

The Facts About the Employee Free Choice Act

by Steve Powell, Local 881 Secretary-Treasurer and UFCW International Vice President

Day after day, we hear about the worsening economic crisis on the news; lost jobs, home foreclosures, and more working families struggling. President Barack Obama and his Administration have been hard at work alongside Congress to get policies in place aimed at reversing the direction of our economy. The UFCW is working with Congress and the Obama Administration to help in these efforts too. The number one legislative priority of the Labor Movement is to restore balance to the rights of America's workers, who are essential to the stability of our nation's economy. The Employee Free Choice Act will not only reinstate the rights of workers that were silenced during the Bush era but it will also help stimulate our economy.

The Employee Free Choice Act does three things to level the playing field for employees and employers. First, companies that illegally coerce or intimidate employees in an effort to prevent them from forming a Union will face tougher penalties. Next, a neutral third party will be brought in to arbitrate a contract if a company and a newly certified Union cannot agree to a first contract after three months. Finally, the Employee Free Choice Act establishes majority sign-up, meaning that if over 50 percent of employees sign Union authorization cards, and the National Labor Relations Board (NLRB) validates the cards, then a company must recognize the Union.

This legislation is critical for workers and our economy. While the National Labor Relations Act is supposed to protect workers who want representation by a Union, the laws on the books have been weakened and loosely enforced which has given employers the upper-hand. Corporations routinely intimidate, harass, coerce, and even fire people who try to organize Unions and current labor laws are not enough of a deterrent to prevent violations from occurring. In addition, companies have routinely postponed recognizing Unions for years after an NLRB election takes place through appeals and charges. Then, of the Unions that are certified through the NLRB process, only 38 percent are able to bargain a first contract after one year, and only a total of 56 percent after two years.

While President Obama has voiced his support of the Employee Free Choice Act, along with many members of Congress, passage of this legislation is not guaranteed. Corporate lobbyists are fighting hard to block this legislation.

They do not want workers to have the freedom to choose for themselves whether to bargain through Unions for better wages, benefits, and working conditions.

Opponents of the Employee Free Choice Act warn that restoring the right to form Unions would be devastating to business given the current economic situation. However, when Congress granted workers the right to form Unions under the Wagner Act in 1935, America was in the midst of the Great Depression. The intention of the Act was to encourage collective bargaining to spark economic recovery. By the end of World War II, one out of every three workers belonged to a Union, and a solid middle class was created. By restoring the rights of workers to form Unions, the Employee Free Choice Act can help restore sustainable prosperity, stimulate growth in our economy, and strengthen the American workforce.

Does the Employee Free Choice Act take away secret ballot elections?

No. If one-third of workers want to have an NLRB election at their workplace, they can still ask the federal government to hold an election. The Employee Free Choice Act does enable workers to forego an election through majority sign-up.

Does the Employee Free Choice Act silence employers or require that they remain neutral?

No. Employers are still free to express their opinion about the Union as long as they do not threaten or intimidate workers.

Will employees be pressured into signing Union authorization cards?

No. It is illegal for anyone to coerce employees to sign a Union authorization card. Anyone who breaks the law will be subject to penalties under the Employee Free Choice Act.

Isn't this law really about Unions wanting to increase their membership?

This law is about restoring the rights of workers on the job through Union representation and ensuring that those who want a Union can join. Research shows that more than half of all U.S. workers say they would like to join a Union if they had the opportunity; nearly 60 million people.

Who supports the Employee Free Choice Act?

The Employee Free Choice Act has the support of President Obama, hundreds of Congress-



sional members from both parties, Labor Unions, academics, civil and human rights organizations, most faith denominations, and 69 percent of the American public.

Local 881 members already have the protection and benefits of a Union. However, passage of the Employee Free Choice Act will make things better for existing Union members and future generations. The more unionized workers there are, the more strength we have at the bargaining table on your behalf. When workers have a voice relating to their wages and benefits, the wage and benefit threshold for all workers is improved.

Restoring the freedom to form Unions will help create a more skilled, invested workforce, which translates into higher productivity; all of that is better for our economy. Union members make 30 percent more than non-union workers and are 52 percent more likely to have health care. In addition, they are three times more likely to have defined-benefit pensions. With the Employee Free Choice Act, working families can counterbalance corporate power and make our economy work for everyone again, not just the CEO's.

For more information about the Employee Free Choice Act, please contact your Union Representative or Local 881's Legislative and Political Director Marina Martinez at 847-294-5064.