

House Committee Embraces Union-Friendly Bill

By **Anne Urda**, anne.urda@portfoliomedia.com

Thursday, February 15, 2007 --- In a boost for the struggling labor union movement, an influential House committee has delivered on its promise to support a key piece of bipartisan legislation that aims to make it easier for workers to organize.

On Wednesday, the House Education and Labor Committee approved the Employee Free Choice Act, a move that supporters hailed as the “first step towards enacting this much-needed legislation into law.”

Earlier this month, Rep. George Miller (D-Calif.), chairman of the House Education and Labor Committee, introduced the union-friendly bill to the U.S. House of Representatives along with Rep. Robert Andrews (D-N.J.) and Rep. Peter King (R-N.Y.).

“Despite the growing economy and skyrocketing corporate profits, American workers and their families have actually lost income over the last several years. Yet at the same time, families are facing much higher costs for many of life's basics, like health care, education, transportation, energy, food, and housing,” said Miller. “There are different factors contributing to this middle class squeeze, but there is no question that one critical factor contributing to the squeeze is the difficulty that workers experience when they want to earn the right to bargain for better wages, benefits, and working conditions.”

Miller lauded the recently passed legislation as a chance to reform a “broken” union election process in which employers intimidate, harass or fire workers who support union formation.

He said the bill would help American families who have seen their income decrease in recent years despite the growing economy and skyrocketing corporate profits.

Under the act, workers would be allowed to join a union as soon as a majority of them sign authorization cards. The act would also stiffen penalties against employers that illegally fire or discriminate against workers for their union activity during an organizing or first-contract drive, and allow mediation and arbitration if both sides are unable to agree on a first contract after 90 days of bargaining.

“Giving workers the ability to bargain for better wages and benefits is a key part of strengthening America’s middle class,” Miller said. “Union workers earn 30% more, on average, than do nonunion workers, and union workers

are much more likely to have health care, pensions and more generous paid time off.”

The bill was originally introduced in April 2005 by Sens. Edward Kennedy (D-Mass.) and Arlen Specter (R-Pa.) in the Senate and Miller and King in the House, but the measure stalled in Congress last year.

With 234 co-sponsors in the House, the bill’s supporters remain confident that the measure will be given the green light when it moves to the House floor this time around.

“The reality is that workers in unions earn 30% more in wages than non-union workers and 80% of union workers have health insurance while only 49% of non-union workers do,” said Andrews, chairman of the House Subcommittee on Health, Employment Labor and Pensions. “Restoring workers’ free choice, through the Employee Free Choice Act, is the only way to ensure that they have the right to bargain for fair wages and benefits.”

How the bill will fare in the Senate remains less clear, with Kennedy and Specter expected to introduce companion legislation after the House passes its version.

“I don’t think anybody was expecting anything different to happen in the House than what happened yesterday,” said Richard Hankins, a partner at Kilpatrick Stockton who has created a blog to track this piece of legislation. “But it is widely expected that the bill will die in the Senate.”

Signs indicate that the Republicans intend to filibuster on the measure, pushing the votes necessary to secure passage of the bill up to 60.

“There is a sense that the Democrats are not going to be able to get 60 votes,” said Hankins.

If the bill does pass, the employment landscape is sure to change significantly, with unions finding it much easier to organize as employers tackle new fears, he says.

“Employers’ are concerned that workers will only hear one side of the story,” said Hankins. “As it stands now, the company and the union both have an opportunity to lay out the case so there are going to be some dynamic changes.”

Supporters of the bill have tried to drown out critics’ complaints, with the AFL-CIO recently launching a new advertising campaign urging viewers to call their elected representatives in support of the act.

The powerful labor organization, which boasts an estimated nine million members, has been one of the bill’s most vocal proponents and contends that the bill will restore workers’ freedom to unite for better wages and benefits.

AFL-CIO organizing director Stewart Acuff told reporters during a conference call on Jan. 24 that while the fight to protect workers' rights to organize isn't new, "what is new is that the time is right to escalate this fight."

"The 2006 congressional elections set the stage for union action," Acuff said. "We're optimistic about its passage. It's a simple bill that would go a long way to help workers bargain their way into the middle class and strengthen the middle class."

Acuff added that according to research conducted by the federation, more people than ever before understand that workers need unions, and are "squarely in support of" the act.

"The public is staunchly opposed to employers' campaigns to oppose organizing efforts," he said. "There's a growing shift that corporate America just doesn't care for America's workers. People now understand on a micro-level that unions could bridge that growing divide in their own lives."

The AFL-CIO recently released the results of a survey it conducted to determine the public's view of labor unions and of the act. The federation said its research proved that people are very concerned about the current economic landscape, and have an even darker outlook when contemplating the future.

The federation noted that approval ratings for unions are at "historic highs," with 57% of those surveyed stating that it was "very important" to have strong laws that give employees the freedom to make their own choices about whether to have a union in their workplace, without interference from management.

Opponents of the legislation argue that the act would unfairly take away the right to a secret ballot election and open up the voting process to union corruption.

The National Right to Work Foundation, a nonprofit that provides free legal aid to employees who claim their rights have been violated by "compulsory unionism," has said that experience shows that employees are often coerced or misled into signing the requisite number of authorization cards.

In addition, the U.S. Chamber of Commerce has said that stripping employees of the democratic rights and protections provided by the secret ballot election process raises "very serious concerns."

"With 'card-check,' the protections provided by the traditional balloting process—most importantly, the removal of coercion and intimidation and the safeguarding of privacy—are thrown out the window," said Bruce Josten, executive vice president of the U.S. Chamber of Commerce, in a letter to Congress last year. "This 'card-check' method circumvents the democratic process by allowing unions to solicit and collect signatures in a public forum

for union support and present the cards to the NLRB for union recognition.”

But the AFL-CIO has staunchly refuted such claims, saying that public support for the bill remains high.

The labor federation said earlier this year it found that 69% of those polled in its survey were “strongly in favor” or “somewhat in favor” of the Employee Free Choice Act, while only 26% were somewhat or strongly opposed (5% were “not sure”).

Representative Miller also blasted opponents’ arguments, trying to push the act as the clear path to help improve employees’ quality of life.

“Why is it that critics of this bill don’t trust American workers to make their own choices?”

--Additional reporting by Erin Daly