Transportation Trades Department, AFL-CIO

Maintaining the Collective Bargaining Rights of Longshore and Shipbuilding Workers

On October 1st, following the expiration of their six-year contract, and without a serious offer on the table from their employers, East and Gulf Coast longshore workers exercised their right to strike. With the help of the Biden administration, and with the leverage derived from the work stoppage in their grasp, the International Longshoremen's Association (ILA) successfully reached an agreement with the United States Maritime Alliance (USMX) to return to work three days later. This agreement provided for record wage increases that will, when ratified, appropriately compensate longshoremen for their indispensable labor on behalf of an industry that raked in astronomical profits and moved record volumes of cargo in recent years. It's worth noting that while the years 2020 and 2021 brought an explosion of imports and profits for shippers, it also brought numerous deaths and instances of prolonged illness and disability for longshore workers and their family members, as the physically strenuous work conducted in close quarters enabled the virus to run rampant through ports for many months before personal protective equipment, rapid tests, and vaccines became widely available. We must not forget the price that port workers paid while honoring their contract and keeping our economy moving.

The October 3rd ILA-USMX agreement is a success story. Not only did it find a fair equilibrium for the compensation of longshore workers, but it also provided a temporary off-ramp for remaining unresolved contract issues that allows longshore workers to work, and USMX to continue to profit, while the remaining contract issues are negotiated in good faith. Now, anti-worker opportunists are using the recent strike to revive an old cause: changing the law so that port workers will fall under the jurisdiction of a completely different labor law, the Railway Labor Act. Amid calls for this change from the Competitive Enterprise Institute and conservative policy advocates, Rep. Michelle Steel (R-CA), introduced the Safeguarding the Supply Chain Act, which would do just that. **The TTD Executive Committee opposes the Safeguarding the Supply Chain Act, and urges lawmakers to consider the adverse impact that this legislation would have on U.S. longshore and harbor-related workers, including shipbuilding workers and existing RLA-covered workers.**

Advocates for moving port workers to the jurisdiction of the Railway Labor Act erroneously claim that port strikes occur regularly (before this year, the ILA last went on strike in 1977), that the RLA would effectively prevent port workers from ever being able to strike again, and that the RLA would provide for speedier labor dispute resolution. Advocates also created a blunt definition which incorporates workers who build ships into the RLA, forcing another segment of workers into a labor regime that is not remotely connected to the current jurisdiction of the RLA. As a transportation labor federation including more than a dozen RLA-covered unions, we know that these advocates not only misunderstand the mechanics of the RLA, but they also present their ultimate goal fairly plainly: to significantly reduce the negotiating power of port workers, therefore reducing labor costs and ensuring that corporations see no temporary disruption to their profits.

Of course, TTD's Executive Committee condemns shameless attempts to dilute the collective power of workers in unions by manipulating labor law to strengthen employers' negotiating positions. When the Railway Labor Act was first established in 1926, it was drafted and negotiated by both railroad employers and railroad workers and enacted into law by Congress with the agreement and support of both parties. When the aviation industry was added to the law's jurisdiction roughly a decade later, it was also at the request of unionized pilots. The National Mediation Board, which enforces the Railway Labor Act and facilitates its dispute resolution processes, has had nearly a century to adapt to the labor-management disputes of these specific industries. Adding shipbuilding and port workers to the NMB's portfolio would put significant strain on an agency that already suffers from underfunding and significant backlogs in dispute resolution.

This effort could prove to be damaging for employers as well. While prolonged West Coast port labor disputes brought national attention to the issue in 2015, representatives from USMX cautioned their West Coast counterparts about such a change, citing the "proven track record" of collective bargaining in the longshore industry and estimating that significant changes to labor law for port workers would likely only delay and complicate dispute resolution. It is unclear if the authors of the legislation even understood the significant impact on shipbuilders some having over 90 years of bargaining history at their respective unions.

Longshore and shipbuilding workers and their employers have decades of experience, thousands of bargaining and arbitration sessions, and hundreds of contracts negotiated under the National Labor Relations Act (NLRA) under their belt. Changing the process now would undermine the hard-earned legal precedents, labor practices, and working relationships developed over the history of this industry and create damaging uncertainty moving forward.

Labor-management disputes can occur under any labor law. Under the current NLRA, shipbuilding and port labor have the flexibility with management to revive stalled negotiations at any time with a commitment to engage in good-faith negotiations. These parties also have access to federal mediation through the assistance of the Federal Mediation and Conciliation Services (FMCS), which has been used by the shipbuilding and port industry many times and to substantial success.

TTD stands firm in its assertion that the NLRA was created "under the premise that the most effective means to achieve stable workplace conditions is through the private settlement of disputes through collective bargaining. Consensual agreements depend on a balance of power between employers and employees and a law that ensures both sides negotiate in good faith and from a position of equal strength." The NLRA effectively safeguards this process and provides for such a balance of power for longshore and shipbuilding workers and their employers. It is exactly this process that allows millions of workers to secure fair wages, good benefits, and a voice on the job. Once again, transportation labor opposes the Safeguarding the Supply Chain Act and urges lawmakers to join us in standing firmly against this bill.

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