

3. The freedom to assemble and to unionize in the workplace is a basic human right. The Employee Free Choice Act would allow workers to unionize through card check or by secret ballot, and would impose serious penalties on employers that break the law. Right now employers treat fines for illegal union busting as a minor cost of doing business and they prevent unionization by intimidating workers. Allowing workers the possibility to unionize would mean the possibility of a stronger economy with greater job security, wages, health care, and pensions. The bill passed the House last Congress, and President Obama campaigned promising to make it law. Will you cosponsor? What can we do to help?

These are the two methods for organizing that are recognized by the National Labor Relations Board, Congress, and the Supreme Court:

1. **Majority Sign-Up:** Under majority sign-up, workers sign valid written forms indicating their preference for a union. The Employee Free Choice Act would change existing law so that an employer must recognize its employees' union when a majority of its workers has authorized union representation using majority sign-up.
2. **National Labor Relations Board (NLRB) Elections:** Under the Employee Free Choice Act, workers are still free to organize using "secret ballot" elections. However, majority sign-up is also needed as an option, because of employer abuses. A shocking 94 percent of employers resist workers' efforts to form unions, 49 percent illegally threaten to shut down the worksite, 51 percent use bribes or favoritism to coerce workers into opposing a union, and 30 percent illegally fire pro-union workers.

Both majority sign-up and secret ballot elections have been in existence since 1935, but under current law, employers can disregard the results of majority sign-up and force employees to use secret ballot elections. In fact, a company's management can refuse to recognize a union even when 100 percent of its employees have signed authorization cards indicating that they want a union.

The Employee Free Choice Act gives workers a choice between secret ballots and majority sign-up. Once a majority of workers make it clear that they want a union, they should get a union: employers should not be allowed to hijack the process.

The Employee Free Choice Act also strengthens penalties against employers who break the law. Too many unscrupulous employers get away with breaking labor laws because the current penalties are too weak. The Employee Free Choice Act would increase penalties against employers who illegally fire or retaliate against pro-union workers during an organizing campaign or an effort to obtain a first contract.

And the bill allows employers or employees to request mediation if they're unable to negotiate a first contract. Under current law, anti-union employers often drag workers through lengthy negotiations by delaying bargaining sessions, withholding relevant information, and putting forth bogus proposals. Even though these tactics are illegal, there are no effective deterrents to prevent "surface bargaining." The Employee Free Choice Act will strengthen workers' ability to achieve a first contract within a reasonable period of time.

The Employee Free Choice Act makes no change to the current union election process. It simply amends the law about majority sign-up to put the choice of how to form a union in workers' hands, not their bosses'. The EFCA does not create a "new approach" to forming unions. Majority sign-up has existed since at least 1935, and major corporations like AT&T recognize majority-signup as a completely legitimate way to determine the will of its workforce.

Workers in "secret ballot" elections are twice as likely (46 percent vs. 23 percent) as those in majority sign-up campaigns to report that management coerced them to oppose a union. But only 4.6 percent of workers who signed a card with a union organizer reported that the presence of a union organizer made them feel pressured to sign the card.

(Information on this page from American Rights at Work.)