

## Straight Talk on the Employee Free Choice Act

### What Would EFCA Do?

- **Majority Rules, Not the Boss**

- ✓ *Now*, the law allows a majority of workers to sign up for a union voice at work. But, the company can veto that decision and demand an election. This allows the company to run an abusive and intimidating campaign that coerces workers into voting against a union. One-quarter of companies illegally fire pro-union workers and 34% of companies coerce workers into opposing the union with bribes and favoritism. In 2005 alone, more than 31,000 employees were awarded back pay by the National Labor Relations Board (NLRB) due to retaliatory firings and other unfair labor practices by companies.
- ✓ *Under EFCA*, workers choose, not the company. If a majority of all employees at a worksite sign cards clearly indicating support for a union, the company is required to recognize the union, so long as the workers' choice is certified by the NLRB.

- **Fair Resolution of Contract Disputes**

- ✓ *Now*, despite the fact the law requires everyone to bargain in good faith, it is common for companies to drag out the negotiation process for years and to refuse to bargain. One-third of negotiations for a first contract are not finalized 2-3 years after their union election victories; many take much longer.
- ✓ *Under EFCA*, there would be a fair process for resolving contract disputes, thus requiring management and labor to bargain productively. If the company and union are not able to reach agreement within 90 days, either party may ask the Federal Mediation and Conciliation Service (FMCS) to step in. If after 30 days of mediation the FMCS cannot resolve the dispute, it gets referred to an arbitrator whose ruling is binding for two years.

- **Strong Remedies to Protect Workers' Rights**

- ✓ *Now*, a company faces only minimal penalties if it violates employees' rights to form a union or negotiate a first contract. Typically, it just has to put up a notice at the worksite saying it won't do it again. Even when a company fires an employee for union organizing there is no real penalty. The NLRB simply requires the company to reinstate the worker and provide back pay. But the worker can be out of a job for years. Without meaningful remedies workers are discouraged from exercising their right to unionize.
- ✓ *Under EFCA*, workers and management would be on a level playing field. The NLRB would be required to take legal action to immediately reinstate workers fired for union activity. Companies that punish or fire employees for lawful union activity would have to pay triple damages.