

# Legislative and Contractual Gains

As past and current administrations have shown, all legislative and contractual gains won by working people can be taken away through legislation.

**MINIMUM WAGE:** First proposed by unions and progressives in the early twentieth century, it was finally passed in to law under the Fair Labor Standards Act of 1938.

**UNEMPLOYMENT INSURANCE:** Unions and other activists pressed President Roosevelt to help the unemployed during the depression. Congress passed unemployment insurance under the Social Security Act of 1935. The Act mandates that employers pay a tax into a fund that pays workers who have been laid off or are unemployed.

**CHILD LABOR LAWS:** The campaign against child labor began in the 1800s as unions, together with religious and community organizations, protested its widespread existence. Many states adopted laws banning child labor, but it did not become federal law until passage of the Fair Labor Standards Act of 1938.

**40-HOUR WEEK:** the 40 hour week had its roots in the 19<sup>th</sup> century's 8-hour day movement and campaigns by unions and their progressive allies advocating for a shorter workweek. It was passed into law under the Fair Labor Standards Act of 1938. The law requires the payment of overtime for work beyond 40 hours per week.

**HEALTH AND SAFETY PROTECTION:** Pioneered by unions in the 1960s, workplace health and safety became law under the Occupational Safety and Health Act (OSHA) of 1970. Unions in the oil, steel and coal industries campaigned for the law after suffering years of physical and environmental dangers on the job.

**LIVING WAGE:** The movement started in Baltimore in 1994 when the city passed a law requiring contractors to pay their workers a living wage. The movement has been driven by a coalition of community, religious and labor groups. Hundreds of cities and counties have passed similar living wage laws which raise the standards of living for workers and their families.

**LIMITS ON CONTRACTING OUT:** SEIU and other unions have fought to stop the contracting out of public employee jobs throughout the country. In many states, SEIU has introduced legislation that make contracted out jobs more scrutinized in terms of costs, adherence to labor laws and other concerns. Many union contracts have limitations on contracting out as well.

**PAID SICK LEAVE:** Prior to sick leave benefits workers simply were not paid when they had to stay home with an illness or injury. Many unions bargained paid sick leave for workers in the 1950s and the benefit became common place by the 1960s. Today there is an expectation that employers have some kind of sick leave benefit.

**PENSIONS:** The first pension plan for workers was bargained by the United Mine Workers in the early 1950s. From the 1950s to the 1980s many workers came to expect that their employer would have a pension plan. Unions have also fought for many of the laws that protect the solvency of pension plans. There is a current trend to replace pensions with 401K and other plans, requiring unions and workers to once again fight for benefits that provide a secure retirement.

**RIGHT TO ORGANIZE:** The right of workers to organize was established by the Wagner Act (also known as the National Labor Relations Act) of 1935. Regulated by the National Labor Relations Board, the Act gives workers the right to form or assist in the forming of labor organizations. Some states have been successful in passing laws to curb organizing. These “right to work” states force open shops where workers can opt out of union membership and paying dues.

**RIGHT TO BARGAIN:** The right for private sector workers came with the Wagner Act (NLRA) in 1935. For public sector workers, laws were passed in Congress and in state legislatures mostly in the 1960s and 1970s. California state workers won the right to bargain with the passage of the Dills Act in 1979. Many public sector workers in the south continue to fight for this right.

**PAID VACATION:** Receiving pay while on vacation was all but unheard of until the 1950s when unions began winning the benefit in their contracts. The United Auto Workers and the United Mine Workers pioneered the movement for these gains that are now enjoyed by the majority of working people.

**STAFFING STANDARDS:** In 2000, SEIU and other unions worked to make California the first state to pass a safe hospital staffing law. Since then, similar legislation has passed in other states and proposed at the federal level. Through bargaining, SEIU continues to fight for safe staffing levels where no laws have been passed.

**PUBLIC EDUCATION:** The Knights of Labor first began the fight to abolish child labor in the mid 1800s. In the early 1900s the American Federation of Labor and the progressive movement took it a step further and advocated compulsory schooling for children. By the mid-twentieth century most state had compulsory, but segregated, schools. During the civil rights movement, many unions worked to integrate schools and equalize education for all children.

**WAGES:** Wage gains have been won through both collective bargaining and political action. Set wage rates in became common in contracts by the 1950s. The federally mandated minimum wage was made law in the 1930s and several states have passed similar laws.