

Workers Rights in America: Unraveling the Card Check Debate

The Employee Free Choice Act (EFCA)

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Sometimes in politics a particular issue strikes at the core of deeper social-economic forces. Card Check — properly named The Employee Free Choice Act (EFCA)– is such an issue.

EFCA, if implemented as proposed, would allow workers at any work place to join a union simply by having the majority of employees sign union authorization cards. The current law mandates that there be a secret ballot election one month after the requisite number of signed cards are submitted. This one-month period allows employers to mount campaigns to discourage employees from voting for a union, often using conscious distortions and intimidation as tactics. EFCA would prohibit newly unionized workers from striking for two years to gain a first contract. Moreover, if a first contract has not been negotiated within the first three months, a Federal Mediator can step in and impose a contract. Currently, employers who are compelled to recognize a union do not have to concede to a negotiated contract at all; and if, after one year a contract has not been negotiated, the union can be subjected to a vote of decertification, which is often the case.

No other recent debate has spurred such passions on two opposite poles: the corporate elite versus labor. The cause of the uproar is the effect it would have on the relationship between these two classes: card check would vastly strengthen the working-class at the expense of the employers.

The employers have thus organized to kill it. As soon as the bill was announced in congress, a behind-the-scenes lobbying blitz began, combined with a well-financed public relations campaign (business groups have promised to spend at least \$200 million in the effort).

The fears of the corporations are entirely warranted. If implemented, Card Check would encourage millions of workers to shed their current fear of organizing and go on the offensive in such a way not seen since the Wagner Act of 1935.

More than likely, however, Card Check will not be approved by the Democratic-controlled congress; at least not the original version of the bill. This will not be a surprise for the many who realized that, as a political party of extremely big business, the Democrats would be unwilling to push forward such a large piece of pro-labor legislation.

But Card Check is a Catch-22 issue for the Democrats. While having to obey their corporate masters, the Democrats' generational alliance with the labor movement is in jeopardy if Card Check fails, and such a falling-out would have enormous implications for the political landscape of the United States.

Before Obama, workers had already grown tired of the false promises of so-called “worker friendly” Democrats. The millions of dollars of workers’ dues money that helped get Bill Clinton elected was utterly wasted when Clinton enacted NAFTA and countless other anti-worker policies.

The union bureaucracy had to promise rank and file union members concrete results this time around to keep them voting Democrat: Card Check was a pre-condition for getting union support. Obama and other Democrats promised its passage; its failure may be the final blow between the Democrats and the unions.

Meanwhile, workers must ask themselves a question: how ridiculous is it that they’re being asked to organize and “mobilize” to push Card Check through Congress, when such a mobilization already occurred to get “worker friendly” Democrats into Congress, alongside a so-called worker friendly President? This question answers itself.

Apparently, the mobilization of the corporate lobbyists is having a more profound effect on the minds of the Democrats. Democratic Senator Blanche Lincoln is one of several Congress members who’ve previously supported the bill, but have “other priorities” now. Another notable figure who has indicated opposition to EFCA is California Democratic Senator Diane Feinstein, who said this is not the time for this measure because of the economic crisis. Even perhaps more ominous is the fact that Larry Summers, President Obama’s top economic adviser, has come out in opposition to unions and to EFCA in a New York Times full page ad that appeared in the March 11, 2009 edition. Summers is quoted in the ad saying, “Another cause of long-term unemployment is unionization.” The Times ad goes on to say, “The Employee (Free) Choice Act is the last thing our fragile economy needs.”

Other Democrats are seeking a compromise bill, and so are the more far-seeing corporations. Both understand the potential consequences of Card Check failing: the Democrat-labor alliance is a major component in maintaining the current social status-quo, benefiting the very wealthy. Upsetting this relationship has scared the more insightful mega-corporations — Costco, Whole Foods, Starbucks — into offering a rotten compromise version of Card Check.

Also willing to compromise are certain top labor officials, whose privileged status demands the status quo stay in place (regardless of their past promises). In a recent article in the Wall Street Journal — the loudest voice of big business — optimism was voiced in response to the following words of the AFL-CIO political director: “We certainly understand that it would be unusual if a bill [Card Check] was passed as it was introduced word for word.” And this comes from a person who urged the AFL-CIO to spend \$300 million dollars to campaign for Democrats in the 2008 elections.

The Huffington Post also reported recently that Andy Stern of SEIU was backing off from demands that Card Check be addressed quickly in congress. The need for haggling, deal-making, and betrayal apparently has taken priority.

However, even a compromise deal will be extremely difficult to pull off. Not only have union officials made serious promises to workers, but the majority of corporations are unwilling to budge an inch for them — since their workers might then gain the confidence to demand a mile.

And this is the real fear. The current social status-quo is already in jeopardy because of the

economic crisis, and Card Check will give workers a powerful lever to shift society in a direction that actually benefits them. One cannot expect a political party that continues to give hundreds of billions to Wall Street to pass such a law, although its failure is not inevitable. Even the corporate two-party system is not immune to the demands of the working-class, especially if these demands are coming from millions of angry and organized workers. In this case Card Check could be pushed through congress in spite of the Democrats.

If, however, the Democrats fail to pass Card Check — the REAL Card Check and not a sell-out version — labor must dump the Democrats once and for all. It is up to rank and file union members to make sure this overdue break happens.

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