

Why do we need new federal legislation, the Employee Free Choice Act?

America's working people are struggling to make ends meet, CEOs have all the power and our middle class is disappearing. The best opportunity for working men and women to get ahead is by uniting with co-workers to bargain with their employers for better wages and benefits.

But the current labor law system is broken. Corporations routinely intimidate, harass, coerce and fire people who try to organize unions—and today's labor law is powerless to stop them. Every day, corporations deny working people the freedom to make their own choice about whether to have a union:

- Employees are fired in one-third of private-sector union organizing campaigns;
- 77 percent of companies require supervisors to deliver anti-union messages to the workers whose jobs and pay they control;
- And even after workers successfully form a union, 44 percent of the time they are not able to get a contract.

What does the Employee Free Choice Act do?

It does three things to level the playing field for employees and corporations:

1. Strengthens penalties against companies that illegally coerce or intimidate employees in an effort to prevent them from forming a union;
2. Provides the mediation and arbitration assistance to help settle a contract when a company and a newly certified union cannot agree on a contract after three months; and
3. Lets employees decide how to express their choice to organize, either by balloting or by majority sign-up, meaning that if a majority of the employees signs union authorization cards, validated by the National Labor Relations Board (NLRB), a company must recognize the union.

What's wrong with the current law?

The National Labor Relations Act states: "Employees shall have the right to self-organization, to form, join, or assist labor organizations...." It was designed to protect employee choice on whether to form unions, but it has been turned upside down.

The current system is not like any democratic election held anywhere else in our society. Employers have turned the NLRB election process into management-controlled balloting—the employer has all the power, controls the information workers can receive and routinely poisons the process by intimidating, harassing, coercing and firing people who try to organize unions. On top of that, the law's penalties are so insignificant that many companies treat them as just another cost of doing business. By the time employees vote in an NLRB election, if they can get to that point, a free and fair choice isn't an option. Even in the voting location, workers do not have a free choice after being browbeaten by supervisors to oppose the union or being told they may lose their jobs and livelihoods if they vote for the union.

What is majority sign-up, and how does it work?

When a majority of employees votes to form a union by signing authorization cards, and those authorization cards are validated by the federal government, the employer will be legally required to recognize and bargain with the workers' union.

Majority sign-up is not a new approach. For years, some responsible employers such as AT&T have taken a position of allowing employees to choose, by majority decision, whether to have a union. Those companies have found that majority sign-up is an effective way to allow workers the freedom to make their own decision—and it results in less hostility and polarization in the workplace than the failed NLRB process. But currently, the choice of whether to allow majority sign-up belongs to the company, not the workers. And most companies reject that method, forcing employees to use the failed election process.

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

No. The Employee Free Choice Act puts the choice of how to form a union in the hands of workers. Currently, corporations have that choice. 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.

“Elections” may sound like the most democratic approach, but the NLRB process is nothing like democratic elections in our society—presidential elections, for example—because one side has all the power. The employer controls the voters’ paychecks and livelihood, has unlimited access to speak against the union in the workplace while restricting pro-union speech and has the freedom to intimidate and coerce the voters.

Does the Employee Free Choice Act silence companies or require that they remain neutral about the union?

No. Companies 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. In fact, academic 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. Workers who vote by majority sign-up also 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. Any person 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 to working people the freedom to improve their lives through unions. More than half of people who don't have a union say they would join one tomorrow if given the chance. After all, people who have unions earn 28 percent more than people without unions and are much more likely to have health care and pensions. With a free choice to join unions, working people can bargain for better wages, health care and pensions to build a better life for their families. With the economic pressures on working people today, the freedom to pursue their dreams is crucially important.

Who supports the Employee Free Choice Act?

The Employee Free Choice Act has the support of hundreds of members of Congress of both parties, academics and historians, civil and human rights organizations such as the NAACP and Human Rights Watch, most major faith denominations and 73 percent of the American public. (For a detailed list of supporters, visit www.EmployeeFreeChoiceAct.org.)

Who opposes the Employee Free Choice Act?

Corporate front groups are waging a major campaign to stop the Employee Free Choice Act. 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. The anti-union network includes discredited groups like the Center for Union Facts, led by lobbyist Richard Berman, who is infamous for fighting against drunk driving laws and consumer and health protections, and the National Right to Work Committee and Foundation, the country's oldest organization dedicated exclusively to destroying unions.