

2023 NASRCC Scholarship 1st Place Essay by Casey McQuesten

Joe Biden's Union Promise: Fact or Fiction?

Joe Biden, the 46th President of the United States, has repeatedly referred to himself as the most pro-union president in American history. His claim is not unfounded, given his long-standing support for organized labor. Throughout his political career, Biden has championed workers' rights and fought for pro-union policies that benefit both workers and employers. This essay will evaluate Biden's claim by examining his actions, both direct and indirect, that have benefited unions and union workers, and comparing them with those of other recent presidents, particularly Donald Trump.

One of Biden's most significant actions in support of unions was the signing of the American Rescue Plan Act (ARPA) in March 2021. The legislation includes several measures aimed at supporting workers and their families, including extended unemployment benefits, direct payments, and tax credits (Biden Administration). Additionally, the law includes provisions that support union workers and their families, such as funding for the Pensions Benefit Guaranty Corporation (PBGC), which ensures that union workers receive the pensions they have earned.

Biden has also taken steps to strengthen workers' rights and unions' power through executive actions. Shortly after taking office, he fired the General Counsel of the National Labor Relations Board (NLRB), Peter Robb, who was widely viewed as anti-union (Semel). Biden's move was a clear indication of his commitment to workers' rights and unions. In addition, Biden signed an executive order on his first day in office that directed federal agencies to review and revise their labor policies, including ensuring that federal contractors pay their employees a \$15 minimum wage and providing emergency paid leave to federal employees.

Another significant action taken by the Biden administration was the nomination of Boston Mayor Marty Walsh as Secretary of Labor. Walsh, a former union leader himself, is widely viewed as a strong advocate for workers' rights and has been praised by labor leaders for his pro-union stance (Boston Herald Associated Press). His appointment is a clear indication of the Biden administration's commitment to strengthening workers' rights and unions' power.

While Biden has taken several positive steps in support of unions, his record is not perfect. One area of concern for labor leaders has been the slow pace of nominations and confirmations for positions in the Department of Labor. In particular, the National Labor Relations Board (NLRB) has been operating with only three members, two of whom were appointed by Donald Trump. Labor leaders have urged Biden to nominate new members to the NLRB to ensure that it can function properly and protect workers' rights. Additionally, President Biden's decision to revoke the permit for the Keystone XL pipeline has generated criticism from

several unions, as it would have created numerous jobs for members of various unions, including the Laborers' International Union of North America and the International Brotherhood of Teamsters (Institute for Energy Research). While this decision was seen as a victory for environmentalists, it has been a source of frustration for some union leaders who see it as a missed opportunity for job creation.

President Biden has taken direct action in intervening in contract negotiations between powerful railroad companies and the railroad unions representing their employees. This is a significant departure from the approach taken by his predecessor, Donald Trump, who generally avoided getting involved in labor negotiations. In the context of the railroad industry, three unions representing over a quarter of the industry's workers had considered using their right to strike when presented with an unacceptable contract. However, Biden's involvement shifted the risk back to the workers and put the outcome at the discretion of Congress. Unfortunately, the Senate denied the unions' request for sick days, and they were forced to accept the original contract (Scheiber). This decision sets a dangerous precedent for future presidents to interfere in the development of union contracts and may have negative implications for workers' rights.

Compared to Biden, Donald Trump's record on labor issues was decidedly anti-union. Throughout his presidency, Trump rolled back several pro-union policies, including regulations aimed at protecting workers' safety and health. He also appointed anti-union officials to key positions in the Department of Labor, including Eugene Scalia, who served as Secretary of Labor from 2019-2021 (Communications Workers of America). Scalia was widely viewed as a staunch opponent of workers' rights and was responsible for several policies that weakened unions' power.

In conclusion, Joe Biden's claim that he is the most pro-union president in American history is supported by his actions as president. He has signed legislation that supports union workers and their families, taken executive actions aimed at strengthening workers' rights and unions' power, and appointed pro-union officials to key positions in his administration. While there is room for improvement, particularly in the area of nominations and confirmations for positions in the Department of Labor, and prioritization of labor initiatives over other policies, Biden's record on labor issues is strong compared to that of his predecessor.

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2023 NASRCC Scholarship 2nd Place Essay by Shane Gannon

Not Just Your Average “Pro-Union” Joe

In the decades after FDR's presidency, many successive presidents have weakened the power of labor unions in the United States. Both US political parties can be blamed for the weakness of modern-day labor unions; Republicans have promoted anti-union, pro-big business policies, while Democrats have been slow to act despite being pro-union. This divide can best be seen by comparing the current Biden Administration to the preceding Trump Administration. President Biden's appointment of several pro-union officials and his support of numerous pro-union legislation have made him the "most pro-union president" the United States has had in decades.

Two and a half years into Biden's presidency, labor officials appointed by him have made their pro-union stances known and have made progress in expanding the powers of workers and labor-related government agencies. General Counsel Jennifer Abruzzo, whom President Biden appointed in July 2021, has worked with the National Labor Relations Board to pursue greater actions for American workers. "Under the Biden Administration, the Board and General Counsel Abruzzo have worked toward restoring the agency to its original purpose of promoting and encouraging the practice of collective bargaining" (Poydock). As collective bargaining is the core aspect of American unions, it is beyond important that the NLRB has its abilities bolstered. Relating to the NLRB's abilities, General Counsel Abruzzo has strongly recommended that the NLRB make the process of union formation easier:

In April 2022, NLRB General Counsel Abruzzo issued a brief urging the Board to reinstate the *Joy Silk* doctrine. The *Joy Silk* doctrine ..., followed by the National

Labor Relations Board from 1949 until the 1970s, ... allowed unions to gain recognition via card check rather than going through an election process. (Poydock)

By reinstating the *Joy Silk* doctrine, employees would not have to face the attempts by conniving employers to hamper employees' right to unionize. Even though actions taken by employers to dissuade employees from unionizing are illegal, many companies continue to utilize such union-busting tactics today. A commonly-used tactic that Abruzzo and the NLRB are trying to end is captive audience meetings; this involves a group of employees being coerced, with the threat of severe punishment, to listen to an employer's anti-union sentiments (Poydock). Legally ending the practice of captive audience meetings would likely force employers to think twice about trying to suppress their employees' right to organize or face legal penalties for doing so. As the NLRB and its General Counsel have acted as an indirect show of President Biden's stance on unions, he has also directly lent his support by using his powers and position as President.

As President, Joe Biden has utilized the prominence of his position to publicly call for greater legislative support of American unions. "The day before the House of Representatives passed the Protecting Right to Organize (PRO) Act, the Biden Administration issued a Statement of Administration Policy in support of the bill" (Poydock). Although it cannot be said whether or not Biden's statement of support influenced the passage of the PRO Act in the House, it did show the American people that Biden is determined to protect workers' abilities to collectively bargain by revamping labor laws. The PRO Act is still waiting to be passed by the Senate, but while that may take some time to get passed, President Biden signed the Infrastructure Investment and Jobs Act (IIJA) in November of 2021:

Centered around the creation of good union jobs, the bill provides for a \$1 trillion investment in roads, bridges, transit, rail, climate change mitigation, electric

vehicles, clean drinking water, high-speed internet, resilient transmission lines, and more. The bill also includes labor standards guaranteeing that jobs created will have family-supporting wages, as well as "buy America" provisions that will bolster U.S. manufacturing. (AFL-CIO)

Hundreds of thousands of jobs have been created by the IJIA since it was signed into law. More construction trades and manufacturing jobs have allowed affiliated unions to expand their membership, giving them more power when bargaining with employers. As President Biden continues to, directly and indirectly, support America's labor unions, he is constantly doing so by reversing the policies of the previous Trump administration.

The anti-union actions pursued by the Trump Administration were disastrous for American workers and the unions representing them. "Trump [had] stacked the National Labor Relations Board with anti-union appointees who [sided] with employers" (Communications Workers of America). Filling the NLRB, an agency dedicated to protecting workers' rights, with people who represented the antithesis of its values allowed workers' rights to hit a new low point. To further empower employers, Trump threatened to deny the passage of key legislation. "Trump promised to veto the PRO Act and the Public Service Freedom to Negotiate Act, historic legislation that will reverse decades of legislation meant to crush private sector unions and shift power away from CEOs to workers" (Communications Workers of America). Fortunately, the slowness of Congress never allowed Trump to veto these crucial pieces of legislation because they are still making their way through both houses. Unfortunately, the lack of passage of either act and Trump's NLRB emboldened employers by giving them carte blanche regarding their power over employees. Despite claiming to fight for the rights of the average American worker, Trump was nothing but a pro-business president.

Before President Biden, the rights of American workers and unions had been decimated by decades of legislation that targeted their abilities to organize and function effectively. Within the four years of the Trump Administration, multiple actions were taken to cripple employee rights further and empower employers. Since Biden's first day in office, he has earnestly worked to restore workers' rights through direct and indirect methods, from signing laws to appointing pro-union officials. The accomplishments of President Biden have earned him the title of "most pro-union president." With roughly a year and a half left before the next presidential election, the future looks bright for American unions.

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