



THE EMPLOYEE FREE CHOICE ACT:

We have a core conviction that unions are one of the best anti-poverty programs in American history. Back in the 1930's organized Labor and their allies were able to negotiate social policies that helped all working people: Social Security, the 8-hour work day with paid overtime, vacations and pensions. More recently the labor movement helped pass the Family Medical Leave Act and laws increasing the minimum wage.

And for those workers fortunate enough to have a union, the difference in their quality of life is striking. For example, nationally, the gap between men and women's pay is 32%...but between union men and women, the gap is only 5%. On average, Latino union members earn 45% more than nonunion Latinos. African Americans earn 30% more than if they are in a union. And according to the Institute for Women's Policy Research, unionization raises wages for minority women more than education, seniority, and job training combined!

So it isn't very surprising that over half of all Americans say that they would join a union today if they had a chance. (2007 Peter D. Hart Research Associates poll).

And yet, only 12% of the entire workforce in the United States belong to unions. Now certainly there are multiple reasons for this, but the major reason is that we have some of the weakest labor laws in the industrialized world:

Every 23 minutes a worker in the U.S. is fired or otherwise discriminated against for trying to form a union. More than 20,000 workers were fired or victimized annually for union activity during the decade ending in 2003,(according to the National Labor Relations Board's reports).

32 million American workers, 25 million in the private sector and 7 million in the public sector, completely lack legal protections to form unions and bargain collectively.

When workers do try to form unions under current labor law they face severe employer retaliation and anti-union campaigns: 80% of employers hire high-priced anti-union consultants and lawyers. 91% of employers force their employees to attend mandatory closed-door anti-union meetings on paid time. And 80% of employers require supervisors to attend anti-union training sessions.

Even when employees are able to surmount these obstacles and win a voice on the job, about 1/3rd of the time management engages in "bad faith" bargaining, thus denying those workers the right to a first Contract. The current legal penalties against Employers for these kinds of activities are minimal. Employers know that if they fire a worker during an organizing drive, it will likely be years before they are ordered to reinstate the worker or pay them back wages. For example, in 2005, the median time between the filing of an unfair labor practice charge and a ruling by the NLRB was 659 days.

The Employee Free Choice Act is a piece of Federal legislation that tries to address this deplorable imbalance of power in the workplace.

Here is what EFCA would do in a nutshell:

*EFCA would require Employers to recognize a union if 51% of their workers sign authorization cards indicating that they want a union.

*EFCA would require an outside mediator if the union and management can't reach a contract agreement within 90 days. (Failure to reach agreement after 30 days of mediation would trigger binding arbitration).

*EFCA would also impose stronger penalties against Employers who violate the law...civil fines up to \$20,000 per violation. It would also increase the penalty to three times the back pay owed to employees who are unjustly fired by management during an organizing campaign.

Notes:

In a study of a more than 60 year period, the Human Resources Policy Association could only list 113 NLRB cases which they claimed involved union deception and/or coercion in obtaining authorization card signatures. But the study concluded that union misconduct was found in a mere 42 of those 113 cases. By contrast, in 2005 *alone*, over 30,000 workers received back pay from employers that illegally fired, coerced, bribed, or otherwise discriminated against them for their union activities.

Under EFCA, if 30% of workers still want a secret-ballot election, they can have one. EFCA does NOT "eliminate the secret ballot". All it does is put the choice of how to elect a union back in the hands of the workers themselves instead of allowing management to dictate the election process.

Workers who go through an NLRB "secret ballot" election are twice as likely (46% s. 23%) as those in majority card sign-up to report that *management* coerced them to oppose the union. Further, less than one in 20 workers (4.6%) who sign a card with a union organizer report that the presence of the organizer made them feel pressured to sign.

For more facts, figures and documentation go to: www.americanrightsatwork.org

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