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# House Passes Employee Free Choice Act

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By a vote of 241-185, the U.S. House of Representatives passed the Employee Free Choice Act, designed to level the playing field between workers and managers in organizing and bargaining.

The act gives workers the right to decide for themselves whether or not to join a union, free from employer intimidation, harassment, or interference.

The New York Times came out in support of the Employee Free Choice Act with this editorial.

By Mark Gruenberg

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WASHINGTON (PAI)--With a boost from the new Democratic majority, the House passed the Employee Free Choice Act, designed to help level the playing field between workers and managers in organizing and bargaining, on March 1. The vote was 241-185. Democrats favored it 228-2, while 13 Republicans voted for it and 183 against.

Union leaders, including AFL-CIO President John J. Sweeney, AFT President Ed McElroy, Teamsters President James Hoffa and AFSCME President Gerald McEntee, hailed the House vote and looked forward to lobbying the Senate for EFCA. McEntee and Hoffa also blasted a renewed Bush White House threat to veto it.

Sweeney called EFCA's passage "a momentous turning point in the growing movement to restore our nation's middle-class. Today, the voices of tens of millions of working people who deserve the right to make a free choice to bargain for a better life have been heard and heeded on Capitol Hill." (See separate stories of reactions and rollcall.)

The bill got a rousing sendoff from both lawmakers and workers in a week of press conferences, lobbying and rallies before the vote. Unions that had legislative conferences in Washington pushed for it, as did delegates mobilized by the Steel Workers and their allies in the Apollo Alliance for energy independence.

The AFL-CIO organized massive e-mails to lawmakers, while Change to Win set up phone banks. Individual workers harassed, fired and otherwise discriminated against for trying to organize workplaces made the rounds of congressional offices, telling their tales.

But EFCA, which faces a more uncertain future in the Senate, is also part of an effort by the new Democratic-run 110th Congress to show it is standing up for working people, new House Majority Leader Steny Hoyer (D-Md.) said before the vote.

"We had 'Six in '06' and all those measures were for working families," he told a Feb. 28 press conference, referring to the six top-priority bills the House Democrats passed in January, including a raise in the minimum wage for the first time in a decade.

"But nobody who is organized makes the minimum wage. The organized can lift them-selves up" and EFCA is designed to help them do that. The problem with labor law now, Hoyer added, is that "employers can delay and dissemble" and put unions off and meanwhile the "disparity between management and workers" grows.

"This affects real lives, real people, mothers, fathers, grandmothers, grandfathers. We're saying to working Americans: 'We'll facilitate the ability to have you organize,'" Hoyer declared.

"A lot of other people got their day around here for the last 12 years, and you"--workers--"paid for it," added Rep. Robert Andrews (D-N.J.), whose House subcommittee heard testimony on EFCA from its friends and from business foes two weeks before.

"The big oil companies won, the defense contractors won, the big drug companies won" under Republican rule. Turning to the workers assembled at that last celebratory press conference, Andrews advised: "Stick around. Tomorrow is your day."

To drive the point home, workers such as Anishya Sanders, a traffic control officer in New Jersey who is trying to organize her 40-person shop for Laborers Local 702, told their stories. Sanders, one of those workers you see at road construction sites directing traffic and holding signs to make sure drivers don't hit workers, discussed both conditions on the job and what happened when she tried to organize the All-Pro Traffic Control Company.

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Sanders told the press conference that workers sometimes toiled for 16-1/2 hours a day, with few breaks, and for low pay. At one point, Sanders was living in her car, as are others. Holding up a picture of one of her young daughters, Sanders said "this little girl needs this act" (EFCA) "so that she can make something of herself" when her mother has the union and can get better pay and working conditions. Sanders makes half of what a starting, unionized traffic control officer makes.

In stories she repeated afterwards to lawmakers, Sanders told Press Associates of instances of the discrimination and labor law-breaking that All-Pro engaged in. They included harassing phone calls, one-on-one intimidation meetings, the boss's decision to cut Sanders's work hours from 40 per week to six, and her isolation on jobs where she had contact with few other workers.

"They fired two others who signed cards," she said, referring to the authorization cards that are a key feature of EFCA. The bill (HR 800) would legalize card-check recognition of unions, ordering companies to recognize and bargain with unions after the NLRB validates that a majority of workers at the job site have signed the cards.

It also would increase penalties for labor law-breaking, including firing pro-union workers and including such statements as Sanders reported: "One told me 'Julia (the owner) will close the damn business before she'll give you girls a freaking dime.'"

Similar stories came from other workers, including Errol Hohrein, a former Boilermaker who is trying to organize Front Range Energy, a Colorado biofuels plant, for the Steel

Workers. Key issues there, he said, are outright broken promises and pay cuts, plus hazardous working conditions.

When USW won the election there last December--12-11--Front Range looked for excuses to fire him afterwards. Such firings are illegal, but the penalties under current labor law are only net (not gross) back pay, reinstatement, and an order to the company not to do it again. EFCA orders triple back pay and a \$20,000 fine per offense. Front Range found the excuse when Hohrein asked anti-union workers on the night shift why they abandoned the equipment, creating hazardous conditions. "I saved their equipment, but supervisors saw the conversation," wrote him up and fired him, he said.

EFCA would also force employers to bargain with unions after recognition, by mandating mediation and arbitration if the two sides can't agree on a first contract within 90 days. That would prevent one situation that freshman Rep. Keith Ellison (D-Minn.) described at the press conference, where "ten workers in Minneapolis signed up with the IBEW in 2005, but talks have dragged on since."

And card check recognition would put an end to the other case he noted: "Walker Health Care Center's management continues to appeal and appeal and appeal the 2003 election there, even though they've lost every time," hoping to outwait its nurses' union. "Even when we get a union, they can stall" (his emphasis), Ellison said.

Despite House passage, EFCA's fate is uncertain, because the Democrats control the Senate only 51-49 and the GOP's business backers have made clear that fighting and killing EFCA is one of their top priorities. The key tactic is a filibuster--a talkathon that can be shut off only by a three-fifths majority vote.

Some of the workers were already thinking about the Senate. "Wayne Allard is a lost cause," Hohrein said of Colorado's senior GOP senator, who already announced he will not seek re-election next year. Hohrein set off to visit the rest of his state's delegation too, saying he takes none of them--including junior Sen. Ken Salazar (D)--for granted. Hohrein said he'd even lobby Right Wing Rep. Marilyn Musgrave (R). She voted "no";

"We have significant support in both parties" in the House and Senate for EFCA, AFL-CIO Legislative Director Bill Samuel said in a telephone press conference in the run-up to the House vote. He predicted a majority of senators, including several Republicans, would co-sponsor it when Senate Labor Committee Chairman Edward M. Kennedy (D-Mass.) introduces it. Last year, with the GOP still in control, EFCA had 45 Senate co-sponsors, but only one Republican: Pennsylvania's Arlen Specter.

"TV ads aren't going to decide this," Samuel said of business's planned anti-EFCA blitz. "Workers talking to their members of Congress will have a much stronger impact."