

FOR IMMEDIATE RELEASE
June 20, 2007

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**STATEMENT OF SENATOR EDWARD M. KENNEDY ON REPUBLICAN RESPONSE TO
EMPLOYEE FREE CHOICE ACT**

WASHINGTON, D.C.—Today, Senator Edward M. Kennedy released the following statement in response to the Republican remarks on the Employee Free Choice Act.

“Opponents of American workers are trafficking in the politics of fear, by grossly mischaracterizing the policies in the Employee Free Choice Act. They’re afraid to give workers a voice, so they’re obscuring the truth. I think it’s important to set the record straight. The Employee Free Choice Act does one thing – it empowers workers. It gives them the freedom to choose – without fear of intimidation or harassment – whether they want union representation. There’s nothing more fair or democratic than that.”

**SETTING THE RECORD STRAIGHT:
MYTHS AND FACTS ABOUT THE EMPLOYEE FREE CHOICE ACT**

MYTH: The Employee Free Choice Act eliminates elections for choosing a union.

FACT: The Employee Free Choice Act does nothing to change employees’ ability to get a secret ballot election.

WHAT ARE THEY MISSING? Under current law, workers can try to form a union by requesting an election or by using cards to show that the union has majority support. However, an employer can veto the workers’ decision about how they want to choose a union, and force an election. The Employee Free Choice Act takes this veto power away from employers, giving workers the power to decide how they want to choose their representative. If workers want an election, they can have one. If they fear employer intimidation, and want to use majority sign-up, they have that choice.

MYTH: The Employee Free Choice Act restricts what an employer can say during a union organizing campaign.

FACT: The Employee Free Choice Act does absolutely nothing to change what an employer can or cannot say during a union organizing campaign.

WHAT ARE THEY MISSING? Employers are prohibited from threatening or coercing workers. The Employee Free Choice Act does nothing to change this aspect of current law.

However, despite the law, threats and coercion – both lawful and unlawful – are rampant during many union organizing campaigns. The Act does two things to close the floodgates of abuse: it strengthens the penalties for conduct that is already illegal under current law, and allows employees who fear threats or intimidation by their employer to minimize this abuse by choosing a union more quickly through majority sign-up.

MYTH: The Employee Free Choice Act allows “union bosses” to coerce workers into supporting a union.

FACT: Coercing workers to support a union is illegal, and it’s a very rare occurrence.

WHAT ARE THEY MISSING? It is already illegal for a union or co-worker to try to coerce a worker into supporting a union. Nothing in the Employee Free Choice Act changes this.

Historically, such coercion by unions has been a nearly unheard-of problem. Opponents of the Act cite one study suggesting that there have been 113 NLRB cases where a union representative coerced someone into signing a card over the last 60 years. Even if we accept that as true, it's a drop in the bucket compared to the number of coercion charges filed against employers – over 18,000 last year alone. It is employer coercion that is the real problem, because it is employers – not co-workers or union organizers – who have the power to hire and fire workers.

MYTH: Secret ballot elections have been the rule for 60 years.

FACT: Until the mid-1960s – about 40 years ago – employers could not require workers to use an NLRB election to choose a union.

WHAT ARE THEY MISSING? Majority sign-up has been used since 1935. Until the mid-1960s, it was usually an unfair labor practice for an employer to refuse to bargain with a union selected by majority sign-up. There's a long history of majority sign-up, and there is no evidence that it has caused any of the problems that opponents of the Act suggest.

MYTH: The Employee Free Choice Act will force employees to work under “government-imposed contracts.”

FACT: The Employee Free Choice Act provides incentives to negotiate that help workers and companies get a first contract. Arbitration is used only as a last resort.

WHAT ARE THEY MISSING? Under current law, there are no incentives for employers to bargain in good faith for a first contract. One study showed that more than one third of union elections victories do not result in a contract for workers.

The Employee Free Choice Act gives the parties a schedule and a framework for negotiations – providing an incentive to sit down and talk. The parties can always choose to extend this schedule by mutual agreement – the framework just keeps one party from stonewalling. The Act also provides for mediation to help the parties reach their own solution. Such mediation – provided by the Federal Mediation and Conciliation Service – has an 86% success rate at helping unions and management agree on a contract. Binding arbitration is used only as a last resort, and the parties can always avoid it. They just have to stay at the table and keep talking. Most Canadian provinces have a similar system in place, and they have found that binding arbitration is used very infrequently.

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