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Anarcho-Syndicalist Review
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2009

Retrieved on 28th January 2021 from syndicalist.us
From Anarcho-Syndicalist Review #52, Summer 2009

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As we go to press, the Democrats seem to be abandoning the Employee Free Choice Act, despite receiving hundreds of millions of dollars in campaign assistance (and countless hours of campaign work) from the business unions. This continues a long string of broken promises dating back to the origins of the labor movement's dealings with the politricksters. But even if one could place one's faith in politicians. the law would do little to build workers' actual power:

For bosses everywhere it is the end of the world as we know it. For progressives and trade unionists it is nothing less than the salvation of the labor movement. The Employee Free Choice Act, recently re-introduced to the U.S. Congress, is being touted as the most significant piece of labor legislation since the Wagner Act of 1935 made the promotion of collective bargaining the centerpiece of U.S. labor policy.

Bosses' organizations like the Chamber of Commerce, Center for Union Facts and Freedom's Watch have poured millions of dollars into a campaign to sway their bought-and-paid-for politicians to do right by them and defeat the unions. The main mouthpiece of big capital, *The Wall Street Journal*, has been particularly vocal in opposition to the Act. And Starbucks and

Whole Foods – both experienced union-busting operations – have put forward a "compromise" that would continue the current system (with slightly higher penalties when companies such as themselves are caught violating the law), but allow the bosses to go after union treasuries if workers "abuse" the bosses.

For its part, the mainstream labor movement is also pouring millions of dollars and members' time into campaigning for passage of the Act. They are hoping that their efforts to help elect Barack Obama president of the U.S. and Democratic senators and representatives will finally pay off.

The main element of the Act that has bosses fuming and labor bureaucrats swooning is the provision for NLRB certification as exclusive collective bargaining agent of any union that can convince 50 plus 1 percent of a defined bargaining unit to sign cards authorizing the union to bargain with management over wages and working conditions, so-called *card check* recognition. Card check is already possible within the current law, if the union can convince the boss to recognize it as the collective bargaining agency of his/her workforce. Bosses very rarely agree to card check, preferring an NLRB supervised election, which gives them time to mount an anti-union campaign of harassment and intimidation to convince workers to vote no union.

The bosses' main argument against card check is that it will take away the employees' sacred "secret ballot" and that workers will be subjected to intimidation from union goons to sign authorization cards. The fact is that a secret ballot election remains an option where workers petition for one. In addition, provisions for union decertification remain the same, if bosses can convince 30% of their wage slaves to petition for same. So the ballot argument is just a cover for the fact that employers' fear that given a chance their workers would opt for union representation (recent polls show that 53% of workers would join a union if given a chance), which would mean that they would

have to give up *total* control of their businesses and perhaps some of their profits.

The EFCA also increases penalties for bosses who fire workers during organizing campaigns, granting up to three times back pay to the fired worker and levying a possible $20,000 civil fine on the employer. While this might give smaller employers an incentive to play nice, larger employers will simply include these as costs of doing business, if the law is even enforced.

Given the vehement opposition to the EFCA by the employing class one is tempted to embrace the law and champion its passage; but there are provisions in the new law that should give rank-and-file workers pause. The law provides for mediation by the Federal Mediation and Conciliation Service if the employer and collective bargaining agency cannot come to agreement on a contract within 90 days of certification. If mediation fails to bring about agreement then the law provides for binding arbitration, which will result in the imposition of a two-year contract that workers won't have the opportunity to vote on. In other words, the workers will have as much say in their wages and working conditions as they had before.

The biggest cause for concern, however, is that while the law may make it easier for workers to join unions it says nothing about what kind of unions they will be joining or the nature of the relationship being entered into. Most authorization cards simply state that the signer authorizes such-and-such an organization to represent them in collective bargaining. It is not the same as actually becoming a member of a union. Indeed, most workers become union members only after the collective bargaining agreement is signed and a dues check-off is implemented. This idea of the union as simply a *collective bargaining agent* rather than an organization for struggle is at the root of business unionism. EFCA will simply make it easier for the business unions to increase their dues-paying base; it will not result in greater organization of labor, unless rank-and-file

workers decide to organize on the job in spite of the bureaucrats.

We anarcho-syndicalists and revolutionary unionists, of course, have no faith in the law. With or without the Employee Free Choice Act our task is the same: "to organize industrially for the everyday struggle with capitalists and to carry on production once capitalism has been overthrown."