

# **Employee Free Choice: A Key to Progressive Change in America**

**The Employee Free Choice Act is a key to progressive change in America. It not only restores fairness for working people and is good for the economy but will strengthen the voices for change on a whole range of social justice issues.**

It is supported by President Obama, a majority in both houses of Congress, and a majority of Americans, according to a recent Gallup poll. It is strongly opposed by the same banks, insurance companies, and other corporations and CEOs who created an economy in which they made out like bandits while the rest of us are in crisis.

## **1. Employee Free Choice will make it easier for workers to form unions, and union members have traditionally been a key force for progressive change.**

Union members today are a key voice on green jobs, affordable health care, public education, equal opportunity, civil rights, housing, women's and children's issues, and consumer protection.

Many of America's greatest social advances – Social Security, Medicare, and laws on civil and women's rights and environmental protection – took place when the percentage of the workforce that had a union was near its peak of 1 out of 3 workers. Conversely, attacks on social progress have been made easier in recent years in part because corporations have succeeded in driving down the unionization rate to below 1 in 12 workers in the private sector, reducing the number of union voters and unions' organizational strength.

Polls consistently show that more than 50% of American workers would choose to have a union where they work if they did not face corporate intimidation. Employee Free Choice would help millions more workers to form a union, and would strengthen progressive voices in America as a result.

## **2. Employee Free Choice restores the freedom of working people in America to decide how and when they will form a union.**

In 1935, Congress recognized American workers' right to form a union by choosing either to sign up a majority or to sign up at least 30% and ask for an election. This system worked for nearly 40 years. Then, in 1974, the courts gave corporations – instead of workers – the power to demand an election even if a majority of employees already signed union cards. Corporations prefer an election process because it takes much longer and gives more time to intimidate and discourage union supporters.

Corporations today routinely interfere with workers' freedom to choose a union. Academic studies show that...

- 51% of employers faced with employees who want a union illegally threaten to close down the worksite if workers exercise that right.<sup>1</sup>
- 91% force employees to attend intimidating meetings with their supervisors who control their job assignments, schedules, and opportunities for advancement.<sup>2</sup>

- More than 29,000 workers are fired or disciplined each year for union activity as a way of making an example and intimidating others to drop their union support.<sup>3</sup>
- Because of limitless delays in the current company-dominated system, workers who ask for a union election don't even get a chance to vote in four out of 10 cases.<sup>4</sup>

Under the current system, even if workers withstand employer intimidation and vote for a union, corporations can nullify their choice by refusing to negotiate seriously over a union contract. Often, years go by with no incentive for the employer to compromise.

### ***Employee Free Choice would...***

- Restore the right of workers – not corporations -- to decide whether a union will be formed through majority sign-up or an election.
- Strengthen penalties against corporations that illegally fire or intimidate workers.
- Create an effective incentive for workers and corporations to negotiate a first union contract by providing that if no agreement is reached within four months, outstanding issues will be resolved by a neutral arbitrator.

### **3. Employee Free Choice is essential for rebuilding a sound economy with jobs that support a family.**

Since 2000, American workers' productivity has climbed by more than 20%, yet even before the current downturn the average family's buying power was dropping. Where did the wealth go? Corporate profits doubled in ten years, and CEOs who in 1980 averaged 42 times more in pay than the average worker now take 344 times more. Employee Free Choice will give millions of Americans a chance to increase their buying power and retirement security, which in turn will support other good jobs in their communities. And it will give Americans more say when corporate executives plan worker cutbacks to pay for management mistakes.

That's one reason why huge corporations are pressuring Republican allies in Congress to filibuster to prevent Employee Free Choice from coming to a vote in the Senate.

Walmart CEO Lee Scott, who makes more than \$15,000 per **hour**, told the Associated Press that big corporations will go all out to defeat the Employee Free Choice Act. "We like driving the car," the Walmart chief said, "and we're not going to give the steering wheel to anyone but us."<sup>5</sup>

Corporate special interests like Walmart and AIG have been driving us in the wrong direction. If we want to get our country back on the right track, prompt passage of the Employee Free Choice Act is an important first step.

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<sup>1</sup> Kate Bronfenbrenner, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing," U.S. Trade Deficit Review Commission, 2000.

<sup>2</sup> Chirag Mehta and Nik Theodore, "Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns," Center for Urban Economic Development, University of Illinois at Chicago, Dec. 2005.

<sup>3</sup> National Labor Relations Board annual reports.

<sup>4</sup> American Rights at Work, "Out of Control: Employer Misconduct During Union Organizing Far Too Common," 2008.

<sup>5</sup> The Associated Press in BusinessWeek.com, November 5, 2008.