

**THE EMPLOYEE FREE CHOICE ACT:
RESTORING DEMOCRACY IN THE AMERICAN WORKPLACE**

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This week as we acknowledge the achievements of America's working men and women, we should also note that this year is the 60th Anniversary of the UN Declaration of Human Rights. Article 23.4 states that people have "the right to form and to join trade unions for the protection of their interests."

In the 1950s American workers took advantage of this right, and even though agricultural workers were excluded, union membership peaked in 1954 at 35 percent of the private workforce.

Even though a 2006 Hart Research poll shows that 58 percent of non-managerial workers—over 60 million Americans—would vote for a union if given a chance, unionized workers now comprised only 7.8 percent of private sector employment. There is obviously something wrong with this picture.

Because of strong unions, real wages rose 78 percent from 1947-1980, but from 1980-2004, real wages fell an average of one percent. During the month of July 2008 alone, real income dropped .7 percent.

While income for the richest one percent rose 34 percent from 1947-1980, their income rose a whopping 135 percent from 1980-2004. The GOP's "trickle-down" economics has been a gigantic failure.

America's workers have always been the most productive in the world, but more and more the fruits of their labor have gone to corporate profits and not to wages. What is worse, however, is that today much of this profit is not being used for investment but for buying up company stock.

Before the passage of the Wagner Act in 1935, the imbalance of power between employer and employee was so great that factory lock-outs and strikes were very common. The lack of "enabling" legislation led to violence on both sides. The meaning of "enabling" is that employers are legally required to recognize unions as negotiating partners. Before 1935 there was there is simply no incentive for companies to do this.

Ever since Reagan fired 11,345 air traffic controllers in August of 1981, America's employers have been emboldened to undermine the union movement. Breaking unions has become a billion dollar industry and a big money maker for large law firms. Intimidation and disinformation about unions is now standard practice in America's workplaces.

A study done by the American Anthropological Association (AAA) (www.aaanet.org) documents these practices, which include coaching supervisors on anti-union tactics and then, on a regular basis, firing union organizers and sympathetic supervisors. Nearly two-thirds of all companies now hire anti-union firms to intimidate their employees. The AAA summary states that these anti-union "practices disproportionately affect women, immigrants, minorities, and people of color."

The most notorious violator of worker rights has been Wal-Mart, which has been most successful in stopping unions in their stores. In Canada, where labor laws are much stronger, Wal-Mart's policy is to close stores rather than to recognize unions.

On a regular basis Wal-Mart employees, as well as many other American workers, are herded into meetings where anti-union presentations are held and propaganda films are shown. At their most recent meetings, Wal-Mart managers have urged their "associates" not to vote for Barack Obama, which is just one more illegal action to Wal-Mart's credit.

Even when unions are elected, some employers refuse to bargain in good faith, even though they are legally required to do so. In 2004 the Federal Mediation and Conciliation Service reported that 45 percent of employers have refused to sign contracts with their duly elected unions.

A bill now stalled in Congress—the Employee Free Choice Act (EFCA)—is designed to address these problems. On March 1, 2008, the bill passed the House by a vote of 241-185, but all but one GOP senators have blocked a majority vote in the Senate.

The EFCA would provide stiffer penalties for bad faith bargaining; it would provide for mediation earlier in the contract process; and it would allow certification of bargaining agents if a majority of the workers sign cards authorizing union representation. If thirty percent of the employees object to unionization, then a formal election would be held.

After a study of the elections monitored by the National Labor Relations Board (NLRB), University of Oregon political science professor Gordon Lafer concluded that "the system is so corrupt that it doesn't remotely resemble the democratic process we think of when we use the term 'election.'"

For example, under current law employers can prohibit access of union organizers to the workplace and employers routinely set up one-on-one meetings of supervisors and employees.

A proper view of what constitutes a fair election includes what goes on before and after the formal vote. For example, one in five employees openly advocating union representation are fired during the election process. Surveys of employees have indicated that they experienced twice as much coercion during elections as they do during the card signing process.

Imagine that all Democrats had to cast their ballots at Republican campaign headquarters and vice versa. Voters would be subjected to talks and films presenting the opposition position, and some would be forced into one-on-one

discussions with a member of the other party. On occasion a voter would be disqualified for speaking out on behalf of opposition candidates. No reasonable person would say that this was a fair election procedure.

Employer anti-union campaigns—intimidation before formal elections and refusal to recognize the results afterwards— have destroyed employee morale and undermined any real democratic process in America's workplaces.

Idaho's working people need to know that Senator Obama voted for the Employee Free Choice Act, but Senators McCain, Craig, Crapo, and all other GOP senators except Alan Specter blocked a majority vote on the bill in the Senate.

It is no surprise that Bill "Vote No" Sali voted against enhanced workers' rights, but Senate candidate Larry LaRocco and First District congressional candidate Walt Minnick would have voted in the affirmative. .

When Americans are told about the three major provisions of EFCA, one poll gave it 69 percent support, with a surprising 65 percent in right-to-work-for-less states. It's high time to restore democracy to the American workplace.

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