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The RESPECT Act: The Heritage Foundation 2010 Labor Boot Camp

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What Is the RESPECT Act?

- The Re-Empowerment of Skilled and Professional Employees and Construction Tradeworkers (RESPECT) Act would limit which workers the National Labor Relations Act (NLRA) classifies as supervisors.
- Section 2 (11) of the NLRA defines a "supervisor" as an employee with the authority to "hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or to responsibly direct them, or to adjust their grievances, or effectively to recommend such action" so long as this authority requires the use of "independent judgment."
  - By law, supervisors belong to the management of the company they help run; unions cannot organize supervisors.
- The RESPECT Act would remove from the definition of "supervisor" the duties of assigning and responsibly directing other employees. The legislation also specifies that supervisors must "hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline other employees" for a majority of their work time.

Policy Objections

- These changes virtually eliminate the status of supervisor from labor law. Virtually all employees would become non-supervisors under the NLRA.
- This definition of supervisor deprives unions of tens of millions of dollars of compulsory dues from supervisors each year. Consequently, organized labor has pressured the NLRB to more narrowly define *supervisor.*
- This far-reaching change would upend the long-established balance between labor and management in the workplace.
- Being in the same bargaining unit as the workers would divide supervisors' loyalties between the company and the union.
- In order to run effectively, a company needs supervisors with undivided loyalty to management.
  - Supervisors should make decisions based on efficiency and merit, not internal union politics or the union's preferred work rules.
  - Supervisors should not face internal union discipline and fines for making business decisions that the union opposes.
  - Keeping supervisors out of the collective bargaining unit also provides important protection for non-supervisory employees. Workers should feel free to challenge their union without fearing retaliation from their bosses.
- Unions could also use supervisors to collect union authorization cards. Few workers will refuse to sign a union card when their boss

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presses them to do so, regardless of whether or not they actually want union representation.

Economic Effects

- Bringing internal union politics into business decisions by including supervisors in bargaining units would impede business competitiveness. This can cost jobs. Keeping management and unions distinct enables companies to focus on the bottom line.

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