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Employee Free Choice Act

Imagine, if you will, you work on assembly line or a manufacturing plant, or possibly even a line construction outfit somewhere in the United States. Let's say at that current job, you have poor or no healthcare, little retirement and no recourse for when your employer repeatedly works you through lunches, breaks, and neglects to give you a raise after years of faithful service. Eventually, enough is enough and you think to yourself that you should organize.

Now, you've heard all the horror stories of intimidation, harassment and even being fired for your efforts. Not to mention, every hour you spend trying to organize your employer spends two spreading antiunion messages to your coworkers.

That was until the Employee Free Choice Act. Employers found illegally discharging employees for pro union activities would be held liable for two times back pay as liquidated damages as well as back pay. This totals three times back pay. Not to mention, the bill provides for civil fines up to \$20,000 per violation against employers who willfully or repeatedly violate employees' rights during pro union activities.

So, now the choice has been made to start organizing. The company still holds the election process under their control (that is secret ballot, or majority sign up/"card check".) The employer can choose to not bargain with a union even if 100 percent of the workers "card check." If enacted, the EFCA will force NLRB to certify a bargaining representative without directing an election. A majority of unit employees signing such cards would suffice. Unionization can be forced on an employer with as little a 50 percent

of employees signing up. Under the EFCA, if the employees so choose, the door is left open to having a secret ballot election.

Another last ditch, hold out technique used by some employers is to file baseless objections with the NLRB and drag their feet before and after an election to allow them to further harass and intimidate their pro union employees. Employers will use this technique to slow the bargaining process and make it difficult for employees to obtain a contract, causing them to lose confidence in the union. As a part of the bill, the union can demand that the company start the bargaining process within ten days of certification. Provided, that the specific union has been designated the sole bargaining representative for a group of employees via a "card check" (majority sign up) or an NLRB election. Furthermore, if the union and the company can't come to terms in the first collective bargaining contract within a period of ninety days, either party can make request for federal mediation. This, in turn, can lead to binding arbitration if an agreement still can't be reached within a thirty day window. The affective contract would be good for two years.

So, in closing the importance of the Employee Free Choice Act to the American worker is this. No more will the average worker with the dream of better working conditions, improved wages, and better benefits but have to fear the thought of trying to become signatory. The days of employers beating down pro union employees are numbered. If they still choose this course of action, it will hurt them in the pocketbook. No more slow walking when it comes time to negotiate the contract. In a nutshell, one step closer to seeing every willing US worker unionized.