

2010 UFCW FEDERAL QUESTIONNAIRE

1. Right to Organize

The right to collectively organize is enshrined in federal law. However, in the real world, and in countless organizing campaigns, many workers sign union cards expressing their desire for union representation only to be intimidated, threatened, and ultimately thwarted by their employers' anti-union campaign. Many workers would like to organize unions in their workplaces, but rightfully fear losing their jobs. In point of fact, according to American Rights at Work, a worker is fired every 23 minutes simply for expressing their legal right for union representation. When workers seek to organize a union, they routinely face intense opposition from their employer, including the hiring of outside consultants who engage in intimidation tactics that are both unscrupulous and illegal.

Legislation has been introduced in the House and Senate (H.R. 1409 and S. 560), which would amend the National Labor Relations Act to return fairness to our nation's labor laws by enabling employees to form, join, or assist labor organizations and to provide for mandatory injunctions for unfair labor practices committed during organizing efforts. This legislation, known as the Employee Free Choice Act (EFCA), is a critical policy change for U.S. workers.

- (A) ***If elected, would you publicly advocate employers to let workers decide for themselves whether they want a union?***
- (B) ***If elected, would you support legislation to protect and enforce workers' rights to collectively organize and bargain?***
- (C) ***If elected, would you support legislation to prevent the expenditure of tax dollars from being used to prevent workers from exercising their right to collectively organize and bargain?***
- (D) ***If elected, would you support, advocate for, and sign the Employee Free Choice Act (H.R. 1409 and S. 560), which supports a worker's right to organize without fear of retribution or intimidation?***
- (E) ***If elected, would you be willing to communicate your support for workers' rights to collectively organize and bargain to employers by speaking out publicly in favor of the right to organize and bargain collectively?***
- (F) ***If elected, will you oppose "so-called" right-to-work legislation, which deprives workers of union representation?***
- (G) ***If elected, will you visit, call, or write to employers urging them to refrain from union-busting? Will you urge employers to bargain in good faith to reach a fair agreement?***

2. Health Care

According to Families USA, one out of three Americans under 65 was without health insurance at some point during 2007 and 2008. That equals 86.7 million Americans. Equally disturbing, four out of five of the uninsured were working families. Health care coverage—and the cost of health care—is one of the most important reasons that workers organize and one of the most contentious issues in labor negotiations. Health care reform—such as championed by Health Care For America Now!, the broad-based community coalition of which UFCW is a member—that guarantees quality, affordable health care for every American is the gold standard by which UFCW members will judge any reform effort. In

addition, it is critical that any reform ensure a level playing field by requiring all employers—especially large employers—participate in by either providing a basic package of benefits to their employees or contributing to cover the costs of covering employees without direct coverage. In addition, it is imperative that the reformed health care system include a choice of a public option. This will not only provide a choice for workers, between the private insurance that they have, another private insurer, or a public insurer, but will help hold down costs by offering transparent public competition to private plans.

Health care workers, such as those represented by the UFCW, are also concerned about issues such as government reimbursement rates, staffing ratios, and NLRA coverage.

- (A) *If elected, would you support legislation guaranteeing quality, affordable health care for every American?***
- (B) *If elected, will you support consumer choice in health care coverage, including the choice of a public option?***
- (C) *If elected, would you support legislation guaranteeing basic consumer protections for healthcare recipients such as access to healthcare specialists and emergency room services and the right to appeal a healthcare decision with which the patient or their healthcare professional may disagree?***
- (D) *If elected, would you support legislation that ensures that treatment decisions are made according to the best available treatment and medical professionals, and not by insurance company bureaucrats?***
- (E) *If elected, would you support legislation that holds insurance companies accountable when their decisions to withhold or limit care injure a patient?***
- (F) *If elected, will you support legislation to support stable staffing ratios?***

3. Wal-Mart

Wal-Mart, the world's largest private sector employer, has been a primarily negative influence in the workplace, the marketplace, the local community, and the global community. While there are many specific issues where the company is fighting against workers' rights and progressive employment policies, there are also numerous instances where it has brought a negative economic impact to local businesses, used international trade as a way to reduce the wages and benefits of American workers, and sought to use its size and political influence to evade laws and regulations which other companies must follow.

An important issue in many communities is the issue of development or "sprawl." As the nation's neighborhood union representing thousands of retail workers, we support "smart growth" policies which encourage appropriate development and use of space. We believe that a mix of retailing preserves communities economically and socially, but that large, big-box retailers which often eliminate retail diversity, decrease consumer choice, and reduce jobs and tax income. We also support local community efforts to ensure that development has a positive and responsible economic, environmental, and fiscal impact on communities.

For example, UFCW has fought on both the state and federal level to ensure that large corporations pay their fair share for their employees' health insurance. By not meeting its obligation to provide adequate and affordable health care to all its workers and their families, Wal-Mart shifts the cost burden to the American taxpayer as Wal-Mart workers are forced to get their coverage through state Medicaid programs.

Congress has also repeatedly worked to ensure that the division between commerce and banking remains unbreakable. In spite of this, there have been continuous efforts—especially by Wal-Mart—to enter into the banking business. This effort is opposed by a wide range of interests: bankers, consumers, small businesses, and unions. It has also been criticized by the Federal Reserve.

- (A) *If elected, will you support smart growth policies which promote retail diversity and community development over large national chain big-box retailers?***
- (B) *If elected, will you support citizen efforts to ensure that developers commit to improving the local environment and economy as well as their efforts to link government assistance to corporate responsibility?***
- (C) *If elected, will you support legislation that requires large corporations to report what they are spending on health care costs for their employees so that legislatures can determine what the average large employer in the state spends?***
- (D) *If elected, will you oppose efforts to permit the mixing of commerce and banking?***

4. Occupational Safety and Health

The Occupational Safety and Health Act (OSHA) was passed over 30 years ago to ensure that employees were safer in the workplace. This legislation has led to a significant reduction in workplace fatalities. However, over 6,000 workers continue to die each year from workplace injuries, and the number of work days lost due to workplace injuries has actually increased. In particular, the death toll for Hispanic workers has risen 67 percent since 1992.

Nearly 40 years after the Act was passed, enforcement of the job safety law remains weak and OSHA penalties remain low, particularly when compared with other safety and environmental laws. During the Bush Administration, many crucial safety and health standards and initiatives were rolled back. These included an ergonomic job safety standard and a final regulation to clarify that personal protective equipment must be furnished by the employer. In addition, OSHA failed to act on known worker health issues like the chemical diacetyl or combustible dust standards.

Improvements in OSHA's enforcement and penalty policies would help strengthen enforcement and improve worker safety and health. Appropriate enforcement is a deterrent for injuries and fatalities and helps encourage healthy competition in the right way. It is time to make crucial changes in the Occupational Safety and Health Act through Congressional action and give the Act the teeth it needs to enforce job safety laws. UFCW strongly supports "The Protecting America's Workers Act" that will strengthen OSHA enforcement by increasing civil and criminal penalties and expanding their scope. It places a mandatory minimum penalty in cases involving worker deaths and strengthens enforcement by extending the Act's coverage to state and local public employees, and other workers who currently lack OSHA protection. It also enhances the antidiscrimination provisions of the Act to protect workers from retaliation, by bringing the law inline with other federal whistleblower statutes.

- (A) *If elected, would you support efforts to increase funding for OSHA?***
- (B) *If elected, would you support efforts to reissue an OSHA ergonomics standard?***
- (C) *If elected, would you support efforts to issue the payment for personal protective equipment standard?***
- (D) *If elected, will you support "The Protecting America's Workers Act"?***
- (E) *If elected, will you push to have OSHA issue a standard to control the use of diacetyl?***

(F) If elected, will you push to have OSHA issue a combustible dust standard?

5. Immigration

As a nation of immigrants, our history has been forged and enriched by many who have sought to be a part of the American Dream. Sadly however, many of these immigrants have also been exploited by unscrupulous employers who have played upon their ignorance of the law and their fear of deportation to depress working conditions for legal as well as illegal workers. While it is important that legal immigration be encouraged and illegal immigration be discouraged, UFCW believes that workplace discrimination based on national origin or race also must be discouraged. Immigrant workers just like American workers must be protected by workplace laws such as the NLRA, the FLSA, and the OSHA and cannot be discriminated against because of race, language, or national origin. They should not be locked into jobs or occupations because of their immigrant status. Temporary guestworker programs must not be expanded until, and unless, the impact on the domestic labor market is considered. Additionally, immigrant and undocumented workers have become part of the fabric of many local communities. Mass deportation is unworkable and inappropriate. More appropriate would be a reasoned adjustment of status—legalization—for those who are otherwise law-abiding taxpayers who contribute to our communities and provide essential services.

UFCW International President Joseph T. Hansen, who chairs the Change to Win Immigration Task Force and AFL-CIO International President John Sweeny have joined forces to draft a unified framework for comprehensive immigration reform legislation. The Unity Framework adheres to the Obama Administration's goals by creating a framework that deals with the critical components of reform and does it through interconnected initiatives. The proposal calls for an independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need; a secure and effective worker authorization mechanism; rational operational control of the border; adjustment of status for the current undocumented populations; and improvement, not expansion of temporary worker programs, limited to temporary or seasonal, not permanent jobs.

In April 2009, the National Commission on ICE Misconduct and Violations of the 4th Amendment Rights, founded by President Hansen, investigated immigration enforcement under the Bush Administration and released a comprehensive report documenting the devastation and destruction that immigration raids had on families, workplaces, and communities across the country. The report, "Raids on Workers: Destroying Our Rights," offers a critical analysis of one of the central components of the Bush Administration's immigration strategy and provides a detailed account of how heavy handed enforcement tactics led to systemic abuse of workers' rights and a willful disregard for the rule of law. In addition to examining the impact of the raids, the Commission's report lays out a clear path to a sensible, legal, and effective immigration enforcement policy.

The majority of farmworkers are undocumented and suffer under poor working conditions and low wages. That is why it is crucial that Congress pass the Agricultural Job Opportunities, Benefits and Security Act (AgJOBS), which would provide a chance for many current farmworkers to earn permanent legal immigration status, enabling them to come out of the shadows and bargain for better working conditions and wages. AgJOBS would also change the H-2A agricultural guestworker program to streamline the application process for employers while safeguarding labor rights.

- (A) If elected, will you oppose creating or expanding "guestworker" programs which provide for foreign workers to be treated as indentured servants or second-class citizens in order to provide workers for employers?**
- (B) If elected, will you support the enforcement of worker protection laws for all workers—regardless of immigration status?**
- (C) If elected, will you support a reasonable, appropriate adjustment of status for otherwise law-abiding taxpayers who also happen to be undocumented workers?**

- (D) If elected, will you support the bi-partisan, bi-cameral AgJOBS legislation to promote immigration reform and stability in the Agriculture Industry?**

6. Food and Agriculture Policy

More than one million UFCW members are employed in the food processing and retail food industries. Of course, all UFCW members—their families and the communities in which they live—are affected by food and agricultural policies. Most food stamp recipients are children and senior citizens. Assisting their nutritional needs is a vital government service. Ensuring a safe and abundant food supply is not only good policy for the nation, it is good policy for the workers in the industry. Food safety, nutrition, and agricultural policies are important to all Americans, but especially to UFCW members.

Under current law, while 14 agencies oversee food safety in the country, the Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) of the USDA oversee the bulk of food products eaten by consumers. FSIS inspects meat products and is required by law to inspect every slaughtered animal and pass it as fit for human consumption. Meat and poultry are the only consumer products in the U.S. that get stamped with a government seal of approval. Laws such as the Federal Meat Inspection Act and the Poultry Products Inspection Act created a standard of “continuous” government inspection in meat and poultry plants. The FDA has jurisdiction over most non-meat food products and also regulates pharmaceuticals and medical equipment. Many, including UFCW, have suggested merging the two food inspection services into a single agency in order to increase the number of inspectors to monitor food processing facilities and improve food safety in the U.S.

UFCW opposes any proposal that would remove federal regulations on line speeds at meat packing companies. Currently, line speeds are regulated by FSIS and are determined by the class of animal being slaughtered. Increasing line speed would have a serious adverse affect on both worker safety and food safety.

- (A) If elected, will you support safe food laws and regulations designed to ensure safety for food consumers? In particular, will you:**
- **strengthen federal inspection and oppose the interstate shipment of state-inspected food products?**
 - **support improving the food inspection process of all food products?**
 - **support microbial testing for meat and poultry products to prevent the spread of Salmonella, E. coli, bovine spongiform encephalopathy (BSE), and other pathogens?**
- (B) If elected, will you support increasing the funding for food stamps to eligible workers and their dependents, and workers transitioning from welfare to work?**
- (C) If elected, will you support efforts to provide FDA with essential authority to protect consumers from contaminated food through increased inspections?**
- (D) If elected, will you support the creation of a single food safety agency?**
- (E) If elected, will you oppose discriminating against legal immigrants by prohibiting their access to the food stamp program?**
- (F) If elected, will you oppose efforts to remove regulations on maximum line speeds in meat and poultry slaughter and processing plants?**

7. Wages

The Fair Labor Standards Act (FLSA) was enacted in 1938 to ensure that American workers receive a basic minimum wage and overtime pay. The FLSA was also created to prevent the exploitation of workers by withholding their pay, making illegal deductions, or forcing them to work without compensation. In addition, it was intended to also prevent exploitative child labor, as our nation made education the priority for our children.

The Family and Medical Leave Act (FMLA) allows employees to take unpaid leave from work to care for a new baby or to care for oneself, a spouse, child under age 18, or parent who has a serious health condition. Recently, the FMLA was expanded to include leave to care for a seriously injured service member or, in certain instances, when a family member in the military is deployed overseas. Since its passage over 15 years ago, over 100 million leaves have been taken by employees without risking the loss of their jobs. However, this is a relatively small number compared to the leaves that could be taken if all of those who are actually covered and eligible for leave under the FMLA exercised their rights. The number one reason cited by workers for not taking advantage of the leave is that they cannot afford it, even though they need the time. Currently a handful of states, including California, New Jersey, and Washington have paid leave programs.

Efforts are now underway in the U.S. Congress to enact paid leave legislation. The “Federal Employee Paid Parental Leave Act” would provide federal workers with four weeks of full pay to use while they are on FMLA leave for the birth or adoption of a child. The bill allows federal workers to use up to eight weeks of accrued paid sick time during the remainder of their FMLA leave to care for their new child. This bill is an important first step toward establishing the federal government as a model employer and making paid leave available to all workers.

Congress is also considering legislation, the “Healthy Families Act,” which will provide seven days of paid sick leave a year for full-time employees and a pro-rata amount for part-time employees. The paid sick leave can be used to care for your own or a family member’s illness to obtain a medical diagnosis or related treatment or to obtain preventative care. Currently, no state or federal laws require workplaces to provide paid sick days. It is time that workers in the U.S. are allowed to care for themselves and their families without risking their jobs. Without paid sick days, working people have no choice but to go to work sick, risking the spread of illness.

- (A) *If elected, would you support the efforts of local communities to create prevailing wage laws to ensure living wages for government contractors and employers who receive contributions from the local communities?***
- (B) *If elected, would you support efforts to reform the FMLA to cover more people?***
- (C) *If elected, would you support efforts to enact a national paid leave program?***
- (D) *If elected, would you support legislation to urge the U.S. Department of Labor to promulgate regulatory changes which would increase overtime protection for workers?***
- (E) *If elected, would you oppose “comp time” or “flex time” legislation that would reduce workers’ wages, reduce overtime protections, and promote discrimination?***
- (F) *If elected, will you support efforts to increase funding for the Department of Labor’s enforcement of the Fair Labor Standards Act?***

8. Social Security, Medicare and Medicaid

Social Security is the foundation of retirement income for American workers and their families, and the principal insurance against family impoverishment due to death or disability. It has reliably and efficiently provided benefits to the elderly and the disabled, helped millions of Americans escape poverty, and given the elderly the financial means to live their last years with independence. The Social Security system is an extraordinarily well-crafted plan that employs a progressive benefits structure that delivers higher returns to lower-wage workers, ensures that workers and beneficiaries will not outlive their benefits, and protects those benefits from erosion by inflation.

The Medicare prescription drug benefit that was enacted under the Bush Administration was deficient in several important ways. It did nothing to reduce the costs of prescription drugs for the tens of millions of retirees in the country, choosing instead to provide a small subsidy instead of leveraging the Medicare program to negotiate for group prices. In addition, it prevented the federal government from using its buying power to negotiate for better prices for beneficiaries. Finally, the Medicare prescription drug benefit used the cover of reducing drug prices as a pretext to begin privatizing Medicare.

Medicaid is the nation's largest publicly funded health care program and crucial to millions of Americans including millions of children. During the economic recession, it has been growing as more workers have lost jobs and, as a result, their health care. As Congress considers health care reform, it is not clear what Medicaid's future will be, but Medicaid beneficiaries must not be disadvantaged by reform, and must be transitioned in a way which maintains their coverage.

- (A) *If elected, would you oppose privatizing Social Security?***
- (B) *If elected, would you support adding a real prescription drug benefit for all Medicare beneficiaries by revisiting, improving, and reforming existing benefits?***
- (C) *If elected, would you support legislation permitting Medicare to negotiate drug prices in order to reduce the costs for beneficiaries?***
- (D) *If elected, would you oppose increasing the eligibility age for Medicare from 65 to 67?***
- (E) *If elected, would you oppose efforts to reform the Medicaid program at the expense of beneficiaries?***

9. Pensions

In the United States, nearly 50 percent of the workforce is covered by employer-based retirement programs. Pensions have become a crucial part of the national requirement system for securing adequate retirement income for workers. But the benefits of private pensions are poorly distributed among American workers, leaving vast gaps among low and even moderate-wage workers as well as women and minorities. However, the Enron debacle documented many of the challenges with defined-contribution plans. In addition, the market losses suffered in the current financial crisis are much deeper and affect more plans than at any time since the Great Depression. Finally, the Pension Benefits Guaranty Corporation (PBGC) is an institution that needs assistance in order to continue to provide services to distressed pension funds and beneficiaries. Even though the Pension Protection Act (PPA) was enacted to assist financially troubled funds, the corrections required by the PPA were prior to the massive economic dislocation of 2008, which made many of the proposed corrections prohibitively expensive.

Regulatory and legislative relief are needed for pension plans in order to prevent a reduction in benefits and increase in costs to employers or the default of many plans, costing the federal government millions due to the federal insurance program.

The UFCW is committed to advancing pension coverage for all workers through legislative reform and collective bargaining.

- (A) *If elected, would you support pension relief efforts to maintain and protect single-employer and multi-employer pension plans, and to ensure the solvency of the federal insurance program?*
- (B) *If elected, would you support measures that require basic employer-provided pension benefits to workers?*
- (C) *If elected, would you support legislation requiring employee representation on retirement plan governing boards and committees?*
- (D) *If elected, would you support legislation requiring advance notification of changes in pension plans by employers, with comparisons available, to all affected employees?*
- (E) *If elected, would you support legislation establishing prudent limits on the concentration of investments in company stock?*
- (F) *If elected, would you oppose legislation facilitating investment advice to participants by parties with a conflict of interest?*
- (G) *If elected, will you support proposals to improve the viability of plans and their contributing employers by enabling plans to extend the amortization schedules, changing the status of the Pension Benefit Guaranty Corporation (PBGC) from a “quasi-governmental” agency of the Department of Labor to a regular government agency, subject to “full faith and credit” backing of the U.S. government and provide funding for the PBGC from general revenues; and increase the guaranteed benefit payable to multiemployer plan participants to more accurately reflect the current economy?*

10. Equal Opportunity

Despite governmental efforts to address employment discrimination, discrimination on the basis of race, gender, religion, sexual orientation, and other characteristics still pervades many workplaces. Discrimination undermines workplace morale and efficiency. We support equal opportunity and oppose discrimination.

- (A) *If elected, will you oppose eliminating or reducing funding for the nation’s civil rights enforcement agencies?*
- (B) *If elected, will you support the nation’s civil rights laws, including, but not limited to, the Equal Pay Act, the Fair Housing Act, the Voting Rights Act, the Americans with Disability Act, and Executive Order 11246?*
- (C) *If elected, will you support the Equal Rights Amendment?*
- (D) *If elected, will you support the Employment Non-Discrimination Act, which prohibits discrimination on the basis of sexual orientation?*
- (E) *If elected, will you support equal pay for equal work?*

11. International Trade

International trade is more than a policy discussion; it is a fact of life. The interdependence and interconnectedness of the international economy will only continue to grow. UFCW is not opposed to international trade. We are, however, very concerned about the way that international trade agreements are negotiated and enforced and the impact of those agreements on worker rights.

That is why UFCW believes that it is time to rewrite the rules on global trade so workers share in the benefits. UFCW strongly supports pro-trade legislation, the "TRADE Act," that has been introduced in Congress. The "TRADE Act," would require a review of existing trade agreements, and provide a process to renegotiate existing trade agreements. It also spells out standards for labor and environmental protections, food and product safety, national security exceptions, and remedies that must be included in future trade agreements.

Until legislation like the "TRADE Act" is passed and signed into law, UFCW will continue to oppose renewal of Fast Track trade negotiating authority because it cannot be "fixed" and is not necessary to facilitate trade negotiations. The Fast Track negotiating authority for trade agreements that was used by President George W. Bush to negotiate agreements led to many ill-conceived trade agreements. The Columbia, Panama, and South Korea Free Trade Agreements are identical in almost every way to previous agreements that follow the flawed NAFTA/CAFTA model. There are insufficient labor and environmental protections and the FTAs encouraged U.S. companies to move overseas. Furthermore, the assassination of union activists that exists in both Columbia and Panama are an outrage and any future negotiations should take these murders into consideration.

- (A) If elected, will you oppose fast-track trade authority, which diminishes Congressional input and oversight in the negotiating process?**
- (B) If elected, will you support enforceable worker rights and environmental protections in trade agreements?**
- (C) If elected, will you support trade adjustment assistance for workers who face economic dislocation due to international trade?**
- (D) If elected, will you support pro-worker trade legislation like the "TRADE Act"?**

12. Budget and Taxes

Progressive and equitable tax and budget policies are needed to provide the necessary funds to address critical public needs. Budget priorities must reflect the needs of the citizens of the nation, not corporate or special interest needs. It is imperative that we have the resources to deal with pressing domestic priorities such as health care, retirement security, child care, banking/housing, homeland security, and economic development. Finally, responsible financial planning would utilize responsible debt reduction policies and ensure a balanced approach that does not depend on eliminating social programs.

- (A) If elected, will you support tax reform that ensures tax fairness for middle-class families and ensures that high-income taxpayers pay their fair share?**
- (B) If elected, will you oppose budget gimmicks such as the line-item veto and the balanced budget amendment?**
- (C) If elected, will you oppose the permanent elimination of the estate tax?**
- (D) If elected, will you support balanced deficit reduction programs that protect needed social programs?**

Candidate: The questions included in the survey are meant to be representative of issues of concern to members of the United Food and Commercial Workers International Union, but are not exhaustive. UFCW local unions may have additional issues or questions for candidates.

Thank you for your responses to these questions. Please feel free to add additional material (policy papers, campaign plans, etc.) or to contact the Legislative and Political Action Department of the UFCW International if you have questions or need additional information.

Candidate Name _____

Candidate Signature _____

State/District _____

Campaign Name _____

Web Site _____

Staff Contact _____

Street Address _____

City, State, Zip _____

Phone Number/Fax Number _____

Email _____

United Food and Commercial Workers International Union
1775 K Street, NW
Washington DC 20006-1598
(202) 223-3111 Phone
(202) 728-1830 Fax