

Restore Our Unions

Provide Working People a Path to Prosperity— Pass the Employee Free Choice Act

Socialists have always supported workers' organizations. We do so because we believe that unions and other organizations of workers are important components of a truly transformed and thoroughly democratic society. In the United States, the growth of the union movement, especially after the Great Depression, was critically important in establishing the middle and working classes that many cite as the bulwark of our democracy. During the 1940's, 35% of workers belonged to unions.

Today, unions represent 12% of the workforce and less than 8% of workers in the private sector. Yet reputable public opinion polls indicate that 73% of workers want a union to represent them. What accounts for such dramatic disparity? Right-wing apologists and employer representatives will tell you that, despite what the opinion polls say, unions are outmoded institutions that are no longer necessary. Nothing could be further from the truth—in fact, the truth is far more sinister.

Since the great expansion of the American labor movement that occurred after the Great Depression, labor law has been based on the Wagner Act. The Act established the National Labor Relations Board and required that the Board conduct an election if a union submitted cards signed by 30% of the workforce at a company. The law also allowed a company to recognize a union if a majority of workers signed up for the union. Up until the 1970s, this law worked fairly well.

Beginning in the 1970s, employers, led by large corporations, changed their approach to labor relations. It is hardly a coincidence that most economists date the beginning of middle- and working-class wage stagnation from the 1970s, too. Instead of viewing an election as an opportunity to quickly determine if workers wanted a union, corporations took the view that the election process and the initial contract negotiation that followed a successful election could be dragged out over years, enabling them to frustrate their workers' desire to be represented by a union. A whole industry of labor lawyers and consultants was made rich by campaigns designed to frustrate workers' demands for a union.

Typically, private employers insist on an election. Long delays brought on by a series of employer complaints prevent the National Labor Relations Board from arranging a speedy election. Meanwhile, the employer takes advantage of the delays by identifying union supporters and firing them; holding captive-audience meetings of the workforce in which they often threaten that the workplace, if unionized, will close; meeting one-on-one with employees to dissuade them from voting union. Often, employers and their consultants will fully violate the Labor Relations Act, as they view the fines as inconsequential costs of doing business, and the time

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bought by litigation of violations is an essential part of the employers' campaign to prevent workers from having a union.

If the union succeeds in winning recognition by election, employers then drag their feet negotiating the first contract, depriving workers of the rights they have legally won.

The **Employee Free Choice Act** is a bill introduced in Congress to put an end to employer abuses that prevent workers from being represented by unions. In 2007, it passed the House of Representatives and was supported by a majority of Senators but did not get the sixty votes required in the Senate to stop a filibuster. Reintroduced in the new Congress, the bill already has 223 sponsors in the House of Representatives. The larger Democratic majority in the Senate provides a real chance to win, but it will take an enormous mobilization to prevent another bill-defeating filibuster.

The **Employee Free Choice Act** (EFCA) would:

- 1) require employers to recognize a union when a majority of employees have signed cards requesting recognition;
- 2) impose stiffer penalties for employers who violate the law during organizing drives; and
- 3) provide for binding arbitration if first contract talks drag on for too long.

Employer organizations have made defeating the **Employee Free Choice Act** their number one priority. And it is the main talking point of the right-wing blogosphere in its attempt to undermine President Obama and prevent passage of the serious reforms the electorate demanded in electing a Democratic President with bigger majorities in Congress.

The right wing is claiming that the new system would be undemocratic. They are demanding that there always be an election because they know how to use the election process to change the electorate so that by the time of a vote, the workers who wanted the union have been pushed out. The fact is that it is very difficult to get the support of 50% of all eligible voters. If we used that standard in electing our representatives, all the offices would be vacant, because so many people don't bother to vote. **The Employee Free Choice Act** provides for elections when unions submit cards signed by less than 50% of the workforce.

The system is broken now and must be fixed. The problem is that it currently makes the vote neither secret nor

fair. Employers hire anti-union consulting firms to find out how people are going to vote ahead of time through mandatory one-on-one meetings. While union organizers have no legal right to speak to workers, employers can force workers against their will to hear anti-union propaganda. In fact, it is quite hard for union organizers to get cards signed. Union organizers can only speak to workers outside of the workplace, and even then, the employee has to be willing. On the other hand, employers can force workers to speak with them any time, make empty threats to fire everyone or to close the shop, and illegally punish pro-union workers while promoting anti-union ones.

Workers represented by unions earn higher wages, have better health care, have better pensions, and are treated with more dignity and respect than workers without unions. And, by representing workers to their employers and before government, unions contribute to our democracy. Democratic Socialists of America believes it is critically important to strengthen and help workers form unions.

DSA considers passage of the **Employee Free Choice Act** a major priority. We work in coalition with the labor movement and other partners to support the bill. We encourage our members and local groups to join in community efforts to pass this legislation. President Obama has promised to sign the bill if it reaches his desk, but we can't depend on his promise to get it through Congress. We must work together to pressure Congress to pass the bill.

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