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

Currently in America there are almost 60 million workers who say that they would form a union tomorrow if they could. So, why haven't they? The reason may be that the process toward unionization is heavily and unfairly weighted against them. This makes the journey toward organizing a difficult one, with great potential for recrimination against workers who try to form unions. Many workers who would like to form unions are afraid of the underhanded tactics that management employs in their battle to oppress workers' rights to organize. However, there is now hope for making the process of unionizing more just. A legislative act was introduced into the U.S. Congress on March 10, 2009. This pending legislation, called the Employee Free Choice Act (EFCA) would protect employees' free choice and make the process of creating a union easier and fairer for workers.

Under the current United States Labor laws, workers begin the process of unionizing by requesting blank affiliation cards from an existing union, and getting signatures on the cards from fellow employees who wish to form a union, a process known as a "card check." Once 30 percent of the individuals in the workplace bargaining unit have signed the cards, the employer may decide to hold a secret ballot election on the question of unionization. In practice, the results of the card check usually are not presented to the employer until 50 or 60 percent of the bargaining-unit employees have signed the cards. Then, if the employer decides to demand an election, the National Labor Relations Board (NLRB) must hold an election in which the employees vote to determine whether to form a union. If the majority of votes favor the union, the NLRB will certify it as the exclusive representative of the employees of that particular

bargaining unit, allowing these Workers to utilize the power of collective bargaining and ensure that they receive fair treatment from their employer.

However, as it stands, this process is incredibly flawed. Too few workers are able to form unions and bargain because companies routinely block their efforts. Although laws are in place that are supposed to protect workers' freedom to belong to unions, employers often harass, intimidate, coerce and even fire workers struggling to gain a union so they can bargain for better lives. Unethical management tactics often suppresses the will of the majority. A worker in an organizing campaign has a one in five chance of being fired for union activity. When workers want to join together in a union, 92 percent of private-sector employers force employees to attend closed-door meetings to hear anti-union propaganda. Additionally, 80 percent require supervisors to attend training sessions on attacking unions and 78 percent require that managers deliver anti-union messages to workers they oversee. Seventy-five percent of companies hire outside consultants to run anti-union campaigns, and half of employers threaten workers by claiming that the company will shut down if employees create a union. Tactics like these often unfairly coerce workers to vote against organizing.

The choice of whether to use an election process or majority sign-up to form the union is now exclusively controlled by companies. However, the EFCA would change this and give to employees the right to choose a secret-ballot election if they deem it necessary, as in cases where less than a majority of employees has chosen to unionize through card check. This means that workers would be able to form a union simply through a majority sign-up, without being forced by employers to hold an election. Under majority sign-up, a union is formed only if a majority of all employees sign written authorization forms. Employees vote to have the union represent them

by signing the forms. Any employee who does not sign a written authorization form is presumed not to support union representation. This is a major change to the current system and would be a great benefit to non-organized workers who would like to join together in unions. The process of majority sign-up is a more effective way to protect the free choice of employees than secret-ballot elections for several reasons.

The first reason majority sign-up is a better method is because it minimizes workplace conflict. This process avoids employer-sponsored coercion and harassment of employees and eliminates some of the delays that impair workers' efforts to form unions. Majority sign-up will reduce conflict, intimidation and harassment as well as the delays, business disruptions and legal costs associated with the NLRB "election" process. Many large companies such as Cingular Wireless have agreed to recognize a union when a majority of employees sign up, without holding an unnecessary election. They have found majority sign-up to be a fair and cost-free method of evaluate workers' choice.

Though it has been argued that employees might be pressured or coerced by their colleagues to sign on, this is *not* the case. In reality, studies show that workers who organize under majority sign-up feel *less* pressure from co-workers to support the union than workers who organize under the NLRB election process. Also, workers who vote by majority sign-up report far less pressure or coercion from management to oppose the union than workers who go through NLRB elections. In addition, it is illegal for anyone to coerce employees to sign a union authorization card and anyone who does so will be subject to penalties under the EFCA.

The Employee Free Choice Act has widespread support, with 73 percent of the public in favor of it. This important piece of legislation will help workers throughout the country by giving

them easier access to the benefits of collective bargaining. Also, the freedom to form unions and bargain collectively is key to turning around the economy and strengthening America's middle class. Union members are 52 percent more likely to have job-provided health care, almost three times more likely to have guaranteed pensions and earn 28 percent more than nonunion workers. It is imperative that we give workers the free choice to bargain with their companies for a better life, without suffering from corporate intimidation. America is making every effort to resurrect its economic prosperity and rebuild the middle class, but we will not be able to achieve this goal without strong unions protecting workers' rights. All American workers deserve the right to join together to fight for a better life, and the Employee Free Choice Act is the way to guarantee that right.