

Resolution on Promoting a Beloved Community Through Fair and Equitable Contract Negotiations and Refraining from Injunctions

WHEREAS: There is no state or federal legislation prohibiting Rutgers academic workers from staging a peaceful strike; and

WHEREAS: If President Holloway were to sue for an injunction, he would be pursuing a violation of international standards which, as a member of the International Labor Organization (ILO), the United States is obligated to respect¹; and

WHEREAS: President Holloway would irreversibly harm our beloved community by seeking an injunction as he has threatened to do; and

WHEREAS: Although New Jersey courts have in some cases held, as a matter of judge-made common law, that public employee strikes can be enjoined on the employer's request, enlightened public employers prefer to negotiate in good faith rather than suppress a peaceful strike; and

WHEREAS: The leading New Jersey case authorizing injunction was, decided in 1968 during a period of judicial repression against public worker strikes including, notably, the Memphis strike injunction defied by Martin Luther King; and

WHEREAS: The Rutgers University Senate represents faculty, students, staff, and alumni, and is charged with ensuring the best interests of the University,

BE IT RESOLVED that the University Senate implores President Holloway to:

1. ensure that contract negotiations between academic worker unions and the administration be resolved fairly and equitably, as expeditiously as possible;
2. refrain from pursuing any injunctions if a strike is called; and
3. publicly affirm for the university community the right of all workers to engage in a peaceful strike in the service of securing better working conditions.

¹ ILO, Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association (6th ed.) (Geneva: ILO, 2018), at paras. 845-847.