



# Why We Need EFCA

**PETER DREIER** DECEMBER 2, 2008

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cover story that asked, "Will Gun-Toting, Churchgoing White Guys Pull the Lever for Obama?"

When the polls closed, the question was answered: Nationwide, white men, white women, working-class whites, white gun owners, and white weekly churchgoers supported McCain by wide margins.

But a significant number of whites in each category broke ranks and voted for Obama -- enough to help him win key battleground states and the presidency. Exit polls conducted by Guy Molyneux, a survey expert with Peter D. Hart Research, explain why.

Molyneux surveyed 1,487 members of AFL-CIO unions -- about half in battleground states -- and compared the results with all voters. What he discovered is nothing short of astounding.

Fifty-seven percent of white men favored McCain, but 57 percent of white male union members favored Obama. White gun owners cast 68 percent of their votes for McCain, but 54 percent of white gun owners who are also union members preferred Obama. Among white weekly churchgoers, McCain scored a landslide, receiving 70 percent of their votes. But Obama had a slight edge (49 percent to 48 percent) among white weekly churchgoers who were union members. Similarly, 58 percent of white non-college graduates voted for McCain, but 60 percent of white union members who didn't graduate from college tilted to Obama. Overall, 53 percent of white women cast ballots for McCain, but Molyneux found that a whopping 72 percent of white women union members favored Obama.

These numbers show the tremendous power of grass-roots organizing. Nationwide, according to Molyneux, 67 percent of union members of all races -- and 69 percent in swing states -- supported Obama.

They voted for him because of the unions' effectiveness at educating and mobilizing members. They spent millions of dollars and built an army of volunteers who went door to door, reaching out to other members about key economic issues. Members in "safe" Democratic states staffed phone banks and made tens of thousands of calls to unionists in key swing states.

Unions made a special effort to talk with white members who may have been reluctant to vote for a black man for president. AFL-CIO Secretary Treasurer Richard Trumka gave the same **impassioned speech** to union members in key states, appealing to their class solidarity, decency, and sense of history.

"There are a thousand good reasons to for vote for Barack Obama. And there's not a single good reason for any worker -- especially a union worker -- to vote against Barack Obama. And there's only one bad reason not to vote for Barack Obama -- and that's because he's not white."

Labor activists carried Trumka's message to union voters. On Election Day, union members, including white males, were more likely than nonunion counterparts to vote for Obama and Democrats running for Congress and to volunteer for their campaigns.

But unions today represent only 12.1 percent of all American employees. This is a dramatic decline from the numbers a generation ago and significantly fewer than in other affluent countries. If unions represented even 20 percent of the work force, Obama would have won by a landslide. Democrats who narrowly lost their races for Congress would have prevailed.

That's why the Employee Free Choice Act (EFCA), designed to strengthen the labor movement, is the most important domestic legislation in decades to advance liberal concerns.

Despite its paltry membership, the U.S. labor movement remains the nation's most potent force for progressive change and the most effective vehicle for electing Democrats. Once in office, pro-labor politicians are typically the strongest advocates of tough environmental laws, funding for public schools and higher education, civil rights, women's rights, gay rights, universal health insurance, affordable housing, and protection of Social Security.

Contrary to business propaganda, unions are good for the economy. A recent study by the nonprofit Economic Roundtable found that union workers in Los Angeles County earn 27 percent more than nonunion workers in the same job. The increased wages for the 800,000 union workers -- 17 percent of the labor force -- adds \$7.2 billion a year in pay. As these workers spend their wages on food, clothing, child care, car and home repairs, and other items, their additional buying power creates 64,800 jobs and \$11 billion in economic output. Many economists argue that any strategy Obama and Congress use to revitalize the economy should make higher wages -- and stronger unions -- a centerpiece.

If unions are good for workers and good for the economy, why are so few employees union members? Business leaders argue that employees' anti-union attitudes account for the decline in membership, which peaked at 35 percent in the 1950s. In fact, a recent poll found that 58 percent of non-managerial workers would join a union if they could. But they won't vote for a union, much less participate openly in a union-organizing drive, if they fear losing their jobs for doing so.

And there's the rub. Americans have far fewer rights at work than employees in other democratic societies. Current federal laws are an impediment to union organizing rather than a protector of workers' rights. The rules are stacked against workers, making it extremely difficult for even the most talented organizers to win union elections. Under current National Labor Relations Board (NLRB) regulations, any employer with a clever attorney can stall union elections, giving management time to scare the living daylights out of potential recruits.

According to Cornell University's Kate Bronfenbrenner, one-quarter of all employers illegally fire at least one employee during union-organizing campaigns. In 2005, over 31,000 workers were illegally disciplined or fired for union activity. The lucky workers get reinstated years later after exhaustive court battles. Penalties for these violations are so minimal that most employers treat them as a minor cost of doing business. Employees who initially signed union cards are often long gone or too afraid to vote by the time the NLRB conducts an election.

Big business spends hundreds of millions a year to hire anti-union consultants to intimidate workers from participating in or showing support for union campaigns. Employers can require workers to attend meetings on work time during which company managers give anti-union speeches, show anti-union films, and distribute anti-union literature. Unions have no equivalent rights of access to employees. To reach them, organizers must visit their homes or hold secret meetings. This is hardly workplace democracy.

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But despite enormous obstacles, some unions are organizing and winning, typically by circumventing the NLRB process and mobilizing workers and community allies to put consumer, religious, and political pressure on employers. Last year was the first one in decades in which union density actually increased -- by 0.1 percent, or 311,000 members.

But unions are fighting an uphill battle because of one-sided labor laws. That's why the EFCA is the most crucial battle for workers' rights since the original National Labor Relations Act was passed in 1935. "It is the most important issue that we have," John Sweeney, president of the AFL-CIO, told *The Wall Street Journal* after the election.

The act would allow workers to skip the lengthy, corporate-dominated NLRB process. If a majority of employees in a workplace sign a union card (a system called "card check"), the company would be obligated to bargain with employees through the union. It would also increase penalties for companies who violate worker rights and provide for mediation and arbitration for first contract disputes -- a key provision, because employers often drag out negotiations to wear down a new union.

The EFCA would make union-organizing campaigns easier and reverse labor's four-decade membership decline. The U.S. would match other democracies in the protection of workers' rights. Canada has "card check" systems in half the provinces, and union membership is more than double that in the U.S.

Last year, the U.S. House of Representatives approved the Free Choice Act by a 241 to 185 vote. Fifty out of 51 Democratic senators (Sen. Tim Johnson of South Dakota was ill) and one Republican (Arlen Specter of Pennsylvania) voted yes, but it wasn't enough to end the Republican filibuster. Even if the bill had gotten out of Congress, President Bush had pledged to veto it.

But during his campaign for president, Obama frequently promised to support it, and Democrats will have a much wider majority in Congress. "Fortunately, the political climate has changed," said Mary Beth Maxwell, executive director of American Rights at Work, which is spearheading the pro-reform campaign, "and the tide for workers' rights is turning in our direction."

Even so, enacting the law won't be easy. Business leaders and their allies in Congress understand that a resuscitated labor movement would be an effective counterweight to their political influence.

Business may differ on issues like global warming and health-care reform, but opposition to the EFCA "is one the business community is united on," Dan Yager, spokesman for HR Policy Association, a corporate lobbying group, told *The Wall Street Journal*. "Now that it looks like it has a serious possibility of being enacted we think it will galvanize the community even more."

Bernard Marcus, co-founder of Home Depot, told *Business Week* that the EFCA is a "planned hostile takeover of [companies'] human resources." And Steven Law, the U.S. Chamber of Commerce's general counsel, correctly observed to *Business Week* that the EFCA would "alter a relative balance in labor-management relations which has existed for the last 50 years."

Business is on the warpath, trying to persuade moderates in Congress, including many middle-of-the-road Democrats, to oppose the proposed law. The Chamber and other business lobbyists spent \$50 million this year on advertising against the Free Choice Act and millions more trying to get anti-EFCA candidates elected to office. Now that the election is over, business will wage the most expensive corporate propaganda campaign in American history. They formed a front group, the Coalition for a Democratic Workplace, and pledged to spend at least \$200 million for TV and radio ads and direct-mail and lobbying efforts, particularly in states with fence-sitting senators, to defeat the proposal. Their key goal is to keep EFCA advocates from getting a filibuster-proof 60 votes in the Senate.

Unions cannot -- and should not -- fight this battle alone. Unions recognize that coalitions with community, religious, and environmental groups are essential to building a broader movement for social justice. A wide spectrum of issue groups support the EFCA, including the National Baptist Convention, Sierra Club, Human Rights Watch, NAACP, National Consumers League, National Women's Political Caucus, Presbyterian Church USA, United Methodist Church, U.S. Student Association, and Stonewall (gay and lesbian) Democrats. But for the bill to pass, these and other groups need to use all their political muscle to energize their supporters on behalf of labor-law reform.



The relative weakness of the American labor movement accounts for many of the most troublesome aspects of our society. The current business cycle has been the weakest on record for working families. Between 2000 and 2007 -- before the current mortgage meltdown and recession -- the median income of working-age households fell by more than \$2,000, even though workers' productivity increased. Why didn't American workers reap the benefits? Income inequality is greater today than at any other time since the 1920s. Families' declining purchasing power -- for example, their inability to keep up with mortgage, car, and other payments -- accounts for a major share of the nation's economic woes.

In fact, the U.S. has the most inequality and poverty of any industrialized country. And it's no coincidence that the U.S. has, by far, the fewest workers covered by a union contract among all major affluent nations.

Although the U.S. ranks third behind Norway and Japan in per capita income, American workers do not derive the benefits of prosperity compared with their counterparts elsewhere. Workers in other countries have used their political clout to take their productivity gains in the form of reduced hours -- shorter work weeks, longer vacations, and earlier retirements. (Unlike every other affluent country, the U.S. has no statutory minimum vacation policy.) But they also do better in terms of their paychecks and benefits, including office and service workers as well as blue-collar factory employees. In 2004, the year of the latest data, Americans worked an average of 1,824 hours annually, compared with 1,751 hours in Canada, 1,443 in Germany, and 1,363 in Norway.

The United States is the only democratic society without universal health insurance. It spends less on job training, child care, and affordable housing, and more on prisons, than do other nations. Our environmental and workplace safety laws are weak and poorly enforced. The pay gap between men and women is wider in the U.S. than in other affluent countries.

Canada has many of the same big employers and a similar economy as the U.S. But in many ways -- crime rates, poverty, homelessness, infant mortality, and others -- Canada is much more livable. In *Differences That Matter*, sociologist Dan Zuberi compared the lives of hotel workers in Vancouver, Canada, and Seattle, Washington, 140 miles apart, who worked for the same hotel chains. Canada's much stronger labor, health, social-welfare, and public-investment policies protected Canadian workers from the hardships that burden America's low-wage workers. Workers in Vancouver had better access to health care, public transit, housing, and educational opportunities for their children than did their counterparts in Seattle.

It's do-or-die time for the American labor movement. In the next decade or two, if labor stumbles toward irrelevance, our overall society will become nastier, more unequal and more individualistic than it already is.

America is now closer than it has been in decades to having labor laws that truly protect workers' freedom to make their own choices about union representation, without management interference. If Congress passes the EFCA, it would not only increase union membership but also lead to a rebirth of progressive politics. Americans who care about building a healthier, more livable society -- one in which prosperity is widely shared -- should view the battle over the Employee Free Choice Act as a fight for their own future as well.

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