



## **No. 1 — THE BARGAINING RIGHTS OF AVIATION AND RAIL WORKERS UNDER SIEGE**

Under the Bush Administration, the National Mediation Board (NMB or the Board), has systematically failed to protect the rights of workers in the aviation and rail industries to organize and bargain collectively. For airline and rail workers, the Bush NMB legacy will forever be a symbol of the importance of presidential elections and government appointees who respect and uphold the most basic rights of workers.

The NMB currently has before it a long list of charges of employer interference against Delta Air Lines during the most recent attempt by the airline's flight attendants to choose the Association of Flight Attendants (AFA-CWA) as their collective bargaining representative. Transportation labor is outraged that in the more than 90 days since interference charges were levied against Delta the Board has not even launched an investigation. If the NMB fails to investigate the charges and act against Delta's anti-union behavior, it will be another example of the Bush Administration's hostility toward collective bargaining rights.

This situation isn't just about an honest difference of opinion with NMB Board Members. Delta flight attendant attempts to unionize have been thwarted by the company's illegal conduct twice in five years – the most recent attempt a victim of a brutal, carefully choreographed campaign by Delta management.

The decision of whether to vote for a union should be left to individual workers, and the Railway Labor Act specifically gives workers the right to form and join a union free from employer interference. But the NMB's failure to enforce this basic right makes the statutory protections meaningless. As part of its illegal campaign, Delta instructed its employees to destroy their government-issued balloting information they needed to participate in the election. The communications campaign was designed to inundate employees with anti-union messages and misleading information so they would not participate in the representation election. Since the NMB counts all non-returned ballots as "no" votes, such voter suppression campaigns can be especially effective. In fact, Delta erected information tables and displayed large posters and banners in every crew lounge imploring flight attendants to destroy the voting instructions they received from the NMB. The materials all carried the same slogan: "GIVE A RIP – DON'T CLICK, DON'T DIAL" referring to voting procedures by internet and phone.

Delta management and their representatives also interrogated flight attendants about their union sympathies, engaged in surveillance of union supporters and harassed identified union supporters. Flight attendant supervisors even wore flight attendant uniforms when discussing the union election with employees, creating the impression that they were not management. Finally, supervisors harassed union supporters by chiding them in e-mails, in telephone calls to their homes, and in conversations at the workplace. It is clear that the NMB must order a new election using an NMB procedure that

assures Delta flight attendants they will get a fair vote: a YES-NO ballot that allows a majority of those voting to decide whether or not to be represented by AFA-CWA.

This case has broad ramifications for future organizing efforts not only at Delta, but also at air and rail carriers throughout the country. Congress must investigate why the NMB has sided with management on critical questions of employee representation and why the agency is refusing to investigate and take action against companies that interfere with statutory protections – enshrined in the Railway Labor Act – against such illegal conduct.

It is also relevant that the Board recently proposed a rule change that would make it more difficult for workers to retain their representation rights when airlines or railroads merge. Transportation labor has long believed that mergers and other corporate transactions must not be used as a means to extinguish existing collective bargaining rights and deny workers a union voice at a new or restructured company. Yet with the Delta-Northwest merger pending before federal regulators, the NMB-proposed amendments to its Representation Manual would accomplish this exact objective. While the Board has recently announced that it will not move ahead with the proposed changes at this time, it did leave open the possibility that it could revisit the changes at a later time. Congress must be prepared to block any attempts by the NMB to resurrect these wrongheaded policy changes.

Transportation unions call on the Board to permanently scrap any policy changes designed to make it more difficult for aviation and rail workers to unionize. And transportation unions call on the NMB to investigate AFA-CWA charges of misconduct by Delta Air Lines, order a new election, and take action to ensure the company isn't permitted to unlawfully interfere with the rights of its flight attendants and other Delta employees to seek collective bargaining rights.

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