



**COMMISSION ON LABOR
REGULAR MEETING**

**Wednesday, July 19, 2023
7:00 PM**

2939 Ellis Street, South Berkeley Senior Center, Multi-Purpose Room

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Commissions consideration and approval.

1. Minutes of May 17, 2023 Regular Meeting

From: Commission Secretary

Recommendation: Approve the draft minutes of the May 17, 2023 regular meeting.

Chairperson's Report: *The Commission Chair may make announcements or provide information to the Commission in the form of an oral report. The Commission will not take action on such items but may request the items be placed on a future agenda for discussion.*

Commission Action Items

The public may comment on each item listed on the agenda for action as the item is taken up.

2. Updates to the City of Berkeley Labor Bill of Rights

3. Subcommittee appointments

Presentations *(for information only, no final action taken)*

None

Committee Updates

None

Information Items: *All items for discussion only and no final action.*

4. **Fair Workweek Ordinance Implementation Updates**
5. **First Source Program**

Items for Future Agendas

These items are not scheduled for discussion or action at this meeting. The Commission may schedule these items to the Action Calendar of a future Commission meeting

- **Discussion of items to be added to future agendas**

Adjournment

Attachments:

1. Draft of May 17, 2023 Regular Meeting Minutes
2. Commission on Labor FY24 Workplan
3. Labor Bill of Rights_ Resolution No. 54533
4. Labor Bill of Rights Draft Revisions 2012
5. First Source Agreement – Construction
6. First Source Construction Job Order Form

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*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to **Emily Rose, Secretary, (510) 981-7551 [erose@berkeleyca.gov](mailto:erose@berkeleyca.gov)**.*

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information.*

*Written material may be viewed in advance of the meeting at the Housing & Community Services Department, 2180 Milvia, 2nd Floor, during regular business hours or at the Berkeley Public Library,*

Shattuck/Kittredge Streets, during regular library hours at the Reference Desk. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <https://berkeleyca.gov/your-government/boards-commissions/commission-labor>.



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

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I hereby certify that the agenda for this regular/special meeting of the Berkeley City Commission on Commissions was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, at the location of the meeting, South Berkeley Senior Center, as well as on the City's website, on **July 13, 2023**.

SECRETARY SIGNATURE

Emily Rose July 13, 2023

Secretary:
Emily Rose
Health, Housing & Community Services
Department
(510) 981-7551
E-mail: ERose@cityofberkeley.info

Mailing Address:
Commission on Labor
Emily Rose, Secretary
2180 Milvia, 2nd Floor
Berkeley, CA 94704

Communications

None



Health Housing and Community Services Department
Housing & Community Services Division
Commission on Labor

**COMMISSION ON LABOR
REGULAR MEETING**
Wednesday, May 17, 2023
7:00 PM
South Berkeley Senior Center
2939 Ellis St, Berkeley, CA 94703
DRAFT MINUTES

Preliminary Matters

1. Roll Call

Present: Arbaugh, Bowen, Flegel-Mishlove, Katz, Osborne, and Scantlebury

Absent: Jones (unexcused)

Staff Present: Emily Rose, Joshua Oehler

Members of the Public: 1

2. Public Comments

1 Speaker

3. Approval of Draft March 15, 2023 Regular Meeting Minutes

Action: M/S/C (Bowen/Arbaugh) to approve the March 15, 2023 Regular Meeting Minutes

Vote: Ayes: Arbaugh, Bowen, Flegel-Mishlove, Katz, Osborne, and Scantlebury.
Noes: None. Abstentions: None. Absent: Jones.

Action Items

4. FY 2024 Commission on Labor Work Plan Recommendation

Action: M/S/C (Flegel-Mishlove/ Bowen) adopt the Fiscal Year 2024 Workplan formed by the Commission and send an information report to City Council

Vote: Ayes: Arbaugh, Bowen, Flegel-Mishlove, Katz, Osborne, and Scantlebury.
Noes: None. Abstentions: None. Absent: Jones.

Information Items

- Update on Fair Work Week Ordinance Implementation
- Update on HARD HATS Ordinance
- Discussion of First Source and Community Workforce Agreement

Items for Future Agendas

- Annual report on First Source effectiveness

Adjournment

Action: M/S/C (Katz/Arbaugh) to adjourn the meeting at 9:15 PM

Vote: Ayes: Arbaugh, Bowen, Flegel-Mishlove, Katz, Osborne, and Scantlebury.
Noes: None. Abstentions: None. Absent: Jones.

Approved: Emily Rose, Emily Rose, Secretary

WORK PLAN for Fiscal Year 2024
Commission on Labor for the City of Berkeley

Research and gather information to report to City Council and support Commission's recommendations to City Council:

- a. Develop policies for recommendation to City Council in formal coordination with other City of Berkeley commissions to maximize the availability of subject matter experts and identify connections between labor and other relevant issues including, but not limited to, economic development and human rights.
- b. Examine City's policies and practices regarding workplace sexual harassment.
- c. Examine the University of California at Berkeley's policies and practices regarding workplace sexual harassment.
- d. Review and monitor Fair Workweek Ordinance implementation.
- e. Review the Community Workforce Agreement with the Alameda County Building and Construction Trades Council and examine opportunities for local workforce development
- f. Examine workforce development opportunities and the First Source Program
- g. Review and recommend updates to the Labor Bill of Rights.
- h. Examine development of the City of Berkeley Just Transition Residential Electrification Pilot Project.

Education:

- a. Facilitate education of workers in Berkeley about their rights and the process for addressing workplace sexual harassment.
- b. Facilitate education of children and young adults in Berkeley about the benefits and opportunities of organized labor.
- c. Facilitate workforce development pre-apprenticeship opportunities working with Berkeley Unified School District.

Local labor disputes:

- a. Hold public hearings on labor disputes as requested/required
- b. Submit recommendations to Council based on information gathered from both sides of disputing parties.

RESOLUTION NO. 54,533-N.S.

ADOPTING LABOR BILL OF RIGHTS AS A STATEMENT OF CITY OF BERKELEY POLICY.

WHEREAS, effective February 6, 1986, the Berkeley City Council established the Commission on Labor, specifying among its functions preparation and submission of a policy document for endorsement by the City Council; and

WHEREAS, on October 25, 1988, the Commission on Labor submitted a draft policy statement, The Labor Bill of Rights, consisting of nine chapters of proposed City policy on the following subjects: job creation and retention, labor education, disabled workers, child care, prevailing wages, strikes and boycotts, police conduct in management-labor disputes, drug testing, and plant closures; and

WHEREAS, on October 25, 1988, the City Council held a public hearing on the proposed Labor Bill of Rights, and upon receiving public testimony, adopted the proposed statement with certain modifications.

NOW, THEREFORE, Be it Resolved by the Council of the City of Berkeley that the following is hereby adopted as a Statement of City Policy:

Chapter 1--Job Creation and Retention

It is City of Berkeley policy to promote full employment for Berkeley residents; to promote local investment and ownership of property and business by workers and Berkeley residents; to encourage union participation in the social and political processes that will determine its future; and to support creation and retention of high quality jobs for residents.

Chapter 2--Labor Education

The City shall encourage the Berkeley Unified School District to establish a Labor Education Curriculum to be used in the Berkeley school system, including source material program design and program funding. The Curriculum should include labor history, labor literature and music, labor laws, and current events in management labor relations.

Chapter 3--Disability

Approximately 8-10% of Berkeley residents are disabled. The Commission on Disability has testified that employment and under-employment are serious problems

faced by the disabled community of our city. Only one-third of disabled residents are employed in paid jobs, part-time or full-time. It shall be the policy of the City of Berkeley that the disabled will have equal opportunities in hiring and promotion, and that the City shall take any steps necessary where lawful and feasible with the City's resources, to prevent employment discrimination based on disability. It is the policy of the City of Berkeley, where lawful and feasible, to support development of a comprehensive plan for increasing job prospects for the disabled, drawing on the assistance of the Labor Commission, the Commission on Disability, and other appropriate public and community agencies. Objectives of such a comprehensive plan should include assistance to employers in making worksites accessible and barrier-free for disabled workers and consumers, as well as increasing the availability of supplementary services such as transportation and attendant care which makes employment more feasible. The City supports recent changes in SSI regulations which make it possible for disabled people to seek employment without risking forfeiting their SSI benefits or Medi-Cal coverage, and will seek to work within these regulations to maximize employment of the disabled citizens of Berkeley.

Chapter 5--Prevailing Wages on Construction Jobs

Prevailing wages and benefits must be paid to all employees on any construction project, including new construction and repair of any building, if such projects involve any City money or any contracts with the City, or if the project is financed by public bonds. This statement of policy concurs with the City of Oakland Port and Redevelopment Agency Prevailing Wage Ordinance, adopted in 1986. It complements existing City of Berkeley policy which calls for affirmative action provisions of 40% women and minority hiring as well as preferential hiring of Berkeley residents.

Chapter 6--Strikes and Boycotts

The City of Berkeley shall, where lawful, boycott all businesses and products, and refuse to sign contracts with or use the products or services of any employer involved in an officially sanctioned management labor dispute or which appears on the AFL-CIO "Do Not Patronize" list, and shall encourage the City's citizens and employees to observe and support such boycotts.

Chapter 7--Conduct of Police in Management Labor Disputes

The Berkeley Police Department and all its officers must remain neutral in any strike, management labor dispute, picketing, and demonstration. City Police shall continue the present practice of not being used by management to break strikes by interfering with lawful picketing, or by physically attacking, harassing or intimidating strikers engaged in legally protected activity. Police shall not be used by management as private security guards to escort strikebreakers across picket lines. Police shall be called to a site only to monitor such situations in which public safety is threatened. Police shall not be used by management to enforce temporary restraining orders, injunctions, or other court orders against picketing or limiting the scope of picketing, as such court orders are civil rather than criminal in nature

and it is appropriate for the employer to return to civil court to seek redress. This policy is modeled after City of Oakland Police Department Regulations now in effect, see Police Manual III, Chapter L.

Chapter 8--Drug Testing

Drug testing of employees shall be prohibited, where lawful, within the City limits, as this mandatory testing presupposes an employee's guilt until proven innocent, and violates an employee's constitutionally guaranteed right to privacy. This ban includes drug screening as a condition for employment as well as any type of random drug screening at the discretion of the employer or supervisor.

Chapter 9--Plant Closures Guidelines

Unannounced plant closure or closing on short notice have worked a severe hardship on working people throughout the nation. It is the policy of the City of Berkeley that when lawful and feasible, employers must be required to notify the city, the affected employees and employee organization or union of decisions or plans to relocate, close or substantially reduce operations at least twelve months prior to anticipated date of closing, relocation or reduction in operations. The employer should be required to file a report with the City, justifying the loss of these jobs and stating how much tax revenue will be lost as a result of such closures. The employer should be required to meet with City officials or staff, as well as with any affected employees, their union or organization, to discuss alternatives to avoid such job loss -- such as modernization, changes in product line, etc.

FURTHER RESOLVED, that proposed Chapter 4, Child Care, is hereby referred back to the Commission on Labor for consideration of a revised statement based on comments received at the public hearing, and that upon return of recommendation to Council this resolution shall be amended to include Chapter 4.

Copies sent 11/23/88

To: Economic Development
All Boards and Commissions
All Departments

RESOLUTION

No. 54,533 N.S.

Dated October 25, 1988

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Chandler, Dean, Jelinek, Shirek, Skinner, Wainwright
and President Hancock.

Noes: Councilmembers Goldfarb and Weekes.

Abstaining: None.

Absent: None.

Loni Hancock
Mayor and President of the Council

Attest Maria DeKocher
City Clerk and Clerk of the Council

**Commission On Labor
Labor Bill of Rights
Draft 2012**

Preamble:

The City of Berkeley, California, has an interest in promoting human rights, peace, and justice. These rights are established by the U.S. Constitution's "Bill of Rights," by the United Nation's "Universal Declaration of Human Rights," the "International Covenant on Economic, Social and Cultural Rights" and the conventions (resolutions) of the International Labor Organization. Because inequality and the distribution of wealth continue to be issues of concern in our society, and because of the low status and influence given to workers in general, especially those belonging to historically underprivileged classes, these statutes will act as guidelines for the creation of just and humane city policies toward working people and labor organizations.

Chapter One: Job Creation and Retention

It is the City of Berkeley policy to promote full employment for Berkeley residents; to promote local investment and ownership of property and businesses by workers and Berkeley residents; to encourage union participation in the social and political processes that will determine the city's future; and to support creation and retention of high-quality jobs* for residents, especially historically underserved populations (e.g. youth and people of color).

*High-quality jobs would include: a living wage, health benefits, accrued vacation time, accrued sick time, flexible work schedule, holiday time and pay, a workplace rights organization (e.g. union), a written grievance procedure, a written progressive discipline policy, and worker assistance programs including mediation, counseling, and addiction assistance.

Chapter Two: Labor Education

The City shall encourage the Berkeley Unified School District to establish a developmentally appropriate Labor Education Curriculum to be used in throughout the Berkeley school system, including source-material program design and program funding. The curriculum should include labor history, labor culture (e.g. theatre, art, literature, and music), labor laws, and current events in management labor-management relations.

Chapter Three: Disability

It shall be the policy of the City of Berkeley that the disabled will have equal opportunities in hiring and promotion, and that the city shall take any steps necessary, where lawful and feasible with the city's resources, to prevent employment discrimination based on disability. It is the policy of the city of Berkeley, where lawful and feasible, to support development of a comprehensive plan for increasing job prospects for the disabled, drawing on the assistance of the ~~Laber~~ Commission On Labor, the Commission on Disability, and other appropriate public and community agencies. Objectives of such a comprehensive plan should include assistance to employers in making worksites accessible and barrier-free for disabled workers and consumers, as well as increasing the availability of supplementary services such as transportation and attendant care, which makes employment more feasible

Chapter Four: Childcare and Eldercare

It is the policy of the City of Berkeley to encourage employers and developers doing business in the city to plan for and develop childcare and eldercare options. It is the policy of the City of Berkeley to encourage employers to survey employees' childcare needs, and to develop a plan for meeting those needs. In order to help working parents to meet family responsibilities and continue to maintain employment and remain effective at work, the city shall encourage employers to adopt flex-time, staggered work hours, job-sharing, parental and family leave policies, and other such flexible family-friendly workplace policies. It is city policy to encourage employers to allow each employee to set aside a portion of the employee's pre-tax income to pay for childcare or for the care of elderly parents.

Chapter Five: Prevailing Wages on Construction Jobs

Prevailing wages and benefits must be paid to all employees on any construction project, including new construction and repair of any building, if such projects involve any ~~C~~city money or any contracts with the ~~C~~city, or if public bonds finance the project. The Community Workforce Agreement, enacted by City Council January 18, 2011, requires publicly funded construction projects whose contract estimate exceed an amount defined by council and the building trades, will utilize only union labor for those projects.

Chapter Six: ~~Strikes and Boycotts~~

The City of Berkeley shall, where lawful, boycott all businesses and products, and refuse to sign contracts with or use the products or services of any employer involved in an officially sanctioned management labor dispute or which appears on the AFL-CIO "Do Not Patronize" list, and shall encourage the ~~C~~city's citizens and employees to observe and support such boycotts.

Chapter Seven: ~~p~~Police Conduct in Management-Labor Disputes

The Berkeley Police Department and all its officers must ~~remain~~ take a neutral stance in any legal strike, management-labor dispute, picketing, ~~and or~~ demonstration. City police shall continue the present practice of not being used by management to break strikes by interfering with lawful picketing, or by physically attacking, harassing or intimidating strikers engaged in legally protected activity. Police shall not be used by management business owners or managers as private security guards to escort strikebreakers or "replacement workers" (scabs) across picket lines.

Chapter Eight: Drug Testing

The city opposes drug testing of employees in absence of: (1) reasonable grounds to believe that the employee's faculties are impaired on the job as a result of the influence of drugs or alcohol; (2) evidence that the employees thereby present a clear and present danger to the safety of themselves or others; and (3) the tests are performed in state-licensed facilities and employees are afforded an opportunity to explain or rebut the results. ~~Drug testing of employees shall be prohibited, were lawful, within the city limits, as this~~ ~~Otherwise~~ Mandatory testing presupposes an employee's guilt until proven innocent and violates an employee's constitutionally guaranteed right to privacy. This ban includes drug screening as a condition for employment as well as any type of random drug screening at the discretion of the employer or supervisor.

Chapter Nine: Plant Closure Guidelines

~~Unannounced plant closure or closing on short notice have worked a severe hardship on working people throughout the nation. It is the policy of the City of Berkeley that when lawful and feasible, major employers must be required to notify the city, the affected employees, and employee organizations or union of decisions or plans to relocate, close, or substantially reduce operations at least twelve months prior to anticipated date of closing, relocation or reduction in operations. The employer should be required to shall file a report with the city justifying the loss of these jobs and stating how much tax revenue will be lost as a result of such closures explaining the reasons for the loss of these jobs and the impacts of that loss. The employer should meet with city officials or staff, as well as with any affected employees, their union or organization, to discuss alternatives to avoid such job loss—such as modernization, changes in product line, possible city assistance, etc.~~

Chapter Ten: Workplace Bullies

It shall be city policy to reaffirm that every worker has a right to a safe workplace free from intimidation and harassment and that the city will support, if appropriate, statewide or national legislation adopting protection for the targets of workplace bullying and will support opportunities to educate employers, perpetrators, and especially targets so as to protect themselves from bullies in the workplace.

Chapter Eleven: Sweatshop-Free Labor

It shall be city policy to purchase all goods and services, where lawful and feasible, from reputable businesses, giving preference to local producers and producers who ensure (by contracting with a monitoring agency) their facilities follow all applicable labor laws and pay a living wage and offer high-quality jobs free from coercion or intimidation.

Chapter Twelve: Wages

It shall be city policy that all minimum and living wages shall be adhered to and, when feasible, increased or expanded.

Chapter Thirteen: Equal Benefits and Non-Discrimination

It shall be city policy that equal benefits shall be granted in hiring, salary, benefits, advancement, discipline, termination, or retirement - on the basis of actual or perceived gender, race, religion or creed, age, mental or physical disability, sexual orientation, nationality, political opinion, marital status, medical condition, pregnancy, or social or ethnic origin, or any physical or other attributes unrelated to job requirements.

Chapter Fourteen: Healthcare

It shall be city policy to explore ways that health care can be expanded and improved for all Berkeley residents. Where feasible and lawful , initiatives to expand and improve health care should be supported and/or funded by the City of Berkeley.

Chapter Fifteen: Alternate Economic Models for For-Profit and Non-Profit Businesses

It shall be city policy to recognize that for-profit and non-profit businesses exist to fulfill distinct rationales. Where feasible, the City of Berkeley shall create distinct ways to support both for-profit and non-profit businesses while refraining from a one-size-fits-all solution.

Chapter Sixteen: Strikes

The city shall recognize the right to strike as a fundamental human right, important to the establishment of worker organizations as truly representative of the collective will of the majority of the members.

Chapter Seventeen: Contracting Out and Privatization

It shall be city policy to avoid excessive contracting out of city work or otherwise privatize public sector jobs.

Chapter Eighteen: Berkeley as an Employer

It shall be city policy to promote harmonious relations with labor and bargain in good faith with labor organizations. In addition, the city shall have a preferential hiring policy for Berkeley residents in all city jobs and encourage city employees to both live and work here.

Chapter Nineteen: Workplace Safety

It shall be city policy that workplace safety shall assume the utmost importance and consideration by all employers within the City of Berkeley. Every attempt should be made to monitor and correct any code violations that create a breach in workplace safety.

Chapter Twenty: Day Laborers

It shall be city policy that the humanity of day laborers shall be recognized and further that they shall be recognized in part as possible economic refugees affected by a foreign policy driven by the needs of global capital as opposed to human needs. Every attempt shall be made to offer them needed services and the rights and protections due to anyone under our constitution and laws, especially labor laws.

Chapter Twenty-One: Workforce Development

It shall be city policy to morally and, where feasible and lawful, economically support nonprofit organizations and businesses that participate in mentoring, job training and job placement programs. Those programs shall design and implement programs that provide training and placement that meet the needs of employers, minimize duplicative services, and demonstrate accountability through utilizing common measures and positive outcomes.

Appendix I

Relevant excerpts from United Nations resolutions

Universal Declaration of Human Rights, Resolution 217A (III), passed in 1948

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

International Covenant on Economic, Social and Cultural Rights Resolution 2200A (XXI), passed in 1966

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

International Labor Organization's Conventions (International Labor Standards)

C154 Collective Bargaining Convention, 1981

PART I. SCOPE AND DEFINITIONS

Article 2

For the purpose of this Convention the term **collective bargaining** extends to all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, for--

- (a) determining working conditions and terms of employment; and/or
- (b) regulating relations between employers and workers; and/or

(c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations.

PART III. PROMOTION OF COLLECTIVE BARGAINING

Article 5

1. Measures adapted to national conditions shall be taken to promote collective bargaining.

2. The aims of the measures referred to in paragraph 1 of this Article shall be the following:

(a) collective bargaining should be made possible for all employers and all groups of workers in the branches of activity covered by this Convention;

(b) collective bargaining should be progressively extended to all matters covered by subparagraphs (a), (b) and (c) of Article 2 of this Convention;

(c) the establishment of rules of procedure agreed between employers' and workers' organisations should be encouraged;

(d) collective bargaining should not be hampered by the absence of rules governing the procedure to be used or by the inadequacy or inappropriateness of such rules;

(e) bodies and procedures for the settlement of labour disputes should be so conceived as to contribute to the promotion of collective bargaining

214. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) presented a complaint of violations of trade union rights against the Government of the United States of America in a communication dated 19 February 1988. It submitted additional information in support of its complaint in a letter dated 9 March 1988. The Government supplied its observations in a communication of 27 April 1988.

215. The United States has not ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) or the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

Appendix II: Justification for each chapter in the “Labor Bill of Rights”

Justification for Chapter 3: Disability

Approximately 8–10% [number tk] percent of Berkeley residents are disabled. The Berkeley’s Commission on Disability has testified that employment and under-employment are serious problems faced by the disabled community of our city. Only one-third of disabled residents are employed in paid jobs, part-time or full-time.

Justification for Chapter Four: Childcare and eldercare

Lack of affordable childcare is a major obstacle to the full participation of women in all levels of the labor force. Primary responsibility for the care of dependent children, as well as the care of elderly parents, has prevented women from achieving career and economic equality with men in the workplace. Adequate childcare facilities, as well as adult day health care centers and other services to assist workers in caring for dependent family members, are essential to full employment for women.

Justification for Chapter Five: Prevailing wages on construction jobs

This statement of policy concurs with the city of Oakland Port and Redevelopment Agency Prevailing Wage Ordinance, adopted in 1986. It complements existing City of Berkeley policy, which calls for affirmative action provisions of 40% percent women and minority hiring as well as preferential hiring of Berkeley residents.

Justification for Chapter Nine: Plant closure guidelines

Plant closures or mass layoff of workers shall adhere to state regulations to inform workers and local officials. The affected businesses shall work with local workforce development programs to ensure workers have access to services for dislocated workers.

Chapter Ten: Workplace Bullying

Bullying in the workplace is defined as the repeated, hurtful interpersonal mistreatment of a person (the target) by a cruel perpetrator (the bully). Forty percent of Americans report their job is “very” or “extremely” stressful. Twenty-five percent of workers view their jobs as the number one stressor in their lives. Eighteen percent have experienced some sort of threat or verbal intimidation at work in the past year. Financial costs to employers and employees is substantial, including: loss of productivity through workplace disruption and employee sick time, and disruption to family life. The existing standards for workplace bullying (harassment) protection in the workplace are based on “protected classes” like race, gender, ethnicity, or protected activities like union organizing, but there are to date no legal protections for harassment by a coworker, supervisor, or employer when the target is not in a protected class. Workplace bullying (general harassment) is far more prevalent than these other destructive behaviors covered by existing legislation.

Chapter Nineteen: Berkeley as an employer

The people of the City of Berkeley have a fundamental interest in the development of harmonious and cooperative labor relations between the city and the workers hired to serve the city.

CITY OF BERKELEY
FIRST SOURCE AGREEMENT - CONSTRUCTION

I certify that:

- I I am authorized to enter into this agreement on behalf of the company whose name appears below ("Contractor").
- II Contractor understands and agrees to comply with the First Source Program as described in Berkeley Municipal Code Section 13.26.080.
- III Contractor understands that agreement with Berkeley Municipal Code Section 13.26.080 means that Contractor agrees as follows:
 - A. To utilize the City of Berkeley's First Source Program as the first place utilized for recruitment and referral of applicants for new and replacement employment.
 - B. To allow the City First Source Program a minimum of three days to refer applicants to contractors. (Contractor may apply to the City for a waiver of the three-day requirement for an emergency situation.)
 - C. To interview and consider qualified applicants referred by the First Source Program before interviewing others.
 - D. That the Contractor has the sole discretion to make all final hiring decisions.
- IV Contractor also agrees:
 - A. To ensure that workers employed through this Agreement are treated in a manner that is equal to all other employees.
 - B. To ensure that job specifications/requirements accurately reflect job functions.
 - C. To designate a qualified representative of the Contractor and each Subcontractor who will be the responsible party for implementation and compliance with the goals, objectives and responsibilities specified in this agreement. Contractor will inform the City of the designated representative(s) at the Non-Discrimination Conference.
 - E. To provide to the City, upon request, information on the employment status of First Source placements, and reason for separation if employee is terminated.

The above First Source Agreement provisions shall apply for the duration of covered contracts. Covered contracts are all construction projects over \$100,000 and shall include all subcontracts.

I declare the foregoing to be true and correct under penalty of perjury.

Signed: _____ Date: _____

Title: _____

Company: _____

_____ Date: _____
Project Manager



FIRST SOURCE
CONSTRUCTION JOB ORDER
City of Berkeley Employment Programs
2180 Milvia St.
2nd Floor Berkeley, CA 94704
LocalHire@cityofberkeley.info
(510) 981-5400

of pages _____

Date _____ Date Worker Needed _____ # of openings _____

Company (Contractor) Name _____

Contact Person _____ Phone # _____ Fax # _____

Home Phone # _____ Home Fax # _____

Project Engineer/Supv. _____ Project Name _____

Project Site Address _____

NOTE: If you require more than one of the same type of worker, note the number in the blank below. If you require workers of different trades and/or skill levels, please fill out separate request forms for each.

UNION SHOP? YES NO TRADE _____ PAYRATE \$ _____

JOURNEY LEVEL _____ APPRENTICE _____

(Note % Level)

EXPERIENCE REQUIRED _____

TYPICAL JOB DUTIES _____

ADDITIONAL INFORMATION _____

APPROXIMATE LENGTH OFJOB _____

For Office Use Only Job Order # _____