

## **“Workers’ Human Rights in Indiana: A Critical Look at Recent Violations”**

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This shadow report broadly summarizes recent working-class experiences in Indiana resulting from policies and activities of political and business elites. These activities include: broad denials of workers’ rights; efforts to suppress voting rights; policies and practices undermining and dismantling public education; and practices facilitating mass incarceration of Black and Latino residents of Indiana.

### **A. Indiana Racism and Working-Class Exploitation**

The State of Indiana has a shameful history of prejudicial policies and practices against African American, Latino, and Euro-American (White) workers. The steel industry, for example, was built and advanced, in large part, by the incorporation of Black, Brown, and White workers in Gary and East Chicago for the purposes of creating and maintaining a divided and vulnerable workforce. The use of multiple discriminations (including racism, sexism, homophobia, and ableism), by Indiana corporate employers and politicians, has repeatedly reproduced divisions amongst workers; resulting in uneven and lowered wages and standards of living for all working-class communities, and enormous profits for employers across the State. Today, as a corporate neoliberal agenda continues to converge with retrograde efforts of political elites, practices and policies of structural discrimination abound throughout the State.

### **B. Intersecting Violations: Attacks on Workers’ Rights**

The campaign for “right-to-work (RTW) legislation, and its eventual passage into law in 2012, has marked an intensification of anti-worker politics in Indiana. Since RTW became law, (1) employers have become more punitive in workplace discipline policies and practices; (2) employers have become more adamant in their efforts to undermine and destroy existing trades unions; (3) employers have become more resistant to bargaining contracts in good faith with existing bargaining units; (4) private-sector and public-sector employers have become more restrictive in budgetary matters involving employees; and (5) employers have become more aggressive in anti-union activities in non-union workplaces.

Further evidence of the corporate agenda has been revealed in the continuing public debates regarding the expansion of the Gary-Chicago International Airport, and the potential community benefits of numerous economic development projects for the NW Indiana Region. Since 2011, the Northwest Indiana Federation of Interfaith Organizations (NWIFIO) has been fighting for the rights of working and poor people to living-waged employment and adequate standards of living in 14 disparaged communities identified within a projected Community Benefits Agreement (CBA). To date, however, the Regional Development Authority (RDA) has refused to sign the CBA to insure

opportunity for NWI residents. In turn, the City of Gary has been complicit with this refusal. The result of these refusals is the continuing inability of Black, Latino and White working families to have opportunities for educational training for, and gainful employment on, publicly funded projects such as the Gary-Chicago Airport.

### **C. Voter Suppression in Indiana**

The “right to work” legislation was passed after a number of voter suppression measures were enacted. Indiana passed one of the first voter-ID laws in the nation despite the fact that studies had shown that voter fraud in the state was negligible and unworthy of legislative attention. The Supreme Court of the United States declared the Indiana voter I.D. law constitutional in 2008, despite the fact that the law imposes unjustified burdens on the elderly, poor and minorities, those less likely to have driver’s licenses or other acceptable forms of identification. In 2012, the Indiana General Assembly put forth a gerrymandered redistricting plan, allowing the Republican controlled State House and Senate politicians to choose their voters, opposed to allowing voters to choose their representatives.

### **D. Filling the School-to-Prison Pipeline**

In 2010, the state of Indiana had the fastest growing prison population. Many individuals were incarcerated for low-level non-violent crimes. The current prison population of Indiana hovers around 30,000 human beings. African-Americans constitute a disproportionate part of the incarcerated. While Blacks make up just 9% of total population in Indiana, they are 35% of the state prison population. Mass incarceration is compounded by the fact that returning citizens are often shut out of economic opportunities solely because of their previous criminal history. Employers openly discriminate among employee candidates based on their previous criminal histories. All too often, children are also subjected to this discriminatory treatment. More and more, Black and Latino youth are subjected to criminal treatment for minor school violations such as in-school altercations among students, truancy, and other trivial offenses. School incidents that were once resolved in the principal’s office are now being removed to police stations. These harmful practices coupled with assault on public schools and the inequitable distribution of resources for schools in minority communities continue to feed the school-to-prison pipeline.

Indiana is arguably “ground zero” in the U.S. for the corporate neoliberal model of “public” education. The dismantling of traditional public education—via choice vouchers and charter schools—has become a characteristic feature of Black working-class communities across the state, especially in Gary and Indianapolis.

### **E. Relevant Concluding Observations**

In its 2008 Concluding Observations, the CERD Committee reiterated its continuing concern that “the definition of racial discrimination used in federal and state legislation...is not always in line with that contained in article 1, paragraph 1, of the Convention...” The Committee also noted that “indirect—or de facto—discrimination occurs where an apparently neutral provision, criterion or practice would put persons of a particular racial, ethnic or national origin at a disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.” Following up

on these observations, the Committee urged the State party to “review the definition of racial discrimination used in the federal and state legislation and in court practice, so as to ensure...that it prohibits racial discrimination in all its forms....”

### **F. CERD Legal Framework**

Article 1, Section 1 provides an expansive definition of “racial discrimination” to which neither the U.S. nor Indiana officials have given sufficient attention.

Article 2, Section 1 calls on State parties to prohibit public and elected officials from defending or supporting acts or practices that would deny citizens of fundamental freedoms—including the rights to freely express opinions and vote.

Article 5, Section (e) calls for compliance “to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone” to “...economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favorable conditions of employment, to protection against unemployment, to equal pay for equal work, to just and favorable remuneration; (ii) The right to form and join trade unions; and (v) The right to education and training....” Indiana officials completely disregard these guidelines in their ongoing negotiations with business elites to complete the construction of the Gary International Airport.

### **G. Recommended Questions**

The Committee’s review will be well served if members ask State representatives why more thorough efforts have not been made by the State party to educate and train state, regional, and municipal officials regarding CERD and CERD compliance. Committee members might also want to ask why the State party has failed to more effectively monitor political officials’ compliance and non-compliance with CERD—especially in economic development projects.

### **H. Suggested Recommendations**

We request that the Committee recommend that the State party investigate the involvement of Indiana officials in the executive and legislative branches in the media campaign of disinformation used to sway voter opinions regarding “right-to-work” in Indiana.

We further request that Committee members recommend that the State party have its Justice Department investigate the activities of Indiana state, regional and municipal officials in their use of funds secured for expansion of construction at the Gary-Chicago International Airport, all publicly-funded projects, and all private-public partnerships.