

## The Case for Employee Free Choice

Long before the financial crash of 2007-08, the underlying trend of the past thirty years has been the widening of economic inequality. This trend has been blamed on many factors, but at bottom there is one large cause: Workers prior to the mid-1970s enjoyed far more bargaining power to get their fair share than they do today.

In that era, unions were stronger; and other protective measures such as more generous minimum wage regulation and unemployment compensation enhanced worker security. More industries were regulated, giving companies a stable rate of return and less incentive to hammer down wages as a strategy of competition. And America was largely insulated from low-wage global competition.

In a climate of weaker worker power, corporate executives and their Wall Street allies have kept for themselves more and more of America's work product. Somehow, in the 1950s, CEOs managed just fine with only fifty times the typical worker's wage rather than the 400 times that they get today. This has nothing to do with productivity or competitiveness—and everything to do with shifts in power. America's productivity has nearly doubled in a generation while median wages adjusted for inflation have been almost flat.

Whatever the other factors influencing increasing inequality, there is one proven instrument to help workers get their fair share. That is collective bargaining. The new Obama Administration needs to restore the rights guaranteed to workers eight decades ago by President Roosevelt's Wagner Act, passed in 1935, which guarantees workers the right to organize or join a union if they so choose.

But since the early 1970s, corporate America has been increasingly brazen in its campaign to break unions. The most efficient way to do so is to fire workers who support unions, even though that is a flagrant violation of the Wagner Act. Enforcement has become so feeble that years go by before dismissed workers can win reinstatement or the

payment of token fines and back wages. Most don't even try. Union busting managers treat these expenses as ordinary costs of doing business.

Corporations that resist unions claim today that union membership has declined because most workers no longer want or need unions. In truth, polls show that upwards of 50 percent of workers who are not currently members of unions would like to join. They need unions more than ever. They refrain from joining for fear of retaliation or harassment.

Legislation to restore effective worker rights under the Wagner Act has been regularly introduced in every Congress since the early 1970s. In 1978, when Jimmy Carter enjoyed an overwhelming Democratic majority in Congress, labor law reform failed for two votes in the Senate because the White House did not act to win wavering support. In 1993-1994, when Bill Clinton had a working majority, he gave priority not to a stronger Wagner Act but to NAFTA, which hurt American workers.

The current reform legislation, the Employee Free Choice Act, would expedite the process of union certification once a majority of workers at a given worksite had signed union cards. Under present procedures, after a majority indicates that they want a union, there is a protracted period before an election, when organizers and pro-union workers are often fired; threats are made, and management has license to wage anti-union campaigns with captive audiences. The new system would short circuit that period of abuse and allow certification based on a majority of signed cards.

Obama has endorsed the legislation and pledged to make it an early priority. Beyond EFCA the new president should prize the labor movement as a constituency to be honored and enlarged. Compared with identically situated workers in non-union settings, members of unions tend to have a far more progressive and socially conscious conception of the economy, more enlightened attitudes on race and gender, and a greater tendency to look to civic engagement and remedy. They and their families also have a far greater propensity to vote for progressives.

John L. Lewis, in the early days of the CIO, would tell groups of workers, “President Roosevelt wants you to join the union.” Today’s trade unionists should be able to say that of Barack Obama.