



**UNION FOR VIRGINIA
CITY WORKERS**

**VIRGINIA
IS FOR
UNIONS**

Frequently Asked Questions about Public Sector Collective Bargaining in Virginia

1. Is Collective Bargaining an Internationally Recognized Human Right?

According to the United Nations International Declaration of Human Rights, it is a fundamental human right, “to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.” In fact, this right is “essential for the effective functioning not only of labor markets but also of overall governance structures in a country.”

Historically, Virginia was one of only three Southern states—along with North Carolina and South Carolina—that maintained an outright ban on collective bargaining for public employees. This prohibition applied broadly to city workers, including sanitation employees, teachers, water and sewer staff, firefighters, police officers, street maintenance crews, human services workers, and parks and recreation employees.

In fact, *the United Nations International Labor Organization ruled in 2007 that denying collective bargaining for public employees violates ILO freedom of association principles by frustrating the very purpose of forming workers' organizations.*

2. What is Collective Bargaining?

Collective bargaining essentially ensures **greater democratic input at work**. Collective bargaining is the basic process of negotiation between workers who have organized a union and their employer on issues such as wages, work rules and policies, staffing ratios, on-the-job health and safety, benefits, insurance premiums, work schedules, vacation, etc.

Collective bargaining will make it easier to manage City operations by establishing standardized policies, wage scales, benefits, and not having to negotiate every small problem with individual workers. Collective bargaining gives organized workers a tool through which to change unfair working conditions and have a real voice on the job.

The process of collective bargaining should result in a legally enforceable collective bargaining agreement between workers and their employer. A legally enforceable collective bargaining agreement ensures that agreements between management and workers are binding.

Without the right of workers to reach a legally enforceable agreement with their employers, management has the total authority to create and interpret policies. Without collective bargaining, the employer may change policies without notification or input from the workers impacted.

3. Is collective bargaining for city employees a matter of racial and gender equity?

Virginia passed its right-to-work laws during the Jim Crow era, when African Americans were systematically disenfranchised, before the passage of the 1965 Voting Rights Act. Without collective bargaining, a largely African American workforce is denied a voice in establishing their working conditions, wages, and benefits. If they are put in harm's way, they are provided no structural mechanism to impact city policy.

According to a June 2021 report by the Economic Policy Institute, ***Unions can reduce the public sector pay gap***. "Black workers are more likely to work in local government than Hispanic and AAPI/Other workers. Black workers are overrepresented despite being less likely to have the bachelor's or advanced degrees required for many public-sector jobs." Additionally, due to the lack of collective bargaining, pay disparities for Black workers, when comparing private sector to public sector jobs is worse in Virginia (7.3% outside Virginia versus 18.6% in Virginia). This signifies that collective bargaining can help retain workers who might want to leave the municipal workforce for higher-paying private sector jobs.

The ban on collective bargaining in the public sector has led to the unmistakable prevalence of widespread race and sex discrimination in the workplace, in particular, unequal treatment of racial minorities and women in hiring, promotions, discharges, and wage rates, as well as racial and sexual harassment. Collective bargaining could offer public sector employees numerous tools to counter racism and sexism in their workplaces, from establishing truly objective criteria for employment decisions, to developing workable anti-harassment mechanisms.

4. What about opposition for Mayors in Hampton Roads?

Mayors in Hampton Roads have argued that a state mandate on collective bargaining would impose additional costs on local governments. What they fail to acknowledge, however, is that **the creation of a state Public Employee Relations Board (PERB) would actually save cities money**. A PERB would assume many administrative responsibilities that municipalities currently handle on their own, including union recognition, labor dispute resolution, and other regulatory tasks. By centralizing these functions at the state level, cities would reduce administrative burdens and associated costs.

City Council will maintain its fiduciary responsibility for passing responsible budgets. That does not change with collective bargaining. Unions representing city employees will bargain directly with the City Manager. Once an agreement is reached between the city employees' union and the City Manager, this is then brought to the City Council as a recommendation, which will have to be fully debated and discussed, just as any other budget proposal from the City Manager's office. It will remain the City Council's obligation to approve all city budgets, including wages and benefits of employees.