

## Maine senators should support EFCA

**Michael Hillard and David Vail**

A majority of American and Maine voters supported “change” in the 2008 election. One change that could do much both to re-establish eroded civil rights and provide a basis for sustainable prosperity is restoring workers’ right to unionize. Such change is close: the Employee Free Choice Act, or EFCA, has a good chance of passage in Congress if our Maine senators support it.

As a centerpiece of the New Deal, American and Maine workers won the civil and economic right to join unions if a majority of workers expressed a desire for union representation. The 1935 Wagner Act created a process for workers to express this desire through demonstrating majority support for a union, and backed it with federal authority. Previously, workers frequently joined unions that were crushed by the economic, legal and even military powers of employers and government. The Wagner Act ended this and millions of Americans, including tens of thousands of Mainers, flocked to unions. Mainers in textiles, apparel, shoes, paper and the public sector joined a national trend that continued through the 1960s. Unionization brought due process, rising wages and economic security (health and retirement benefits) to a broad segment of society.

Employers were patently unhappy about this situation and were able to reverse it, beginning in the 1970s. As highly unionized industries stagnated, employers in new industries prevented workers from joining unions by investing in what became a multibillion dollar industry: union busting. The common process for winning union recognition — a majority of employees signing cards requesting an election — evaporated.

The new model was the “secret ballot” election. But the election process that has emerged doesn’t look like anything Mainers would recognize as democratic. Employers, but not union organizers, get unfettered access to employees during the campaign. Often workers are fired, threatened with job loss, and subjected to slick scare tactics. In the end, if workers vote in a union, many employers refuse to bargain.

Indeed, more than 90 percent of all union election campaigns today are undermined by the use of high-priced union busting consultants. This has been true in Maine hospitals, nursing homes, utilities and the nonprofit sector. In recent years only about one in 10 Maine workers who have been part of a majority seeking unionization has been certified and achieved a collective bargaining contract. During the 1950s, in contrast, more than two-thirds of union elections were successful. Human rights groups and labor experts conclude that working Americans have lost a fundamental human right.

The Employee Free Choice Act would remedy this by reducing employers' power to intimidate. The most recent version of EFCA would require a quick five to 10 day election that would greatly reduce the opportunity for employer coercion. Currently, campaigns run about two months, not including the frequent delays that employers create through procedural moves. Research indicates that a prolonged campaign combined with extensive employer intimidation has produced the dramatic drop in union success in recent decades.

EFCA also would strengthen penalties for employer violations of labor law. Under current law, they must merely post apologies in the workplace or pay minimal fines. EFCA also mandates binding arbitration if either side refuses to bargain, which means employers in the vast majority of cases.

But do workers really want unions? In Maine, tens of thousands of workers have sought union representation over the past 15 years, although most have been unsuccessful. Harvard economist Richard Freeman estimates that 60 million American workers would join unions if they had the opportunity.

For Maine as for the U.S., there are economic as well as moral justifications for restoring workers' rights. Unionization rates, excluding government and agriculture, have plummeted from a peak of 39 percent to just 7 percent. Unionization allowed previous generations of workers to share equitably in their productivity and to re-realize economic security. The current generation of working people has created enormous wealth but not shared in the prosperity. The higher unionization rates that follow from fair labor laws would go a long way to remedy this inequity.

The credit and housing bubbles of recent years allowed working households with stagnant earnings and inadequate health coverage to maintain their living standards and boost the economy by taking on ever-increasing debt burdens. That pernicious pattern was not sustainable and now working families are being clobbered by the economic crisis. Unionized employees currently enjoy an average wage premium of nearly 30 percent. Their high wages and solid benefits often induce non-union employers in similar regions and industries to raise wages and benefits. Thus, higher unionization rates would lead to higher incomes for working people and create a solid basis for sustainable economic growth.

We strongly urge Mainers to ask Sens. Olympia Snowe and Susan Collins to support EFCA. It is an excellent opportunity to correct a failure of human rights while rebuilding a solid foundation for shared economic prosperity.

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