

# Why We Need the Employee Free Choice Act

## THE PROBLEM: EMPLOYERS SILENCE WORKERS WHO ATTEMPT TO FORM UNIONS

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**; 51 percent **threaten to close a worksite** if the union prevails; and, 91 percent force employees to attend one-on-one anti-union meetings with their supervisors.

In addition, **the system designed to protect workers is severely broken**. 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 backpay 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 weaken union support by inviting more opportunities for employee turnover, harassment, and firings by management.

## THE IMPACT: ECONOMIC OPPORTUNITY STOLEN FROM AMERICA'S WORKING FAMILIES

Protecting the right to form unions is about maintaining the American middle class. It's no coincidence that as union membership numbers fall there are growing numbers of jobs with low pay, poor benefits, and little to no security. More than half of U.S. workers—60 million—say they would join a union right now if they could. Why? They know that coming together to bargain with employers over wages, benefits, and working conditions is the best path to getting ahead. **Workers who belong to unions earn 30 percent more than non-union workers, and are 63 percent more likely to have employer-provided health care**. Without labor law reform, economic opportunity for America's working families will continue to erode.

## THE SOLUTION: LABOR LAW REFORM THAT GIVES WORKERS A FREE CHOICE AND A FAIR CHANCE

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,"** a process in which workers present signed authorization cards as demonstration of their choice to belong to a union.

## THE RESULTS: EMPLOYER/EMPLOYEE PARTNERSHIPS ARE WORKING AT TOP U.S. COMPANIES

The provisions of the Employee Free Choice Act mirror successful strategies already in use by industry-leading employers such as **Cingular Wireless and Kaiser Permanente**. These companies have replaced adversarial relationships pitting employers against workers' unions with **cooperative labor relations models** that include voluntary recognition of unions through majority sign-up and fair contracts. At Cingular, for example, over 17,000 employees chose to join the Communications Workers of America in less than a year when the company and union agreed to remain neutral during the organizing drive. The nation's top wireless carrier and Wall Street darling continues to boost profits and advance a positive labor relations model enabling its union employees to grow.

While many companies would lead us to believe that cutting jobs, slashing wages and benefits, employing temporary and cheap labor, and busting unions are necessary to remain profitable in the global economy, Cingular and others have found another way that works for their bottom lines, their employees, and their valued customers.