



Support the Employee Free Choice Act

The Jewish Labor Committee has joined in a multi-organizational coalition to support the passage of the Employee Free Choice Act (EFCA) and you are invited to join this campaign to give American workers the rights that they deserve!

EFCA is critical Federal legislation that would help protect the rights of workers in the U.S. to organize and form unions. The law would give more workers a way to form unions and negotiate for better wages, health care and working conditions. You can be part of our effort to secure one million signatures on a petition in support of EFCA that will be presented to the new President and Congress (See enclosed petition, or go here: <http://tinyurl.com/4chmw8>).

JLC is incorporating the passage of EFCA into our poverty reduction initiatives, and supporting American Rights at Work, a nonprofit advocacy organization dedicated to promoting the freedom of workers to organize unions and bargain collectively with employers.*

Special interest groups have launched a massive public relations campaign to derail reform of the nation's broken labor law system by cranking out misleading propaganda. Here are some facts on the Employee Free Choice Act:

FACT: The Employee Free Choice Act does not abolish elections. Under the proposed legislation, workers get to choose the union formation process – secret ballot elections or majority sign-up. What the Employee Free Choice Act does prevent is an employer manipulating the flawed system to influence the election outcome.

Under the current labor law system, employers often use a combination of legal and illegal methods to silence employees who attempt to form unions and bargain for better wages and working conditions. When faced with organizing drives, 25 percent of employers fire at least one pro-union worker.

FACT: Current union elections involving secret ballots bear no resemblance to political elections. Workers' free speech rights are squelched, employers practice various forms of economic coercion, and labor law allows employers to indefinitely delay recognition through drawn-out appeals. According to University of Oregon political scientist Gordon Lafer, "the presence of secret ballots can't overcome the corrupt nature of NLRB elections."

Laws and enforcement fail to sufficiently protect workers, offering penalties that are too weak to deter violations. For example, an employer found guilty of illegally firing an employee for union activity must only give back pay to that employee—minus whatever he or she earned in the interim. Many employers find the punishment for breaking the law a bargain if firing a pro-union employee scares others from supporting the union. Further, if workers successfully form a union despite such tactics, the employer is allowed to repeatedly appeal the results, which can take years. Such delays mock the democratic process, and weaken union support by inviting more opportunities for employee turnover, harassment, and firings by management.

FACT: Workers are more susceptible to coercion in NLRB elections than majority sign-up. Workers in NLRB elections are twice as likely (46 percent vs. 23 percent) as those in majority sign-up campaigns to report that management coerced them to oppose the union. Further, fewer than one in 20 workers (4.6 percent) who signed a card with a union organizer reported that the presence of the organizer made them feel pressured to sign the card. Currently, 91 percent of employers faced with organizing drives force employees to attend one-on-one anti-union meetings with their supervisors, 34 percent of employers coerce workers into opposing the union with bribes and favoritism, 51 percent threaten to close a worksite if the union prevails.

Too often, irresponsible corporations call the shots. They get to decide how their workers choose to form unions through a

* We acknowledge with appreciation the diverse fact sheets of ARAW, some of which were used for this background flyer.

management-dominated union election process. And when workers try to form unions to improve their lives, they're often met with harassment and resistance, real and threatened firings, an election process that drags on indefinitely, and employers that repeatedly break the law.

The bill requires the NLRB to seek injunctive relief to reinstate workers when it has reasonable cause to believe their rights were violated. Under current law, injunctions are only required against significant violations by unions, creating an unbalanced system tilted in management's favor.

A growing bipartisan coalition of policymakers supports the Employee Free Choice Act, proposed legislation that would ensure that workers have a free choice and a fair chance to form a union. The Employee Free Choice Act would level the playing field by strengthening penalties against offending employers; requiring mediation and arbitration to help employers and employees reach a first contract in a reasonable period of time; and permitting workers to form a union through "majority sign-up," or elections. When passed, EFCA would also strengthen penalties for companies that coerce or intimidate their employees and establish binding arbitration mechanisms when employers and workers are unable to agree on a first contract.

In these tough economic times, workers need more opportunities to get ahead – that's why unions matter and why workers across the country are seeking to form them today. Since 2003, more than half a million Americans formed unions through majority sign-up, an efficient, fair and democratic union organizing process where employers recognize unions if a majority of employees demonstrate their desire to form one.

Just as states are at the forefront of tackling problems concerning health coverage and global warming, they are also at the forefront of legislation that seeks to truly give workers a free choice. There are now 22 laws in 12 states that grant certain public and private employees the right to form unions through the majority sign-up process. These states are laboratories for public policy, showing that majority sign-up works and is a proven and widely-used process.

While many states and cutting-edge companies have adopted majority sign-up with great success as an alternative to outdated union recognition systems, the vast majority of America's workers are denied the fair and democratic process that majority sign-up provides. State laws granting majority sign-up rights typically just cover public employees, and private employees must rely on their employer to voluntarily agree to recognize their union through this process. National labor policy needs to catch up to this innovation in states and the private sector. That's why passage of the Employee Free Choice Act, which would extend this right to millions of Americans, is so vital. Majority sign-up has already allowed half a million Americans to join unions in the past five years – many more workers have used this method than those who have organized through the National Labor Relations Board election process during the same period. Four million more stand to benefit if our laws are changed to reflect the wishes of America's workers who want union representation to improve their wages, benefits, and secure a brighter future for their families.

The Jewish Labor Committee believes passage of EFCA is a centerpiece to poverty reduction, economic recovery and restoring the middle class. Join us in supporting this bill. Sign the enclosed petition and return it to us, or sign online at <http://tinyurl.com/4chmw8> Thank you!

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