

# President's Perspective

Freddie N. Simpson

*BMWED Journal - March/April 2009*

There's been a lot of rhetoric about the economy, the causes of our financial crisis, and who's to blame for its impact on American workers and businesses. Some want to blame President Obama, even though he inherited this financial mess after eight years of mismanagement and lack of regulatory oversight by the previous administration. Some want to point to Wall Street greed as the cause of this financial meltdown, with the likes of Bernie Madoff and AIG clearly adding credibility to that argument. And yet others, as misguided as it seems, want to blame union members as the cause of this financial calamity.

The unwarranted attack on unionized workers by right-wing ideologues, business interests, Chambers of Commerce, and other like-minded organizations has increased dramatically during this financial crisis, especially since the introduction of the Employee Free Choice Act. The Employee Free Choice Act (EFCA) is a proposed law designed to level the playing field and allow workers to organize unions through "card check," a process for achieving union recognition upon a showing that a majority of workers signed cards supporting unionization of their workplace. Card check is the law of the land in several provinces of Canada and a number of other industrialized nations throughout the world. Card check is not a new or novel idea, but those who oppose it know that killing the EFCA is key to maintaining management's substantial advantage in defeating unionization under current US labor law. Contrary to the anti-EFCA rhetoric, the EFCA does not eliminate the secret ballot election. It simply gives workers the option to choose either card check or a secret ballot election for union recognition; the very same choice business enjoys today under US labor law. Several high-road US corporations, including AT&T and Harley-Davidson, voluntarily recognize card check today and the EFCA would allow workers at less enlightened businesses to also choose card check as an option.

Research shows that millions of American workers would gladly join a union if given a chance free of employer intimidation. Under current law, employers routinely mount sophisticated anti-union campaigns utilizing high-priced "union avoidance" consultants in an overt attempt to influence the outcome of the secret ballot. During these campaigns, workers are required to participate in "captive audience" meetings where professional "hired guns" indoctrinate workers with anti-union propaganda while denying the union and its supporters a right to speak or debate the issues in an open and democratic forum. Additionally, corporate leaders intent on defeating unionization contract these high-priced union avoidance consultants to openly harass, intimidate, fire, blacklist, and coerce union supporters in an unrelenting campaign to affect the outcome of the "secret ballot."

Why are businesses and corporations so intent on defeating the EFCA and giving workers a real choice in deciding whether or not to join a union? Because they know that union members

are 52 percent more likely to have job-provided health care, nearly three times more likely to have guaranteed pensions and earn 28 percent more than non-union workers. They also know that a union will directly represent the interests of the workforce, including the introduction of workplace democracy and due process so that workers have a genuine voice and cannot simply be fired without cause.

The anti-union folks profess that unions have outlived their usefulness and are no longer relevant in this global economy. I think that is just nonsense. With more and more Americans struggling to keep a roof over their head, put food on the table, provide medical care for their loved ones and send their kids to college, unions are as relevant as ever. If there were no labor unions, who would advocate for and protect the interests of working Americans? Surely not the Chamber of Commerce, bankers or Wall Street! And while the US Department of Labor's (DOL) Wage and Hour Division is supposed to enforce the Fair Labor Standards Act to ensure that US workers are paid at least the minimum wage and provided overtime pay under certain conditions, even the DOL has failed miserably in that mission.

On March 25, 2009, the Government Accountability Office (GAO) issued a report ([www.gao.gov/new.items/d09458t.pdf](http://www.gao.gov/new.items/d09458t.pdf)) highlighting the DOL's ineffectiveness in enforcing the provisions of the Fair Labor Standards Act. The GAO investigation found that the DOL frequently responded inadequately to complaints, leaving low wage workers vulnerable to wage theft. The study revealed sluggish response times, a poor complaint intake process, and failed conciliation attempts, among other problems. In one case, an undercover agent posing as a dishwasher called four times to complain about not being paid overtime for 19 weeks. The DOL Wage and Hour Division (WHD) office in Miami failed to return the dishwasher's calls for four months, and when it did, he was told that it would take 8-10 months to begin investigating his case. The GAO report also revealed that during their nine-month investigation, 5 of the 10 labor complaints filed by undercover government investigators were not recorded in the WHD database, and three were not even investigated. In the remaining 2 cases, WHD officials recorded that the employers paid the back wages owed, even though they did not.

Unions are both relevant and necessary, particularly in this struggling economy. As the percentage of unionized workers in the US declines, the income disparity between the rich and the rest of us continues to grow larger. The wage income of the top 1% of earners compared to the bottom 90% more than doubled between 1979 and 2006 and is still expanding. In contrast, there was relatively little change in the earnings disparity from 1947 to 1979, when unions represented a much larger percentage of the workforce than today.

BMWED members covered by the national agreement will receive a 4.5 percent wage increase in July. That is just one example of the value of a union contract. And while the anti-union folks often grouse about the "inflexibility" of union contracts, you can rest assured that corporate CEO's and

their “union avoidance” consultants would not work a day without a contract which guarantees their wages and benefits. Why do these anti-union hypocrites insist that American workers deserve something less?

