



## Labor Relations Week<sup>TM</sup>

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**24 LRW 1491**

### ***Organizing***

### **Obama Says Votes Not There To Pass Employee Free Choice Act**

President Obama Sept. 13 said he does not believe there are the 60 votes needed to invoke cloture and proceed to a final vote on the Employee Free Choice Act (H.R. 1409, S. 560), but that his administration is doing all it can to help organized labor.

In August, Obama received a standing ovation when he told members of the AFL-CIO Executive Council meeting in Washington, D.C., that he intended to keep fighting to pass the bill (24 LRW 1271, 8/5/10).

The proposed legislation, which is stalled in the Senate, would amend the National Labor Relations Act to make it easier for employees to gain union representation by requiring a majority showing in union authorization cards in lieu of a majority vote in an election.

"Frankly, we don't have 60 votes in the Senate," the president said. "So you know, the opportunity to actually get this passed right now is not real high."

Obama made his remarks during a visit to Fairfax, Va., where he met with a local family and hosted a backyard discussion on the economy with neighbors and small business owners from the area.

"What we've done instead is try to do as much as we can administratively to make sure ... that it's easier for unions to operate and that they're not being placed at an unfair disadvantage," the president said.

The White House press office did not respond to requests for information about what specific administrative actions the president has taken. However, soon after taking office, Obama issued four labor-friendly executive orders covering federal contractors and large federally funded construction projects (23 LRW 191, 2/5/09; 23 LRW 242, 2/12/09) and his appointments created a Democratic majority on the National Labor Relations Board (24 LRW 571, 4/15/10).

### **More Difficult Environment**

According to Obama, the Employee Free Choice Act was introduced in

response to a trend over the past 20 or 30 years where it has become more and more difficult for unions to “just get a fair election.”

The laws on the books have gotten more and more difficult to apply, the president said. Often, even good employers who do not want the bother of having a union will work hard to make sure that organizing does not lead to a representation election, he said.

“And they will drag out the process for a very long time, and ... in some cases, you know, workers who are joining unions or want to join a union or helping to organize one may get intimidated,” the president said.

Still, the costs for shipping big, manufactured goods from China to the United States, or large volumes of goods from Japan, Korea, or Malaysia is a lot cheaper now than it used to be, Obama said. What that means is that the administration has to be sympathetic to business concerns that they are not priced out of the market when they compete internationally, he said.

The best way to balance that is to make sure that business interests and labor interests in the United States are aligned and to make sure that businesses are looking after their workers and giving them a good deal, the president said.

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“But workers and unions also have to think about businesses and not put them in a position where they're potentially priced out of the marketplace,” he said.

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