

## (4)

**PRESERVING EXCLUSIVE REPRESENTATION**

**WHEREAS:** The U.S. Supreme Court dealt all workers and the public sector labor movement a serious blow in its decision in Janus vs. AFSCME Council 31; and

**WHEREAS:** Labor has been preparing for an adverse ruling in Janus for many years and strengthened unions by reconnecting with our members, engaging in organizing campaigns, developing systems to recruit and maintain membership, and enlisting the support of political leaders and allies; and

**WHEREAS:** Exclusive representation means the duly chosen union is the sole voice for all workers and source of power. It is the basis on which unions are organized and the way we bargain for meaningful change. Through the process of collective bargaining and exclusive representation, Ohio AFL-CIO members earn fair wages, safe and reasonable working conditions, job security, health benefits cover us when we are sick, and retirement benefits that provide us with dignity as we age; and

**WHEREAS:** Anti-union groups are seeking to seize on Janus by launching well-funded campaigns to persuade our members to quit their union. These groups seek to silence the voice of our workers as they pursue their ultimate goal: the elimination of exclusive representation; and

**WHEREAS:** The Supreme Court has ruled over many decades, including most recently in Janus, that the right of exclusive representation comes with the obligation to represent all members covered by our contracts fairly and without discrimination. This obligation is known as the duty of fair representation; and

**WHEREAS:** Anti-union advocates deceptively claim that unions should not be required to represent non-members but their motivation is not to be fair to dues paying union members. Their real intention is to erode the power of workers and undermine exclusive representation; and

**WHEREAS:** Dividing the workforce into “us” versus “them”, even on the vital question of union membership, will inevitably erode our strength and undermine our legitimacy as the EXCLUSIVE representative. Labor supports the duty of fair representation, which is important for worker solidarity, maintaining our power, and achieving our collective aspirations for ourselves and our

communities. Accordingly, refusing to represent non-members and/ or charging non-members fees for services can undermine our exclusive representation status and the power we need to realize our aspirations; and

**WHEREAS:** The notorious anti-union group, the American Legislative Exchange Council (ALEC), has drafted a model bill to abolish the duty of fair representation and exclusive representation, and with Janus decision author Justice Alito's encouragement, union busting lawyers have filed lawsuits seeking to achieve these ends; and

**WHEREAS:** Although labor could not control the outcome of Janus, we can control our response to it.

**THEREFORE BE IT RESOLVED:** That the Ohio AFL-CIO will continue to support exclusive representation and the duty of fair representation and will oppose efforts that undermine the union's status as a democratic, member-run exclusive representative of bargaining units.

**BE IT FURTHER RESOLVED:** That the Ohio AFL-CIO and its affiliates shall not support or promote legislation, policies or changes to collective bargaining agreements which would allow members- only collective bargaining agreements or otherwise support the elimination of exclusive representation, nor shall the Ohio AFL-CIO and its affiliates allow an employer to pay a union for the cost of representation, including direct subsidies to the union as a substitute for dues or fair-share fees.

**BE IT FINALLY RESOLVED:** That the Ohio AFL-CIO and its affiliates shall provide information and education to members, allies and political leaders on the vital importance of maintaining exclusive representation and objecting to direct payments by employers to the union, and the union shall prioritize educating our membership on these issues.

**Submitted by: AFSCME Ohio Council 8**