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Labor Law

Pro-Union Group Sets \$3 Million Campaign To Push Congress to Approve Free Choice Act

American Rights at Work, a labor policy and advocacy organization, Jan. 13 announced a \$3 million advertising and lobbying campaign to support efforts to push Congress to approve the Employee Free Choice Act and to counter attacks on the bill that it says spread misinformation.

The Employee Free Choice Act (H.R. 800/S. 1041) would allow unions to be recognized based on authorization cards signed by employees, with the National Labor Relations Board (NLRB) performing a card check and determining whether the union has majority support. The legislation allows for unions to choose between using the authorization cards and secret ballot elections.

Supporters argue that the legislation would allow for the creation of more unions, which would lead to greater protections for workers. Opponents argue that the bill would cost millions for businesses and lead to increased costs for products and services.

Bill Samuel, director of government affairs for the AFL-CIO, told briefing participants that the bill does not remove the secret ballot elections, as many nationally transmitted commercials have claimed.

"The bill is based on a simple premise that would give workers back a choice to form a union," Samuel said.

Samuel said he was "confident" they had the votes in Congress to approve the bill.

Congressional Path.

Supporters of the proposed Employee Free Choice Act in June 2007 fell nine votes short of the 60 needed to limit Senate debate and proceed to final consideration of the bill (123 DLR AA-2, 6/27/07).

Prior to the Senate vote, the bill passed the House in March 2007 on a 241-185 vote (41 DLR AA-1, 3/2/07). It is considered a foregone conclusion that the House will approve the legislation again this year.

The 51-48 Senate vote was almost completely along party lines, with 48 Democrats, two Independents, Sens. Joseph Lieberman (Conn.) and Bernard Sanders (Vt.), and one Republican, Sen. Arlen Specter (Pa.), voting for the cloture motion and 48 Republicans voting against it.

This time, Senate Democrats would likely have at least 58 votes for the bill, but would need 60 votes to overcome an expected procedural obstacle from Senate opponents.

The Senate race in Minnesota between incumbent Sen. Norm Coleman (R) and Al Franken (D) remains formally unsettled. If Franken were to win and Specter remains supportive of allowing a vote, the bill could pass the Senate.

However, Specter spokesman Kate Kelly told BNA on Dec. 30 that the senator was not in support of or opposition to the bill.

"He's still studying it," Kelly said. "He's rather in favor of examining the bill."

Lobbying Efforts.

At the briefing, Samuel said the group was lobbying other Republican senators as well.

"It's a new Senate," Samuel said, "We do have to watch the Franken vote."

Wade Henderson, president and chief executive officer of the Leadership Conference on Civil Rights, told participants that the "power of grass roots" will "put a great deal of pressure on lawmakers."

Mary Beth Maxwell, executive director of American Rights at Work, said her group's \$3 million campaign will focus on countering claims made during last year's election season.

"Opponents to EFCA spent at least \$20 million in fall elections, and it didn't work," Maxwell said. "The voters said that had no impact."

The American Rights at Work organization's move came after a new business-backed group, named Save Our Secret Ballot, announced a national campaign Dec. 30 to urge states to adopt constitutional amendments requiring secret ballots for union representation elections (250 DLR A-9, 12/31/08).

McKeon E-Mail Blitz.

In a separate push against the legislation, the office of Rep. Howard P. McKeon (R-Calif.), ranking member of the House Education and Labor Committee, has been sending daily e-mails criticizing the legislation to members of the media.

“The card check plan would leverage harsh new penalties on employers for unfair practices during unionizing drives, but it does nothing to strengthen protections for workers against intimidation, pressure, or coercion by union leaders and organizers,” the lawmaker said a Jan. 13 e-mail. “By eliminating the secret ballot, the anti-worker card check plan opens workers to unprecedented pressure from union organizers trying to get a majority of workers to sign authorization cards.”

McKeon aide Cameron Coursen told BNA that the office will send out an e-mail on the topic “every day until the bill comes up.”

EFCA Poll.

Meanwhile, a survey of 1,007 adults, conducted by Hart Research Associates and commissioned by the AFL-CIO, found that nearly four in five of surveyed adults, or 78 percent, favor legislation that “makes it easier for workers to bargain with their employers for better wages, benefits and working conditions.”

The survey, released Jan. 8, said 73 percent of respondents specifically support EFCA.

By Derrick Cain