

### **Why do we need the Employee Free Choice Act?**

The Employee Free Choice Act will help workers achieve the American Dream by giving them the freedom to choose a union, unite with their co-workers and bargain collectively for a better future. By amending current labor law to remove unfair barriers, it will allow workers to get their fair share and improve jobs and benefits for everyone.

These are tough economic times—crumbling financial markets, soaring gas and food prices, mortgage foreclosures, unaffordable health care and shattered retirement security. Wages for working men and women have stagnated while pay and bonuses for CEOs have skyrocketed. The Employee Free Choice Act will restore balance to our labor law and help the economy work for everyone again.

### **What's wrong with the current law?**

Surveys show that 60 million American workers would join a union today if they could. So why don't they? It's because the system for forming unions is broken. Current federal labor law—the National Labor Relations Act—has become an impediment to workers' rights.

- Employees are fired in one-quarter of private-sector union organizing campaigns.
- Seventy-eight percent of private companies subject their workers to repeated, coercive, one-on-one, anti-union messages delivered by their supervisors—the same supervisors who control their jobs and pay.
- And even after workers successfully form a union, 44 percent of the time they are not able to get a contract.
- Remedies for these labor law violations are outdated, trivial and ineffective.

This is an urgent crisis for workers, blocking their freedom to form unions and their ability to bargain for a better future.

### **What does the Employee Free Choice Act do?**

The Employee Free Choice Act helps workers who want a union so they can bargain for better wages, benefits and working conditions in these three ways:

1. Removes current barriers that prevent workers from forming unions to bargain collectively.
2. Guarantees workers a contract when they form a new union.
3. Strengthens penalties against companies that break the law during organizing campaigns and first-contract negotiations.

### **What is majority sign-up and how does it work?**

Under the Employee Free Choice Act, when a majority of workers signs cards authorizing the union to represent them and those authorization cards are validated by the federal government, the company will be legally required to recognize and bargain with the workers' union. It has always been allowed under federal labor law for workers to form their unions by signing authorization cards—that is not a change. But under current law, companies can reject their workers' union support and refuse to bargain with their union. The Employee Free Choice Act changes that by giving workers—not companies—the right to decide how workers form their union.

Employers like AT&T, Harley-Davidson and Kaiser Permanente have all voluntarily honored their employees' right to use majority sign-up to choose union representation. These companies have found that majority sign-up is a fair and effective way for workers to make their own decisions and that this process results in less hostility and polarization in the workplace than the current government procedures. Majority sign-up is used by public workers in eight states that have adopted a similar statute.

**Does the Employee Free Choice Act take away so-called secret-ballot elections?**

No. The Employee Free Choice Act does not change the current process for secret-ballot elections. It simply provides workers another option—majority sign-up.

The NLRB's "election" process may sound like a more democratic approach because it includes a secret-ballot procedure. But the process is not democratic because it has become so company-controlled. Only the company has access to workers all during their workday but can ban any access by union representatives. Only the company is allowed to speak against the union in the workplace yet restrict pro-union speech even by workers. Only the company can send mail to workers while withholding their addresses from the union until just before the election. Only the company can force workers to attend mandatory workplace meetings against the union but deny even voluntary workplace meetings by union supporters. Workers deserve a path to unionization that is fair, quick and not dominated by corporations.

**Does the Employee Free Choice Act silence companies or require them to remain neutral?**

Absolutely not! Companies will still be free to express their opinions, just like now.

**Will employees be pressured into signing union-authorization cards?**

It is illegal now for anyone to coerce employees to sign a union-authorization card and it will still be illegal under the Employee Free Choice Act. Any person who breaks the law is subject to penalties. Plus, coercion could prevent the union from being certified as the workers' representative.

**Isn't this law really about unions wanting to increase their membership?**

The Employee Free Choice Act is about restoring to working people the freedom to improve their lives through unions. Workers with union contracts earn 30 percent more than those without and are much more likely to have health care and pensions. With all of the economic pressures on working people today, the freedom to pursue their dreams is critically important.

**Who supports the Employee Free Choice Act?**

The Employee Free Choice Act has the support of hundreds of members of Congress of both parties, academics and historians, civil and human rights organizations such as the NAACP and Human Rights Watch, most major faith denominations and 69 percent of the American public.

**Who opposes the Employee Free Choice Act?**

Corporate front groups are spending millions to stop the bill. CEOs want contracts to protect their huge salaries and bonuses, but are fighting hard to stop workers from having written contracts. They don't want workers to be able to bargain for better wages, benefits and working conditions.

**Does the Employee Free Choice Act take away the right of individual states to prohibit union membership as a condition of employment in their state?**

Absolutely not. The Employee Free Choice Act has no affect whatsoever on such laws or on the right of individual states to enact such laws.

**Does the Employee Free Choice Act have a small business exception?**

The Employee Free Choice Act does not make any changes to existing jurisdictional standards.