**Introduction:**

The semester project is designed as a dramatization of an important international event that illustrates the workings of United Nations’ agencies, programs, conferences and conventions  It is meant to be a big production.  So far this class has done a reenactment of the 2015 Climate Change Conference  (2016), a simulated World Food Summit (2017), and a debate on Food Sovereignty to Food Security.  All  were very well received by the campus community and attracted large audiences in the Gateway Davis Auditorium.  They are informational and analytical staged productions with lots of variety of presentation including set speeches, formal and informal debate exchanges, pop-up demonstrations and interruptions from the audience.  The presentation lasts one hour and food (dessert only this year!) afterwards.

This is a serious undertaking and requires focus and determination to bring it to production and presentation.  We will work from a script and most parts will need to be memorized.

The characters in the play (which it really is, in a way) are:

Representatives of:

                Transit Workers Union  (TWU) (President, Executive Board, Members)

                Metropolitan Transit Authority (MTA) (Chair, Board)

                New York State Courts (NY State Trial Court, NY State Appellate Division)

                Attorneys for TWU and MTA

                New York State Administrative Labor Board (PERB Chair)

                News Media (Anchor, Reporters)

ILO Committee on Freedom of Association (Employer, Worker and Government)

**Summary of what happened:**

The Transit Workers Union, a union of approximately 40,000 workers subway and bus drivers primarily in New York City, entered into contract negotiations with the Metropolitan Transit Authority, a public benefit corporation responsible for transportation in New York and parts of Connecticut.  When the talks broke down with allegations of “bad faith bargaining” on both sides, the union membership felt strongly enough about what it perceived as the failure of the MTA to take its working conditions seriously that it voted to strike.  This was a hard decision because the statute covering employees for all government entities in New York State, the Taylor Law of 1967, prohibits public sector workers from going on strike and imposes very severe penalties if they do.

At 3:00 in the morning of December 20, 2005, the workers walked off the job effectively shutting down all means of public transportation in the city. A judge imposed penalties immediately including a million dollar fine for each day of the strike, contempt of court for the union president (for violating a court injunction against the strike) which carried with it ten days of jail time, and an order that the union could no longer deduct union dues from the payroll and would have to collect the amount from each worker individually every two weeks.

The union sued the MTA and the State of New York for violating international labor law standards.  The United Nations has within it a specialized agency called the International Labor Organization (ILO) that writes standards about wages, working conditions and union rights.  It has a tribunal that hears cases in violation of its standards.

First, the case went into a state trial court in Brooklyn.  The judge decided against the union because the union violated the Taylor Law.  It upheld all the penalties.  The union appealed to the New York State Appellate Division and lost again.

At that point, the president of the union, Roger Toussaint, took a dramatic turn.  Instead of continuing in the New York State Unified Court System and appeal to the highest NYS Court, the Court of Appeals, he proposed that the union go directly to the ILO for a decision by the Committee on Freedom of Association (CFA), a committee of the ILO that adjudicates exactly these kinds of disputes.

The membership of the ILO is what is called tripartite, in other words, composed of three distinct constituencies:  the government, the employers and the workers.  Every nation that belongs to the ILO (currently 187 out of the total 193 nations of the United Nations) sends two representatives from the government (usually a department of labor), one representative from business (now from an organization called United States Council for International Business) and one representative labor (traditionally the largest umbrella organization in the nation for labor unions—in the United States, the AFL-CIO).  All committees of the ILO, including the CFA, mirror this tripartite representation so when the CFA makes a decision it has been reviewed by all three groups who come to a decision by consensus, not by majority vote.  This means that people who come from very different backgrounds and have divergent perspectives have agreed on the decision.

The TWU submitted its Complaint (statement of what it wants the CFA to say in its favor) in November 2008.  At this point in the process, the TWU is filing against the United States government, not the state of New York.  When the CFA receives a complaint, the committee members review it and then write to the government representative from the member nation and request a reply to the allegations made in the complaint.  That reply is drafted by the office that sent the representative.  For the United States, that is the Department of Labor.  At this international level, the complaint is brought against the nation, for example, the United States, not the state, that is, New York.

In this case, the United States did not respond to the CFA for two years.  When it did reply, the basis for its rejection of the TWU Complaint was that the federal government, under the doctrine of Federalism on which the country is founded, did not allow the federal government to interfere with laws of the individual states.

The CFA then met to deliberate and came to a consensus that the Taylor Law of New York State violated the standards the ILO promulgated for labor law in two Conventions, #87 and #98.  In other words, it agreed with the TWU Complaint that there was established international labor law that gave to both public and private employees the right  to strike except in cases where the employees were considered “essential” to the functioning of government.  Transit workers did not, according to the CFA, fall into that category.

**Rationale for Project:**

The right to organize a union and bargain a contract with management were granted to private sector employees when the United States Congress passed the National Labor Relations Act (Wagner Act) of 1935.  In the 1960s, public sector employees were granted those rights state by state by laws passed in the state legislatures.  Overall, union membership is at an all-time low and the right for public sector workers to organize a union and bargain a contract is prohibited in many states.  Where it is allowed, it almost always prohibits the right to strike.

The idea of workers’ rights is not a subject that is talked about.  Yet recent high profile strikes, such as the teachers’ strikes of 2012 and 2018 have made headlines, the drive of fast-food workers for a living wage and the increase in the percentage of people who favor labor unions (currently at 64% which is the highest it has been in a while) have made it a subject of some concern.  In a global economy, no area of rights can be limited to the national arena but must take international standards into consideration.  This project is an attempt to put the notion of workers’ rights as human rights into the conversation and explore what is happening to workers in the United States and throughout the world.

There are many elements to this production.  We have some choices, but funding for material and food is always a problem.   We need to be very creative and always aware that this is an educational as well as entertaining event.