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High Court to women Wal-Mart workers: You're on your own!

By John Wojcik

The Supreme Court prevented the biggest sexual discrimination lawsuit in history from proceeding as a class action today, giving a victory to Wal-Mart in a case that pitted the retail giant against millions of its female employees.

The women, who led the suit against the world's largest retailer, during a telephone press conference less than an hour after the court ruling was announced, vowed to continue their fight.

The justices all agreed that the lawsuit against Wal-Mart Stores Inc. cannot go ahead as a class action in current form, reversing a decision by the 9th U.S. Circuit Court of Appeals in San Francisco.

But they split 5-4 along ideological lines over whether the plaintiffs should in essence get another chance to make their case.

The lawsuit, had it been allowed to proceed as a class action, could have involved up to 1.6 million women, with Wal-Mart facing billions of dollars in damages.

"The court has told employers that they can rest easy, knowing that the bigger and more powerful they are, the less likely their employees will be able to join together to secure their rights," said Marcia Greenberger, co-president of the National Women's Law Center. "The women of Wal-Mart, together with women everywhere, will now face a



far steeper road to challenge and correct pay and other forms of discrimination in the workplace."

The lawsuit said that women are grossly underrepresented among managers, holding just 14 percent of store manager positions compared with more than 80 percent of lower-ranking supervisory jobs that are paid by the hour. Wal-Mart had responded to the lawsuit claiming that women in its retail stores make up two thirds of all employees and two thirds of "managers."

The company, in its response to the courts, also said it has written policies prohibiting discrimination and that since the suit against it was

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filed, has taken "additional steps to address problems," including posting job openings electronically.

Women's' groups and unions say that it is more urgent than ever that Congress pass the Paycheck Fairness Act.

The ruling blocking the case from proceeding as a class action still allows the group of women who brought the case to pursue claims on their own.

Lawyers for the women said they will continue claims with the Equal Employment Opportunities Commission and may file new class-action suits against Wal-Mart store-by-store or region-by-region.

"Be careful what you wish for, you might get it," said attorney Brad Seligman at the press conference, about Wal-Mart's claim that the class was too big for a single lawsuit.

Justice Antonin Scalia's opinion for the court's conservative majority said there needs to be common elements tying together "literally millions of employment decisions at once." He said such elements were "entirely absent here."

Justice Ruth Bader Ginsburg, writing for the court's four liberal justices, said there was a great deal that united the claims. "Wal-Mart's delegation of discretion over pay and promotions is a policy uniform throughout all stores," Ginsburg said.

Women's' groups and unions say that on a

legislative level it is more urgent than ever that Congress pass the Paycheck Fairness Act, which would make sex-based wage discrimination easier to combat. The bill passed in the House in January 2009, but was ultimately blocked in the Senate.

Unions say that it is also critical for Wal-Mart to end its resistance to union organizing. They note that unionized women workers earn better wages and benefits than their non-union counterparts with women in unions earning \$2.00 more per hour than non-union women.

The United Food and Commercial Workers union said it would support the women as they continue their fight. Union President Joe Hansen said the union would do this despite the fact that "the High Court has taken a potent weapon - large class actions - away from workers."

Hansen continued, "We will continue to demand accountability from Wal-Mart. This decision will not stop workers from joining together, through collective action, or prevent them from continuing to pursue their individual claims against Wal-Mart."



John Wojcik is People's World labor editor.

2012 and the jobs imperative

By PW Editorial Board

Obama's re-election is far from assured. There is reason to worry. The number one issue that is a drag on the president's re-election chances is the economy. To be more specific: jobs.

The New York Times recently said, "No American president since Franklin Delano Roosevelt has won a second term in office when the unemployment rate on Election Day topped 7.2 percent." Official unemployment has now topped 9.1 percent.

Bold solutions are necessary for capitalism's crisis, but White House proposals have been meek and mild.

Political gurus say that the balance of forces in Congress prohibited a bigger stimulus, or a second stimulus. But that is only a part of the story. Perhaps a bolder approach would have stimulated the economy and changed the political atmosphere.

After the "shellacking" the Democrats got in the 2010 elections, the president seemed to go after the jobs problem with renewed vigor. Unfortunately, the focus seemed to be solely on building

relationships with corporate America and showcasing innovative small businesses. That focus was not enough.

Meanwhile, the tea party Republicans have managed to shift political talking points to deficit reduction, instead of what economists say is the central issue: job creation.

Working on common ground with that crowd is not a recipe for holding the White House in 2012. Instead, Obama needs to include in finding "common ground" the proposals in the Congressional Progressive Caucus and Congressional Black Caucus budgets, which boldly provide for jobs by investing in the nation's infrastructure.

The president does have elements of these investments in his budget, coupling them with cuts. A bolder plan than that is needed.

Why not explain to the American people that the immediate solution to the economic insecurity lies in job creation with government investment, not in cutting deficits?

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World's domestic workers win historic victory

By Dan Margolis

Domestic workers received some much-needed support June 16, when representatives of governments, workers and employers, meeting in Geneva under the auspices of the International Labor Organization formulated a new set of rules, or “convention,” calling for their rights - which have been swept under the rug in many countries, including the United States - to be protected by law.

Under the direction of the Obama administration, U.S. representatives backed the new rules.

According to AFL-CIO President Richard Trumka, “The people who perform this work-overwhelmingly women, migrants and people from historically marginalized communities-are indeed workers, and thus entitled to the same rights and protections that all other workers enjoy.” In that respect, the AFL-CIO teamed up earlier this year with the National Domestic Workers Alliance, saying that the fight for domestic workers’ rights was part of the fight for all workers’ rights.

The term “domestic workers” applies to those who are under the employ of a household: maids, butlers, nannies, children’s caregivers and so on.

“We are moving the standards system of the ILO into the informal economy for the first time, and this is a breakthrough of great significance,” said Juan Somavia, director-general of the ILO, upon the adoption of the rules.

The rules call for domestic workers to enjoy the same rights as those available to other workers. Further, the convention, which must be ratified by at least two countries to come into effect, calls for national governments to end discrimination is ended and abolish child and forced labor.

The scope of domestic labor is huge. After surveying 117 countries, the UN-affiliated organization determined that there were at least 53 million domestic workers around the world. However,



given that many of these workers operate “under the table,” are undocumented migrants or in some other way are part of the informal economy, that number could be closer to 100 million.

Additionally, in developing countries, up to 12 percent of workers are domestic, and, around the world, 83 percent of them are women or girls.

In the United States, domestic workers were exempted from the National Labor Relations Act, which enshrined into law the rights of most other private workers. According to the NLRB, employers must respect the right of employees to form unions. The law also authorizes workers to strike and bargain collectively. As a result of their exemption, domestic workers often work in the shadows, without even a guarantee of minimum wage.

In some countries, their situation is better, but in many, the situation is even worse.

Pre-empting the world body’s action was New York, which passed in 2010 the first American law enshrining the rights of domestic workers. Now, California is considering a law modeled off of New York’s.

For the law to become binding in the U.S., Congress must ratify it.

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County weighs foreclosure moratorium

By John Rummel

If common sense, instead of banks, ruled the nation, a solution to the foreclosure crisis would have been found long ago. That point was driven home over and over during a June 13 public hearing on a measure to stop the foreclosure “madness.”

Members of the Wayne County, Mich., Board of Commissioners listened as speakers pressed for adoption of the Homeowner Protection and Neighborhood Preservation Act, introduced by Commissioner Martha Scott. It would demand an independent audit of foreclosure sales to determine if fraudulent practices were used by banks and mortgage servicers, have the sheriff implement a moratorium on sales of occupied homes, and place the issue of implementing such a moratorium on the November 8, 2011, ballot.

Miguel Foster, director of the United Auto Workers Civil Rights and Community Services Department, told commissioners his union and its president, Bob King, support this act. Many at the hearing expressed outrage at the fact that banks have more of an incentive to force people out of their homes than to keep a roof over the heads of families and children.

Rev. Ed Rowe of Central United Methodist Church in Detroit explained how it works. A foreclosed home once valued for \$300,000 might now be worth \$100,000, but the bank is paid the larger amount in the foreclosure process, he said. Thus, he pointed out, banks are not motivated to modify the loan.

Marilyn Mullane, executive director of Michigan Legal Services, reported that state Republicans are pushing bills that would speed up the foreclosure process.

The bills would give Michigan the distinction of becoming the first state to quicken the removal of people from their homes.

Significativo proyecto de ley para los trabajadores del campo

Por Pepe Lozano

Un significativo Proyecto de Ley aprobado por las dos cámaras legislativas está en camino al escritorio del Gobernador Jerry Brown para su firma. Se trata de la Ley que facilitará a los 400,000 trabajadores del campo a que escojan un sindicato.

El Proyecto de Ley “El Trato Justo para los Trabajadores del Campo” con el número: SB 104, fue presentado por el Senador Estatal y Presidente Pro Tem, el Demócrata por Sacramento, Darrel Steinberg. Este Proyecto de Ley dará a los trabajadores del campo la opción de afiliarse a un sindicato de trabajadores que resulte escogido por la mayoría de los trabajadores, fuera de su derecho de su voto secreto en elecciones.

El sindicato United Farm Workers (UFW) expresó que esta medida permitirá defenderse mejor a los trabajadores porque tienen la opción de establecer o no un sindicato libre de las amenazas y la violencia que ejercen los patronos cuando las votaciones que realiza el sindicato se lleva a cabo en las intermediaciones propiedad de la hacienda.

En la Conferencia de Prensa en las gradas de la Casa Municipal de Oakland, Josie Camacho, dirigente de la Organización Alameda Labor Council, que consiguió la aprobación de una resolución apoyando este proyecto de ley en el Consejo Municipal, declaró que este proyecto de ley dará a los trabajadores del campo: “el derecho humano de negociar colectivamente”.

Camacho citó la trágica muerte de una muchacha trabajadora del campo de unos 17 años de edad, María Isabel Vásquez Jiménez, que después de haber trabajado nueve horas inin-

terrumpidas, sin agua ni descanso, se desplomó por insolación. Camacho expresó: “Eso es injusto e inmoral. Estamos en solidaridad con los trabajadores del campo y con todos los trabajadores por su derecho a negociar colectivamente”.

El sindicato UFW solicita urgentemente a los simpatizantes de esta medida a que firmen una petición al Gobernador Jerry Brown de que ponga su firma en esta ley. El sindicato fue muy enfático en afirmar que sin esta ley “los trabajadores del campo continuarán enfrentando insostenibles condiciones de trabajo y opresión. Muchos de los trabajadores no tienen acceso a condiciones básicas”.

Tal como los empresarios dijeron en 2009 cuando se aprobó la Ley “Employee Free Choice Act, ahora también dicen que con la Ley “El Trato Justo para los Trabajadores del Campo” estos trabajadores pierden el derecho al voto secreto que tenían.

El sindicato UFW dice que con esta medida los trabajadores del campo mantienen su derecho al voto secreto al que se agrega el derecho a formar un sindicato si la mayoría de los trabajadores han firmado las tarjetas que indican que lo quieren hacer.

El anterior Gobernador, Arnold Schwarzenegger, se opuso a la aprobación de esta Ley SB 104 cuando la presentaron para su firma y la vetó.

En 1975, durante la anterior administración del demócrata Gobernador Brown, se aprobó la Ley Relaciones Agrícolas de California, que por primera vez establecía derechos laborales para los trabajadores del campo en el Estado, similares a los establecidos en la Ley Relaciones Laborales Nacionales de 1935.

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