



Employee Free Choice Act: Protecting Workers Rights to Organize

The freedom to join a union and bargain collectively is a right guaranteed by U.S. law, however, employers consistently use a wide array of perfectly legal tactics and manipulation that amount to the suppression of these rights. As a result, a gross disparity exists between workers and employers during organizing campaigns.

The Employee Free Choice Act (EFCA) would level the playing field between employers and workers, by placing the decision to form a union squarely in the hands of the American worker.

The United Steelworkers (USW) has made EFCA one of the key legislative issues our Union will work on this Congress. Our organization recognize the great gains workers have made as a result of the National Labor Relations Act (NLRA), however, improvements are necessary to strengthen the laws that govern the right to organize in order to benefit millions of America's working men and women.

So far this Congress, the House version of this legislation (H.R. 800) passed in the House of Representatives by a vote of 241-185 on March 1, 2007. The Senate introduced its bill (S. 1041) on March 29, 2007 with 46 original co-sponsors.

- **EFCA would make three main changes:**

- **Certification on the Basis of Signed Authorizations:** This provision requires the employer to acknowledge the union as the bargaining representative for its employees if the National Labor Relations Board (NLRB), after certifying all authorization cards, finds that a majority of employees have signed authorizations to form a union.

- **First Contract Mediation and Arbitration:** This provision would allow for the Federal Mediation and Conciliation Service (FMCS) to mediate in the event that an employer and a union are unable to reach an agreement on a first contract within 90 days. In the event that the FMCS could not bring the parties to agreement after 30 days of mediation, the dispute would then be referred to arbitration and the results of the arbitration would be binding for two years.

- **Stronger Penalties for Violations while Employees are attempting to organize or obtain a First Contract:** Under current law, most employers found guilty of violations of the National Labor Relations Act (NLRA) are only required to post a notice in the workplace stating they will stop the illegal conduct. This provision would allow for stronger penalties to be placed on those employers who use coercion

and/or manipulation in an attempt to prevent their employee's from forming a union. It would allow for:

Mandatory Applications for Injunctions: Would require the NLRB to seek a federal court injunction against an employer if that employer has fired, discriminated against, threatened to fire, or conducted themselves in a way that greatly interferes with employee's rights to organize or obtain a first contract.

Treble Back pay: Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.

Civil Penalties: Would allow for civil fines of up to \$20,000 per violation against employers found guilty of violating and employee's right to organize and obtain a first contract.