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"What is the importance of the Employee Free Choice Act to the American Worker?"

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Sometimes, semantics obscure reality where laws and legislation are concerned.

However, new legislation for the employee that actually means what its title says is the Employee Free Choice Act (EFCA) of 2009. This law, placed in committee status and known as H.R. 1409, would provide valuable benefits to the American worker and would allow employees the freedom to join or form unions in a timely manner, without worry of retribution from their employers.

In a time when American workers are struggling with a tight economy and losses in any small personal investments they might have, the last things they need to be concerned with are diminishing insurance benefits and reduced disability or retirement funds. Obviously, the most likely ways that these can be safeguarded are through strong union ties and representation.

One finds it difficult to imagine a catastrophic illness or disability that would prevent him/her from fulltime employment to support himself/herself and possibly a family, let alone inadequate health coverage to pay for the expenses. A prime example of positive union support in action was given in a testimony by Deborah Kelly, an IBEW member and apprentice linesperson for the Chugach Electric Association in Anchorage, Alaska. She spoke before the U.S. Senate Committee on Health, Education, Labor and Pensions in March 2009 and her message is reported on a link found on the IBEW website. Kelly was diagnosed with thyroid cancer at age eighteen. Even though this was before she was a union member, which made her cancer a pre-existing condition, her union health care has since paid for most of her

expensive post-cancer health monitoring and testing, for which she is very grateful.

Unfortunately, some employees of small businesses without adequate group health care coverage, and even some employees of larger companies without bargaining rights and a union present, find themselves responsible for paying for expensive healthcare and insurance costs, if able to find insurance at all once they have a pre-existing condition. According to the article "Why Workers Need the Freedom to Form Unions and Bargain," located on the aflcio.org website, workers "are 52 percent more likely to have employer-provided health coverage and nearly three times more likely to have guaranteed pensions." The website also explains that union workers earn 28 percent over non-union workers in general. These are certainly some astounding arguments for allowing American workers the freedom to form and join unions in our country, as the Employee Free Choice Act would allow.

Enacting the Employee Free Choice Act would also greatly limit employers' tendency to mistreat workers, as more severe penalties would apply when they do so. Because employers who do not presently allow unions can easily violate the rights of workers and current law cannot stop them, the act is especially crucial. Currently, employers' only penalty for illegally firing or threatening workers who try to form or choose unions, is to post a notice stating they did so--and maybe pay their back pay, according to gazetteextra.com. American Rights at Work reports that the new law would triple the penalty paid by the employer to the worker, which would greatly discourage this violation. If the public does not believe such violations are common, they should merely observe the statistics. American Rights at Work also reports that in an amazing 71 percent of the efforts to organize unions in the manufacturing industry, administration predicts or threatens they will close their companies if their workers vote in

favor of representation from a union. Among the other consequences included in the new act are a civil fine during the period to establish a first contract with the union when employees spy on those supporting it, in addition to other violations. Of course worker abuse is certainly not limited to a union formation. Real wages have been shrinking for the American worker continually while workplace productivity has greatly increased. So who is gaining the profit? One billboard viewed in Denver during the Democratic National Convention answered this question with an amusing but startling statement: "CEO: \$6,153 an hour; Worker: 2 jobs to pay the bills." Labor history in the United States has consistently shown that improved pay exists in employment involving unions, so more unionized labor force encouraged by the Free Choice Act would certainly improve salaries for the American worker. In addition, workers could hope for proper daily overtime pay; safer, healthier workplaces; and proper leave time for family and other benefits. All of these important needs could be adequately served to the American worker with the Employee Free Choice Act.

Beyond the right to create or merely join a union, the new act would simplify the process when a majority of workers sign up. One of the stumbling blocks to the procedure in the past has been the length of time taken to develop a union once workers have committed themselves. The Employee Free Choice Act will no longer permit a long drawn out process in establishing a first contract. This is important because this extra time is often used to persuade employees against unionizing and to negatively influence those who have not signed themselves. Some television commercials have even been used to mask the reality of how workers would be allowed to choose union membership, saying that such a vote would no longer be a secret matter. This is a falsehood because secret ballot election, as well as majority

sign up, would both continue to be supported by the new act, although workers would be allowed to decide which method is used.

Many positive benefits await the American worker with the Employee Free Choice Act. Employees can only hope that the bill survives the often lengthy committee process and negative influence spread by some untruthful messages publicized about this act. Despite certain media attacks, ignorance and arrogance of some employers in regard to the lives of the American worker, the truth is the Employee Free Choice Act is the most likely method for hardworking employees to be assured of improved stability in the workforce. As some supporters have termed it, the EFCA is truly the "working people's bailout."

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