committee going forward.