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The Right to Organize

There are many reasons for the long decline in the membership rolls for private sector unions, including powerful changes in the economy and the unions' past corruption scandals. And there is little doubt that federal rules and regulations for union organizing have also become increasingly hostile to labor, helping to drive unions' share of the work force down from a peak of 35 percent in the 1950s to a mere 7.4 percent today.

The House of Representatives passed a bill last week that would strengthen the rights of employees to form unions, and it drew an immediate veto threat from President Bush. But if Mr. Bush were, as he claims, truly concerned about rising income inequality and truly committed to improving the lives of America's middle class, he would support the legislation and urge the Senate to approve it.

The most significant change in the bill is known as a majority signup, which would allow employees at a company to unionize if a majority signed cards expressing their desire to do so. Under current law, an employer can reject the majority's signatures and insist on a secret ballot. But in a disturbingly high number of cases, the employer uses the time before the vote to pressure employees to rethink their decision to unionize.

The bill would also increase the penalty for employers who fired or otherwise discriminated illegally against pro-union employees. An employer currently found guilty of an illegal firing must pay back pay, minus whatever the fired employee might have earned at a new job -- a fine so low as to be meaningless. And the bill would require binding arbitration if a newly formed union and company management were unable to agree on a first contract after 120 days. The refusal to bargain is among the most common allegations against employers in filings to the National Labor Relations Board.

Some employers, like Cingular Wireless and the health care provider Kaiser Permanente, have voluntarily embraced the practice of the majority signup. But many others, represented by interest groups like the United States Chamber of Commerce and the National Association of Manufacturers, remain rigidly opposed.

The bill's opponents charge that replacing secret ballots with the majority signup would be undemocratic. But the current system is by no means fair. The law prohibits union advocacy by employees during work hours and allows employers to ban organizers from the work place. But employers can require workers to attend anti-union presentations, and can discipline or fire those who refuse to attend.

In 2005, according to the most recent annual report of the National Labor Relations Board, 31,358 employees were receiving back pay after being discriminated against for their union-related activities. In research for a bipartisan Congressional commission in 2000, Kate Bronfenbrenner, a labor relations professor at Cornell University, reported that 25 percent of employers illegally fired at least one employee during organizing campaigns.

Labor unions have a role to play in helping to fix today's economic ills -- most notably, worsening income inequality, a problem that's caused in part by unions' decline and the workers' resulting lack of bargaining power. What's needed is a Congressional drive to help Mr. Bush see this obvious connection. The Senate should take up the House bill promptly and send it to the president for his signature.

