

5-11-2007


How the Employee Free Choice Act Would Help Colleges

Peter Dreier

Occidental College, dreier@oxy.edu

Kelly Candaele

Follow this and additional works at: http://scholar.oxy.edu/uep_faculty

 Part of the [Civic and Community Engagement Commons](#), [Curriculum and Social Inquiry Commons](#), [Inequality and Stratification Commons](#), [Labor and Employment Law Commons](#), [Other Public Affairs, Public Policy and Public Administration Commons](#), [Politics and Social Change Commons](#), and the [Service Learning Commons](#)

Recommended Citation

Dreier, Peter and Kelly Candaele. "How the Employee Free Choice Act Would Help Colleges." *The Chronicle of Higher Education*. 11 May 2007.

This Article is brought to you for free and open access by the Urban and Environmental Policy at OxyScholar. It has been accepted for inclusion in UEP Faculty & UEPI Staff Scholarship by an authorized administrator of OxyScholar. For more information, please contact cdla@oxy.edu.

How the Employee Free Choice Act Would Help Colleges

By Peter Dreier and Kelly Candaele

A BILL NOW MOVING through Congress to expand workers' rights could be very important legislation as well for college professors and other advocates for higher education. Its passage should also be a top priority for people concerned about the environment, public education and children, health care, housing, senior citizens, and the civil rights of women, homosexuals, and members of racial minority groups.

The bill—called the Employee Free Choice Act—is understandably important to America's labor unions. It would mean better wages, benefits, and working conditions for all employees. It would also make it more likely for unions to win organizing drives in workplaces. After decades of declining union membership, the United States is now behind other affluent nations in terms of the proportion of employees covered by collective-bargaining agreements.

But why should other constituencies rally behind the act? The reason is simple: The labor movement is still the most effective political force for electing liberal candidates at the local, state, and federal levels. And once in office, pro-labor politicians are typically the strongest supporters of the environment; the civil rights of women, homosexuals, and minority groups; universal health insurance; Social Security; affordable housing; and funds for public schools and higher education. A strong labor movement thus benefits other agendas and causes that have been under attack by conservative forces in recent years.

The Employee Free Choice Act seeks to level the playing field for management and workers, making it more likely that unions' organizing campaigns will be successful. Any employer with a clever attorney can stall union elections, giving management time to scare the living daylights out of potential members. At least one-quarter of all employers illegally fire one or more employees during a union's organizing campaign. In 2005, for instance, over 31,000 workers were illegally disciplined or fired for organizing activity, according to the National Labor Relations Board. Some of those workers will be reinstated—but only after years of court battles.

Indeed, penalties for violating the rules 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.

Companies can require workers to attend meetings on work time in which managers and consultants give anti-union speeches, show anti-union films, and distribute anti-union literature. Unions have

no equivalent rights of access to employees. To reach workers, organizers frequently must visit their homes or hold secret meetings. That is hardly workplace democracy.

Business leaders argue that employees' anti-union attitudes account for the decline in union membership, which was 12 percent last year after peaking at 35 percent in the 1950s. In fact, a December 2006 poll found that 58 percent of nonmanagerial workers would join a union if they could. But they won't participate in organizing campaigns if they believe their jobs are at stake.

The Employee Free Choice Act would allow employees to form unions more easily. Workers would be able to sign a card stating that they want to be represented by a union; if a majority of employees signed up, the company would be required to bargain with the union chosen by the employees. The law would also increase penalties for companies that violate workers' rights and provide for mediation and arbitration for contract disputes—a key provision, given that employers often drag negotiations out to wear down a new union.

If the law were adopted, the United States would match other democracies in the protection of workers' rights. In Canada, for example, the card-check process is in place, and the level of union membership is twice that in the United States. Under Presidents Ronald Reagan, George H.W. Bush, and George W. Bush, federal agencies designed to protect employees—such as the NLRB and the Occupational Safety and Health Administration—have had their budgets cut and their enforcement staffs eviscerated. Meanwhile, business's violations of labor laws have increased exponentially.

DESPITE THOSE SETBACKS, a few unions have recently used innovative and aggressive strategies not only to recruit members but also to connect struggles in the workplace to broader social issues like housing, the environment, and immigrants' rights. Thoughtful union leaders and members have built coalitions with churches, college students, environmentalists, and other activists—including campaigns on more than 200 campuses against the use of sweatshop labor, in cities like Chicago and Los Angeles to expand funds for affordable housing, and across the country to get cities to adopt "living wage" ordinances. Those efforts undermine the conservative argument that unions are a special interest, concerned only with the selfish interests of their members.

In addition, social scientists have concluded that the weakness of the U.S. labor



JAMES LEYNSE, CORBIS

Graduate students at New York U. picketing in November 2005, as they tried to form a union

movement accounts for many troubling aspects of American society, including higher rates of poverty and infant mortality, a smaller proportion of citizens with health insurance, and longer workweeks with fewer paid vacations than is the case in other affluent nations. If unions became irrelevant, our society would become more unequal and individualistic than it already is. That is not a happy prospect, especially for those of us in higher education, which relies on the public's support in many ways.

At the beginning of March, the House of Representatives approved the Employee Free Choice Act, by a vote of 241 to 185. Across the country, conservative groups, business leaders, and their Republican allies in Congress are on the warpath against the bill. And if the Senate passes the legislation, President Bush has promised to veto it.

The battle over the act will be a central issue in the 2008 contests for the White House and Congress. All the major Democratic candidates for president support the act. The labor movement is likely to make such support a litmus test for candidates requesting its endorsements, money, and ground troops. Republicans and even Democrats in primary races who fail to support the bill could be opposed by unions.

If labor's liberal allies—like the Sierra Club, the National Organization for Women, and the NAACP—do the same, and if Democrats gain more seats in both houses of Congress in 2008, the act has a good chance of passing. With enough sup-

porters in Congress, even a Republican in the White House would face a veto override. A Democrat in the White House would guarantee that the act would become law.

More than any other liberal interest group, unions provide a counterweight to the political influence of the religious right and other conservatives. Even people otherwise likely to vote Republican, like gun owners and those who attend church weekly, tend to vote Democratic if they are also union members.

Recognizing the threat of a resuscitated labor movement, right-wing groups oppose the Employee Free Choice Act and have made it clear to President Bush that if it does pass the Senate, they expect him to veto it. And that is why groups the right clashes with—including schoolteachers and college professors, often condemned by the right as overwhelmingly liberal—should view the battle over the act as a fight for their own future, too.

If the act becomes law, it would do more than increase union membership. It could lead to a rebirth of progressive politics in the United States that would include greater support for education.

Peter Dreier is a professor of politics at Occidental College. His most recent book, written with Robert Gottlieb, Mark Valianatos, and Regina M. Freer, is The Next Los Angeles: The Struggle for a Livable City (University of California Press, 2005). Kelly Candaele is a trustee of the Los Angeles Community College District.