



BE IT RESOLVED: The Board of Directors of Delta Airlines shall adopt and disclose a Non-interference Policy (“Policy”) upholding the rights to freedom of association and collective bargaining in its operations, as reflected in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work (“Fundamental Principles”). The Policy should contain a commitment to:

- Non-interference when employees seek to form or join a trade union, and a prohibition against acting to undermine this right or pressure employees not to form or join a trade union;
- Good faith and timely collective bargaining if employees form or join a trade union;
- Uphold the highest standard where national or local law differs from international human rights standards;
- Define processes to identify, prevent, account for, and remedy practices that violate or are inconsistent with the Policy.

SUPPORTING STATEMENT: Freedom of association and collective bargaining are fundamental human rights under internationally recognized human rights frameworks including the Fundamental Principles and the United Nations’ Universal Declaration of Human Rights. “Freedom of association refers to the right of workers . . . to create and join organizations of their choice freely *and without fear of reprisal or interference.*”¹ (emphasis added)

Freedom of association and collective bargaining can enhance shareholder value through improved health and safety;² increased productivity;³ encouraging workforce training and skills development;⁴ promoting diversity, equity, and inclusion;⁵ and strengthening human rights due diligence.⁶ The Principles for Responsible Investment

¹https://www.ilo.org/actrav/events/WCMS_315488/lang--en/index.htm

² <http://oem.bmj.com/content/early/2018/06/13/oemed-2017-104747>

³ <https://doi.org/10.1093/ej/ueaa048>; <https://www.ipa-involve.com/involvement-and-productivity-the-missing-piece-of-the-puzzle>

⁴ https://www.oecd-ilibrary.org/employment/negotiating-our-way-up_1fd2da34-en

⁵ <https://doi.org/10.1093/ej/ueaa048>; <https://www.ipa-involve.com/involvement-and-productivity-the-missing-piece-of-the-puzzle>

⁶ <https://hummedia.manchester.ac.uk/institutes/code/research/projects/racism-at-work/tuc-report-executive-summary.pdf>; <https://www.epi.org/publication/unions-help-reduce-disparities-and-strengthen-our-democracy/>

⁶ https://www.theglobaldeal.com/resources/The%20Business%20Case%20for%20Social%20Dialogue_FINAL.pdf



(PRI) notes that addressing labor relations and labor rights is an avenue by which investors can mitigate the systemic risk of inequality.⁷

Delta appears to have interfered with union organizing efforts in the past. Allegations include that employees have been fired or threatened with termination for unionizing activities and have been warned that unionizing activities would derail their careers. Delta distributed anti-union materials and encouraged new hires to attend anti-union briefings.⁸ Delta hosts an anti-union website.⁹ Delta also spent \$38 million to oppose a union campaign by flight attendants in 2010 and aggressively opposed other unionization efforts.¹⁰

In contrast, Microsoft recently adopted company-wide non-interference principles¹¹ and announced a “labor neutrality agreement” with the Communications Workers of America at Activision Blizzard, a pending acquisition. The agreement “reflects a fundamental belief . . . that enabling workers to freely and fairly make a choice about union representation will benefit Microsoft and its employees”¹²

Without a Non-Interference Policy explicitly guiding Delta’s practices, it is at risk of running afoul of the National Labor Relations Board, as there are nuanced ways in which a company without a well-implemented Non-Interference Policy might infringe on employee rights.¹³ Delta’s failure to ensure and respect workers’ rights creates meaningful reputational and operational risks that can negatively impact long-term shareholder value.

⁷ <https://www.unpri.org/download?ac=5599>

⁸ <https://www.theguardian.com/us-news/2019/jun/12/delta-workers-pro-union-report-threats-management>

⁹ <https://www.onefutureonedelta.com/content/ifs/en/about-afa.html>

¹⁰ <https://www.theguardian.com/business/2022/aug/03/delta-flights-attendants-union-push>

¹¹ <https://blogs.microsoft.com/on-the-issues/2022/06/02/employee-organizing-engagement-labor-economy/>

¹² <https://news.microsoft.com/2022/06/13/cwa-microsoft-announce-labor-neutrality-agreement>

¹³ <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1>