

...Employee Free Choice Act under attack

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Members of the union committee have no proof, but are convinced that known union supporters were laid off and terminated in much greater proportion than others.

And rumors circulated that Dunkin would close the plant if workers unionized.

By January, the campaign to collect union cards had largely dried up.

Some of what Rogue Valley Door did — interrogating and surveilling workers, prohibiting union talk while allowing other discussions, disciplining union supporters for talking about the union — violated federal labor law. The law forbids employers to “interfere with, restrain, or coerce employees” who are exercising their rights to “form, join, or assist labor organizations.” The union filed charges, and the National Labor Relations Board investigated. The federal agency issued a formal complaint May 30, naming the company owner and 12 managers. A federal administrative law judge is scheduled to hear the case the week of Aug. 5-9 in Medford.

The judge may rule that Rogue

Valley Door broke the law, but the law doesn’t provide for any penalty or fines. At most, the judge can order the company to post a notice spelling out employees’ rights, and promising not to violate those rights again. The union hopes such a notice will embolden workers and revive the card-signing drive. But the notice can’t restore the momentum the campaign enjoyed when it began, or undo the fear and distrust sown by the management crackdown.

Any union organizer in America will tell you that what workers experienced at Rogue Valley Door was typical, and followed a cookie-cutter union avoidance script advised by anti-union consultants. Union-busting has become a multi-million-dollar industry in the United States, with firms hired by employers to provide training for supervisors and managers, legal matters, and other services.

In some kinds of workplaces, employer conduct makes organizing a union next to impossible. Wal-Mart is a good example, where no employees in the country have succeeded in forming a union, despite their supposed legal right to do so.

Jeanie Carpenter, a union organizer with Communications Workers of America Local 7901, says six times a year she gets a call from a worker at a nonunion call center.

“There’s nothing I can do for them,” Carpenter said. “I hear their story and tell them it’s impossible. They’re too closely monitored. Union campaigns take months, and usually, the pro-union committee crumbles under the stress.”

The non-profit group American Rights at Work commissioned a study of employer behavior during union campaigns. The study, published December 2005, found that 91 percent of employers forced employees to attend one-on-one anti-union meetings with their supervisors; 49 percent threatened to close the worksite if workers formed a union; and 30 percent fired pro-union workers. In 2007, NLRB involvement resulted in 2,456 workers being offered reinstatement and back pay after being fired for union activity. Because of the difficulties in proving employer motive, the number fired for union activity is likely higher than the

number reinstated.

The Employee Free Choice Act is intended to stop these abuses. The bill would provide for fines of up to \$20,000 per violation against employers who willfully or repeatedly violate employees’ rights during an organizing campaign, and triple back pay awards to workers who are fired for supporting a union drive. It would require the NLRB to seek a federal court injunction against an employer that discharges or discriminates against pro-union employees or otherwise tramples on employee rights during an organizing drive, and authorize the courts to grant temporary restraining orders in such cases. Finally, workers could unionize simply when a majority signed union cards over the course of a year. That process, which used to be termed “card check,” is

coming to be called “majority sign-up” among union organizers. Employers can legally recognize unions via majority sign-up under current law, but aren’t required to do so. The Employee Free Choice would require them to.

That’s the part of the law that union opponents are focusing on. Center for Union Facts, creator of the anti-union ads, says nothing about the mountains of cases in which employers intimidate union supporters, but claims to be concerned that majority sign-up will lead to unions intimidating workers into signing cards.

The Employee Free Choice Act would replace the employer-dominated election process with a majority sign-up process that gives unions the initiative. Which workers signed or didn’t sign the cards would still be se-

cret from the employers who have so much power in the lives of workers like Ken Smith. But the union campaign would know which workers had signed cards. In that sense, the “secret ballot” might be lost, but workers’ effective right to unionize would be regained.

Last month, the national AFL-CIO announced a “million-member mobilization” in support of the Employee Free Choice Act. The federation has set up a Web site, www.freechoice-act.org, and wants to get a million signatures on an online petition in support of the law.

Organized labor is going to put just about everything it’s got into electing politicians who support the law this November, and passing it when it comes up again in Congress next year.

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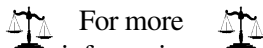
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