

# The Coming fight over Employee Free Choice Act(EFCA)

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Global Research, January 19, 2009

19 January 2009

Region: [USA](#)

Theme: [Poverty & Social Inequality](#)

It's estimated 86,000 workers got fired trying to exercise their legal right to organize a union during the Bush years and signs are Corporate American will fight to keep things that way.

"We like driving the car," Wal-Mart CEO Lee Scott says, "and we're not going to give the steering wheel to anybody but us." (Or share-the-ride with their hires.)

Until now, the surest way to lose your job or get sent to vocational Siberia at outfits like Wal-Mart has been to urge your co-workers to organize. No matter the UN Declaration of Human Rights Article 23 states "Everyone has the right to form and join trade unions..."

Scott and others are girding for a fight to stop the Employee Free Choice Act(EFCA) that would allow employees to unionize if a majority sign membership cards. It's a much simpler method than staging company-wide elections by secret ballot.

EFCA would also stiffen penalties for intimidating or firing union supporters and impose arbitration when a firm won't bargain. "Though union membership has slid to 12 percent in recent decades, the desire to unionize has grown" from 30% to 53% of nonunion workers since the mid-1980s, writes author Esther Kaplan in The Nation (Jan. 26).

Unionized workers, Kaplan notes, can earn nearly 30 percent more than nonunion toilers, plus they enjoy far better health and retirement benefits. Even nonunion workers cash in from unions: "when unions reach a high enough density in a particular industry, wages in nonunion shops tend to rise to meet the new standard," Kaplan writes.

Candidate Obama backed EFCA: "If a majority of workers want a union, they should get a union; it's that simple," he opined last April. "Let's stand up to the business lobby."

EFCA is a priority to level the workplace playing field. Kate Bronfenbrenner, the Cornell labor guru, says employers fire workers in one-fourth of organizing campaigns; threaten them with plant closings or outsourcing in half of campaigns; and threaten to fire them in meetings in two-thirds of campaigns.

"The fact that our labor law has no penalties for employer violations, no punitive damages, no financial penalties, that the worst thing that happens to employers when they commit egregious violations is a slap on the wrist, has emboldened employers to break the law at an extreme that is really astonishing," The Nation quotes Bronfenbrenner as saying.

It's so tough to organize, Kaplan points out, that unions avoid elections in favor of exerting

public pressure on employers. In the past decade, election petitions plunged 41 percent.

When Communications Workers of America, for example, attempted to unionize Cingular, now AT&T, it signed 30,000 new members but lost three elections as a “result of antiunion threats from Comcast,” Kaplan writes. Under EFCA’s card check deal, the result likely would have a union victory.

No matter how much U.S. workers improved their productivity, during the Bush years their share of the profits pie shrank as CEO’s stuffed their own pay envelopes.

“Corporate profits have doubled since 2001, while real wages have flatlined and the number of workers earning poverty wages has risen to nearly a quarter of the workforce,” Kaplan writes.

Employers are fighting EFCA on grounds it takes away a workers’ right to the secret ballot. Actually, current law allows both the secret ballot and majority card sign-up, at the employers’ discretion. Under EFCA, employees would be the ones to choose.

The Chamber of Commerce says EFCA will devastate small employers and suppress economic growth. In fact, the more workers get paid, the more they spend, generating consumer demand for products and enriching employers.

Much as Americans have resented immigrants, each new wave brought to U.S. shores not only willing workers but consumers who had to buy everything starting from scratch. Southern employers began to wake up to a similar concept in the Sixties as African-Americans fought for better education and landed higher-paying jobs, generating demand for more goods and services. Prosperity followed. Ditto as women began demanding equal opportunities and pay.

EFCA likely will trigger the same result as the above examples, or when Henry Ford raised employees’ pay so they could buy the cars he manufactured.

Leveling the union-employer playing field will do more for the U.S. economy than any bank bailout. That’s because it’s a cure for poverty, not a fix for failure. Kaplan’s article is titled “Can Labor Revive The American Dream?” That’s a very good question.

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