

Preserving Exclusive Representation

1 **WHEREAS:**

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

4 **WHEREAS:**

5 Oregon AFSCME had been preparing for an adverse ruling in *Janus* for many years and
6 strengthened our union by reconnecting with our members, engaging in organizing campaigns,
7 developing systems to recruit and maintain membership, and enlisting the support of political
8 leaders and allies; and

9 **WHEREAS:**

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

14 **WHEREAS:**

15 Exclusive representation means the duly chosen union is the sole voice for all workers and
16 source of worker power. It is the basis on which our union is organized and the way we bargain
17 for meaningful change. Through the process of collective bargaining and exclusive
18 representation, AFSCME members earn fair wages, safe and reasonable working conditions,
19 job security, health benefits that cover us when we are sick, and retirement benefits that provide
20 us with dignity as we age; and

21 **WHEREAS:**

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

26 **WHEREAS:**

27 Anti-union advocates deceptively claim that unions should not be required to represent non-
28 members. Their true motivation is not fairness to dues paying union members: it is to erode the
29 power of workers and undermine exclusive representation; and

30

31

32 **WHEREAS:**

33 Dividing the workforce into “us” versus “them,” even on the vital question of union membership,
34 will inevitably erode our strength and undermine our legitimacy as the EXCLUSIVE
35 representative. We cannot allow anti-union forces to divide workers. AFSCME supports the duty
36 of fair representation, recognizing its importance for worker solidarity, maintaining our power,
37 and achieving our collective aspirations for ourselves and our communities.

38 **WHEREAS:**

39 Refusing to represent non-members or charging non-members fees for services will undermine
40 our exclusive representative status and the power we need to realize our aspirations; and

41 **WHEREAS:**

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

46 **WHEREAS:**

47 Although our union could not control the outcome of *Janus*, we can control our response to it.

48 **THEREFORE BE IT RESOLVED:**

49 That Oregon AFSCME Council 75 will continue to support exclusive representation and the duty
50 of fair representation, and will oppose efforts that undermine the union’s status as a
51 democratically, member-run exclusive representative of bargaining units; and

52 **BE IT FURTHER RESOLVED:**

53 That Oregon AFSCME shall not support or promote legislation, policies or changes to collective
54 bargaining agreements which would allow members-only collective bargaining agreements or
55 otherwise support the elimination of exclusive representation, nor shall Oregon AFSCME allow
56 an employer to reduce the wages of represented employees, without employee authorization, to
57 pay a union for the costs of representation, including direct subsidies to the union as a
58 substitute for dues or fair-share fees; and

59 **BE IT FINALLY RESOLVED:**

60 That Oregon AFSCME shall provide information and education to members, allies and political
61 leaders on the vital importance of maintaining exclusive representation and objecting to direct
62 payments by employers to the union, and the union shall prioritize educating our members on
63 these issues.

64 SUBMITTED BY: Oregon AFSCME Council 75 Executive Committee