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Written Testimony of Daniel Durant, Community Organizer
AFT Connecticut

HB 5460 An Act Concerning Captive Audience Meetings

The Labor and Public Employees Committee
February 1, 2011

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My name is Daniel Durant and I am a Community Organizer for AFT Connecticut, a diverse union of 28,000 public and private sector employees. I submit this testimony in favor of HB 5460, An Act Concerning Captive Audience Meetings. I hope to clarify just how a captive audience meeting is an unfair labor practice though it is not named as such. The fact that it is not named as an unfair labor practice in the act (as it is a contemporary anti-union and anti-worker tactic utilized by employers nationwide) necessitates this legislation's passage. The captive audience legislation being introduced here today supports the central spirit and premise of the National Labor Relations Act and I urge you to support it whole heartedly.

Currently legislation governing the right of workers to organize and join a union free of fear and retaliation by one's employer is limited to the NLRA. Whereas most laws that govern citizen behavior have varying degrees of **severity of consequences**, the NLRA stops short of punishing employers with any real severity for violations of the act unless in extreme circumstances. Perhaps falling short of severely punishing employers for violations of the Act has some prudence. Yet the aim of the Act is to **balance the scale of power** between employer and employee and to reduce conflict between workers and bosses. From the times of slavery and indentured servitude to sharecropping and child labor and other forms of worker exploitation, the balance of power has always been extremely tilted in favor of employers. Workers of all sorts have fought and have given their lives in an effort to **gain some level of dignity and security as workers** and breadwinners for their own families. Today that struggle continues.

To balance the scale of power:

Congress enacted the National Labor Relations Act ("NLRA") in 1935 to protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy.

(http://www.nlr.gov/about_us/overview/national_labor_relations_act.aspx)

What is implicit in the language of the act is that it is in everyone's best interest to reduce conflict between workers and employers. The law clearly defines unfair labor



practices as those practices that interfere with, restrain, or coerce employees in the exercise of the rights to join a union.

(http://www.nlr.gov/about_us/overview/national_labor_relations_act.aspx).

Unfair terminations, lack of job security, unsafe working conditions and exploitation cause worker unrest and hurt businesses as well as the workers they employ. The NLRA therefore encourages collective bargaining. Collective bargaining is the only means by which employer and employee can sit down together and mitigate potential and or eminent conflicts that arise out of the imbalance of power. Depending on how tilted the power dynamic is the more potential for conflict and therefore the greater the need for the protections of the act.

Severity of consequences:

Protections in the act are usually limited to postings of what the employer shall and shall not do. Rarely are employers ever forced to pay monetary damages outside of arbitration suites that after long periods of litigation, finding employers guilty of the act, they are ordered to make restitution for firing workers unfairly. The amount of cases that make it that far is insignificant in proportion to the amount of grievances. What's more is, without a union, workers would have to pay their own way to take on their company with all that company's resources. This is the imbalance that necessitates collective bargaining and union affiliation. Without real consequences for employers who violate the act, the captive audience legislation attempts to reduce the instances of unfair labor practices by naming the captive audience meetings as a culprit of unfair tilting of power favoring employers against the will of workers wishing to exercise their rights under the act. The captive audience meetings are coercive in nature and often times overtly threaten employees wishing to join a union.

A Captive Audience Meeting:

A captive audience meeting is a mandatory meeting held by the employer that is acutely designed to sponsor anti-union committees and discourage workers from joining the union through fear. These meetings are intimidating in nature as they are held by direct supervisors and managers who are in charge of watching the employees on a daily basis. The mere fact that the meetings are "mandatory" and workers are disciplined for not attending is cause for great alarm and the banning of these meetings. These meetings are used by employers to identify and build lists of who supports the union. If workers are not discouraged from joining the union they become targets by the employer. The meetings are never pro-union though they are often guised as simply informational services provided by the employer.

My first experience with one of these captive audience meetings as an organizer came when some of my most supportive committee members at a local nursing home after having gone to a captive audience meeting reported to me the following: that they had learned that the union is going to shut down their place of employment, put a lien on their house, break their car windows and not allow them to talk to their employer. I learned that the captive audience meetings were being conducted by labor consultants that the employer had hired whose website advertisements at the time boasted the

thwarting of dozens of union organizing drives. These consultants were hired by the employer's attorneys. I have gotten reports from members that have told all manner of tale and fable of how the union will destroy the lives of the masses and leave workers in the poor house. There is no way to control what is said in these meetings, nor measure the terrifying effect it has on a worker who is forced to attend.

Some level of dignity and security as workers:

Captive audience meetings exist to coerce, restrain and otherwise destroy worker organizing drives. In a time when American workers are seeking more job security in the workplace, these terrifying meetings cannot be allowed to continue. The captive audience legislation being debated here today seeks to name the culprit and effectively eliminate its destructive power over the backbone of our economy, the American Worker. This legislation seeks to close loopholes by which employers circumvent the spirit and intent of the NLRA. What the NLRA sought to do over the years is balance the power between workers and their powerful employers to foster cooperation and collective bargaining. Contemporary tactics for preventing collective bargaining include captive audience meetings.

Again, I urge you to support HB 5460. Thank you.

STATEMENT OF NORTHROP GRUMMAN CONNECTICUT

Regarding Raised House Bill No. 5460
An Act Concerning Captive Audience Meetings
Before the Joint Committee on Labor and Public Employees
February 8, 2011

Proposed in HB-5460:

Raised House Bill 5460 would prohibit all employers from requiring that employees attend meetings or participate in communications if the primary purpose is to communicate the employer's opinion on religious or "political matters."

Comments on Language:

Northrop Grumman Connecticut opposes Raised House Bill 5460 because it is overly broad and it would unreasonably restrict employers' ability to disseminate important information to employees.

Northrop Grumman Connecticut is concerned because this legislation could be used to bar legitimate and important communication from employer to employee, even in situations where it is in employees' best interest to be made aware of matters that concern their employer. Such communications could fall under the bill's broad classification of "employer's opinion concerning . . . political matters." Therefore, Northrop Grumman Connecticut opposes Raised House Bill 5460 because it could unreasonably restrict an employer's legitimate communication with its employees.

Summary:

Northrop Grumman Connecticut opposes Raised House Bill 5460 and urges the committee to remove this bill and insure that legitimate communication between an employer and its employees is not hampered.