

International Longshore and Warehouse Union
Thirty-fifth International Convention
San Diego, California
June 4 – 8, 2012

M/S/C/U
6/5/12 am

Resolution # R-8

AMEND THE CIVIL RIGHTS ACT OF 1991 UNDER THE “JUSTICE FOR WARDS COVE
WORKERS ACT”

WHEREAS: In 1974 Frank Atonio, a United States citizen of Samoan descent and a member of ILWU, Local 37 which today is IBU, Region 37 along with 9 other minority cannery worker plaintiffs filed a class-action employment discrimination suit in violation of the Civil Rights Act of 1964 against Wards Cove Packing Company affecting over 2000 class members working seasonally in the Alaska Seafood industry; and

WHEREAS: In 1989, the Supreme Court in Wards Cove Packing Co. v. Atonio ruled in the company’s favor, 5-4, rolling back plaintiff’s rights in discrimination cases. The court ruling shifted the burden of proof from employers to employees alleging workplace discrimination. Undoing the legal precedent established by that court ruling became a critical impetus for the Civil Rights Act of 1991; and

WHEREAS: Section 402(b) of the Civil Rights Act of 1991 contained an exception clause for cases in which a complaint was filed in 1975 and decided in 1983: “Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983.” Only 1 case falls within this exclusion that being the Wards Cove case; and

WHEREAS: In March 1993, President William Jefferson Clinton announced his support to remove the exemption, stating that “It is contrary to all of our ideals to exclude any American from the protection of our civil-rights laws;”
THEREFORE BE IT

RESOLVED: That during the 112th Congress, 2nd session that the ILWU go on record in support of H.R. 4275 Justice for Wards Cove Workers Act, sponsored by

Congressman Jim McDermott, D-WA to amend the Civil Rights Act of 1991 with respect to the application of such Act; and BE IT FINALLY

RESOLVED: The International encourage all our political allies in the current Administration, Congress and AFL-CIO to support this Bill to insure that justice for all workers is in absolute in accordance with our motto; “An Injury To One Is An Injury To All”