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**STATEMENT OF SENATOR EDWARD M. KENNEDY AT THE EMPLOYEE FREE CHOICE ACT  
RALLY**

*(As Prepared for Delivery)*

We're here today to speak up and it's about time they listened. Let's speak up so every Congressman hears you. Speak up so every Senator hears you. Speak up so the White House hears you. Let's speak up! Because we've got something to say!

We have so many great leaders here today who have given their lives to the cause of working families. They speak up for them every single day. It's an honor to join John Sweeney, Larry Cohen, Gerry McEntee, Jimmy Hoffa, and Cecil Roberts – and so many other great champions for working families – ACORN, Campaign for America's Future, American Rights at Work, US Action.

We're here together because the hard working men and women of America have made this nation strong. This is a great nation because of you. You built our economy. You served with pride in our armed forces. You fought in our wars. You've sacrificed your brothers and sisters and sons and daughters for our nation. You uphold our values and our pride.

Working men and women of America are our greatest strength, and that is why we are here today. Working men and women don't ask for much in return. A good job that treats them with dignity. Decent pay to raise their children. Quality health care for their families. AND. THEY. WANT. UNIONS!!!

Americans know that unions built the middle class. They know that unions made the American dream. They know that unions are the voice of fairness and decency and hope and opportunity for millions of men, women and children in our great land. Americans want that dream back, and we need one thing to get us there – the Employee Free Choice Act! Working families have done so much for our country. Surely we can pass fair labor laws for them.

So my friends. This is our moment. This is our fight. This is our destiny. It's time to call the roll. Let's call the roll from Boston to L.A. From Chicago to Houston. From Seattle to Atlanta. From the Capitol to the White House. Let's call the roll!

And when they call the name of Kennedy, I'll raise my hand with pride and cast my vote for the working families of America.

**SUMMARY OF THE EMPLOYEE FREE CHOICE ACT**

The Employee Free Choice Act will allow workers to choose a union free from employer coercion.

**Majority Sign-Up—Employees Choose A Union When A Majority of Workers Sign  
Cards Endorsing the Union**

*Problem:* Union elections are often the focus of employer intimidation and coercion—

employers illegally fire employees for union activity in more than one-quarter of all organizing efforts. In 2005, over 30,000 workers were discriminated against—losing wages or even their jobs—for exercising their freedom to associate.

*Solution:* The bill provides that workers can choose a union when a majority of them sign valid cards stating they want a union as their bargaining representative. Existing law allows for majority sign-up, but only at the employer's discretion. The National Labor Relations Board (NLRB) will determine the validity of the cards.

### **Reaching First Contract Through Mediation and Arbitration**

*Problem:* 34 percent of union victories—more than one-third of hard-won elections—did not result in a contract for workers. This renders employee choice meaningless.

*Solution:* The bill provides that if the parties don't reach a contract within 90 days, either one can seek mediation from the Federal Mediation and Conciliation Service (FMCS). If there is no agreement after 30 days of mediation, the dispute will go to arbitration, the result of which will be binding on the parties for two years.

### **Strengthens Remedies for Employer Coercion When Employees are Trying to Organize or get a First Contract**

*Problem:* Employers fire pro-union workers in 25% of organizing drives. But remedies for this coercion are inadequate. An employee must often spend years to prove her case—and then she is only eligible to receive back pay and reinstatement to her job.

*Solution:*

- Injunctions: The NLRB must go to court to get an order stopping an employer that is firing or discriminating against workers based on their union activity during an organizing or first contract drive.
- Treble Backpay. An employer that discriminates against a worker during an organizing campaign or first contract drive must pay three times back pay.
- Civil Penalties: Imposes civil fines up to \$20,000 per violation if an employer willfully or repeatedly violates workers' rights during an organizing campaign or first contract drive.

## **THE EMPLOYEE FREE CHOICE ACT RESTORES MIDDLE CLASS SECURITY**

The Bush economy is not working for working Americans.

\* Americans are working harder than ever in the Bush economy. Productivity has been rising and companies are making huge profits on the backs of their workers. Corporate profits are up by more than 83% since 2001.

\* Inequality has also reached alarming levels. Today, more than 40% of total income is going to the wealthiest 10 percent of Americans – the biggest gap in more than 65 years.

\* Six million Americans have lost their health insurance, and their retirement security is fading as well. We have created an economy that works for Wall Street, but not Main Street, and working families are being left behind.

\* It's little wonder that most Americans want a voice at work in these insecure times. In a

recent survey, 58 percent of Americans indicated they would join a union if they could, a record number.

The freedom to choose a union is vital to restoring the American Dream, especially for the most vulnerable Americans.

\* Unions help American workers get their fair share – union wages are almost 30% higher than non-union wages. Unions are also a cure for rising inequality because they raise wages more for low- and middle-wage workers than for higher-wage workers.

- Union cashiers earn 46% more than non-union cashiers.
- Union food preparation workers earn nearly 50% more than non-union workers.
- Union maids and housekeepers earn 31% more than their non-union counterparts.

\* The freedom to join a union is a women's issue and a civil rights issue. Union women earn 31 percent more than women workers who don't have a union. African American union members earn 36 percent more, and Latino workers earn 46 percent more.

\* Union workers are almost twice as likely to have employer-sponsored health benefits and a pension at work. They are more than four times more likely to have a secure, defined-benefit pension plan than non-union workers.

\* Protecting the freedom to choose a union benefits all Americans, whether or not they have a union at work. In industries and occupations where many workplaces are unionized, non-union employers will frequently meet union standards or otherwise improve compensation. A high school graduate in a non-union workplace whose industry is 25 percent unionized gets paid 5 percent more than similar workers in less unionized industries.

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