

## **Two minutes with the Boss**

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### **EFCA: (Employee Free Choice Act) A Dirty Word? Part 2**

Last blog I discussed the card check issue which many media outlets have been panning. The Employee Free Choice Act (EFCA) is being made out by management as some poisoned law that would make it easier for unions to engage in deception and intimidation tactics while organizing.

Some claim that the changes to worry about within the management realm is that penalties will be made more severe against employers for unfair labor practice charges if the employers are found culpable.

Also they are whining about the abolition of the secret vote. The last big issue is the fact that binding arbitration would be established if a negotiation for the contract met with an impasse.

But as usual, what management or the management orientated articles don't say is this. What's wrong with penalties being assessed over an employee related ULP? Employers who violate labor laws knowingly and willingly because they know there is no beef in the current format will continue to do so?

IF a ULP is filed and the employer is assigned a penalty, it is obvious to me that the employer has been found guilty. To me, that is what happens when you're found guilty of something—you get punished. Sure that can go both ways, but I would harbor a guess based on many years of experience in labor that it is in fact the employer who regularly has ULPS filed against them. It's a risk worth taking. Keeps everyone on their toes!

Next, the secret vote ballot still exists if you already have a union and want to change. The EFCA would only apply to new agencies wishing to organize. If more than 51 percent of the members want a union and there are no allegations of fraud brought about by members, then you have a union for new groups who want to unionize. What is the problem here?

Finally, out of many other issues, the third biggie is binding arbitration, I can only answer, okay, bring it on. While binding arbitration by a third party is not always a panacea for resolving union problems, it avoids strikes, work stoppages, and a lot of confrontational politics between labor and management, and you will usually get a fair decision. It's what we have now in Illinois for cops and firefighters and it seems to be working well.

Management argues that they or the union may not like the terms imposed by a third party, but will have to live with them. Well, yeah, that is what binding arbitration means. But as I said in Part 1, you do the research, find the pros and cons and make up your own mind.

The issue here is that in our state, (Illinois) card check is working and working well. Management may not like it, but it's here to stay. There are no card check or majority interest petitions that I'm aware of at this time that have been rejected because of union or internal organizer fraud.

People sign cards to join a union because they want to join a union. It is as simple as that. Management and the media that supports them will never support anything that enhances the rights of unions to organize their employees. It is the nature of the beast that is management.

We can only hope that this law passes at the federal level, but as I said, here in Illinois we are already enjoying the fruits of this labor.

In closing, remember unions are just trying to provide the necessities of life for its members via the workplace. It's the worker who builds the houses, the roads, the shopping centers and the SUVs to take you there. It's who patrols your streets and keeps our communities safe. The struggle of the American Worker, through unions, have ensured a minimum wage, a 40-hour workweek, insurance, overtime, pensions, a redress of grievances, and many other economic and non-economic benefits. In unions, we are all equal. The bashing of unions by some in the print media and elsewhere falls on deaf ears here. Hopefully it falls on your deaf ears, too.

Stay safe.

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