



WORKRIGHTS NEWS

NATIONAL WORKRIGHTS INSTITUTE



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NWI Launches New Legislative Effort in Michigan

Recently the National Workrights Institute began a new and ambitious legislative effort in the state of Michigan to prohibit employers from using non job-related, off-duty information about employees and applicants for employment in making employment decisions.

Michigan is one of 20 states that has no protections from this invasive and undemocratic practice. Discrimination based on employees' off-duty activities is wide-spread. There are numerous examples in Michigan and around the country of workers who have been fired or discriminated against by employers because of factors that have no bearing on their ability to do their job. Last year, the case of four women in Okemos, Michigan who were fired for refusing to take a smoking test that could indicate if they smoked or not garnered national attention.

Working closely with a wide range of Senators and the Senate Democratic Caucus, Institute Legal Director Jeremy Gruber helped craft a package of bills to address this glaring injustice. Our revised legislative report on Lifestyle Discrimination is the primary information source on the subject and has been widely distributed by the sponsoring Senators throughout the Capitol and press.



Senator Mark Schauer, Senator Gretchen Whitmer, and Institute Legal Director Jeremy Gruber announce the introduction of legislation in the Michigan State Capitol

Specifically, the package includes the following provisions:

- Bans employment decisions based upon credit history and, in most cases, bans employer inquiries.
- Bans decisions based upon smoking, drinking, or eating habits.
- Bans decisions based upon family status of worker
- Bans decisions based upon off-duty political activities.
- Bans decisions based upon an employee's membership in a lawful organization.
- Bans decisions based upon health of family members.
- Bans decisions based upon physical characteristics, level of fitness, or body type.

continued on next page

- Bans decisions based upon firearm ownership.
- Bans all employment decisions based upon off-duty conduct.

Institute Legal Director Jeremy Gruber recently traveled to Michigan at the Senate leadership's request to lead a series of press conferences throughout the state promoting the official introduction of the package of bills and participate in additional media coverage. We are planning on a series of hearings in the late summer. Institute staff have already been invited to testify at these hearings and will continue to be intimately involved as this legislation moves forward.

Worker Freedom Act Gains Momentum

Workers today are often forced by their employers to listen to unwanted messages. Perhaps the most common is the “captive audience” meeting in which employers whose workers are considering joining a union are forced to listen to one-sided, or even untrue, presentations about unions. The union is not allowed to participate (or even set foot in the facility). Workers who favor the union are not allowed to speak; nor are they allowed to leave. This unfair tactic has done much to undermine the right to organize theoretically protected by the National Labor Relations Act. Amazingly, the courts have held that the NLRA permits such meetings.

Workers are also increasingly confronted with religious proselytizing. Many employers feel it is their religious duty to convert workers and employ over 3,000 corporate chaplains, many of whom have conversion as part of their official mission. Still other employers subject workers to their political views.

All these abuses are dealt with by the Worker Freedom Act (WFA), new model state legislation that prohibits employers from forcing workers to listen to messages about matters other than work.

WFA is an exciting new approach. Previously, each form of captive audience was considered separately. By tying them together into a single bill, WFA brings together many constituencies that had previously worked separately. This greatly increases our prospects for enacting legislation. It also addresses captive audience meetings in the union context without writing state labor specific legislation, which is prohibited by the National Labor Relations Act.

WFA is a completely new type of legislation. Drafting it presented a number of challenges, for which there is no existing legal language. The Institute helped meet these challenges by forming a small team of experts, including former National Labor Relations Board general counsel Fred Feinstein, to work with the AFL-CIO legal department. The Institute is also playing an important role in securing the support of non-labor groups for WFA. Because it protects workers from all forms of coerced speech, the WFA furthers the goals of many human rights groups. The Institute, with its deep roots in the human rights community and close relationships with many of its leaders, is in an ideal situation to introduce WFA to other human rights groups and obtain their support.

WFA was introduced in several states in 2006, including Connecticut, Illinois, and Colorado, and made excellent progress. We look forward to more progress in upcoming legislative sessions.

Genetic Nondiscrimination Act Gains Majority Support in the House

The Genetic Nondiscrimination Act (H.R.1227) received support from a majority of the members of the House of Representatives recently as 220 members have now signed on as cosponsors of the bill. Our hope is that this new momentum will help the bill move to a vote in the coming months, as the protections offered in the legislation are critically important for all Americans. We already have considerable momentum in this session of Congress. On Feb 14,

2005 the Genetic Information Nondiscrimination Act passed in the United States Senate 98 - 0. This was an overwhelming bipartisan victory that we are working hard to replicate in the House. Shortly after on Feb 16, President Bush issued a Statement of Administration Policy supporting this legislation and promising to sign it if it reached his desk.

As many of you are aware, this legislation has been a major priority for the Institute for many years. While the extraordinary breakthrough in the sequencing of the human genome introduces vast opportunities for medical progress, genetic nondiscrimination legislation is necessary to allow individuals to take full advantage of these opportunities. Genetic nondiscrimination legislation will reduce the likelihood of genetic information being misused in employment as well as health insurance decision-making. For the first time discrimination is not being limited to a particular group of people. Genetic mutations exist in every person; as the predisposition to more and more diseases and conditions are linked to specific genetic mutations, we are all at risk of genetic discrimination.

The Coalition for Genetic Fairness, a coalition of over 150 patients groups, civil rights organizations and disability groups and industry founded by Institute legal director Jeremy Gruber is leading the campaign to enact federal genetic nondiscrimination legislation. The Coalition recently held a highly successful briefing June 29th on Capitol Hill with the bill's primary sponsor Representative Judy Biggert (IL-13) and other members of Congress and their staffs in attendance as well as industry representatives. The entire event was filmed by a group of filmmakers from Kartemquin Films who captured the event as part of an upcoming documentary scheduled for broadcast in the fall of 2007.

Take Action

Today, as genetic information becomes increasingly integral to the standard practice of medicine, the need for legislation that protects against genetic discrimination becomes absolutely essential. Currently, the U.S. House of Representatives is considering a bill that would provide that protection. The Genetic Information Nondiscrimination Act of 2005 (H.R.1227) will ensure that an individual's genetic information cannot be used by issuers of health insurance policies and employers to make coverage or employment decisions. Today, opposition to this critical legislation comes, primarily, from employment trade organizations who are fearful that genetic discrimination legislation would open them up to increased liability.

The voices of a few should not dominate this discussion. Cases of discrimination—and the very real concerns associated with the possibility of discrimination—are already affecting the quality of our health care and clinical trials.

The National Workrights Institute is working hard to push this bill through the House. We need your help. Please contact House Speaker Dennis Hastert (R-Ill) and urge him to schedule immediate House action on HR 1227.

NWI Action Alert:

Contact Congressman J. Dennis Hastert

Tell him to bring the Genetic Nondiscrimination Act up for a vote!

DC Phone: 202-225-2976 • **DC Fax:** 202-225-0697

Email Address: <http://www.house.gov/hastert/write1.shtml>

WWW Homepage: <http://www.house.gov/hastert/>



NATIONAL WORKRIGHTS INSTITUTE

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Bringing Human Rights to the Workplace

Born of privilege, Eleanor Roosevelt learned first hand about the lives of workers as a volunteer in the Rivington Street Settlement House in New York. She became a member of the National Women's Trade Union League in 1922 and a symbol for fairness and dignity for generations of American workers.

Which is why The National Workrights Institute chose her name for its giving society for major donors.

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