

Labor Now Open To Compromise

Unions say that the improved economic climate will help their pet cause, but the "card-check" bill may need to be modified.

by Alyssa Rosenberg

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Debates over the economic stimulus and health care reform have tied up the labor movement's energy for much of the first year of the Obama administration, sidelining its No. 1 target agenda item, the Employee Free Choice Act. Next year, unions are looking to pass the legislation, which they say would make it easier for workers to join unions and curtail abuses that were ignored under the Bush administration.

Introduced in the House and Senate on the same day in March, the bill has had no high-profile hearings this session. But Sen. Tom Harkin, D-Iowa, who recently assumed the chair of the Senate Health, Education, Labor, and Pensions Committee after the death of Sen. Edward M. Kennedy, D-Mass., met with a group of senators over the summer to see how the measure might be modified to make it more palatable to moderates. Some centrist Democrats said they could not back the legislation given the economic climate, and then-Republican Sen. Arlen Specter of Pennsylvania, a past sponsor, withdrew his support in the face of a primary challenge, saying that the time was not ripe.

Bill Samuel, legislative director for the AFL-CIO, said that conditions for major labor legislation are getting better than they were in the first half of 2009. "There are certainly some senators who preferred not to have to address this issue at the height of the recession," he said. "I think that's less of a concern now."

That doesn't mean that wary lawmakers are more receptive to the Employee Free Choice Act as originally written. One of the changes under discussion would eliminate a key provision of the bill, known as card check, which would have allowed employees to form unions by signing membership cards instead of requiring them to vote in elections. That part of the bill became a major target for the U.S. Chamber of Commerce and other business groups, which depicted it as an affront to democratic principles.

Controversy also follows two other sections of the bill. One would levy heavier financial penalties on companies that break labor law during organizing campaigns and negotiations for a first contract. The other would allow unions or employers to call in an arbitrator if they could not come to terms within 90 days, and would require the parties to submit to binding arbitration if mediation failed.

Randel Johnson, the Chamber of Commerce's vice president for labor and employee benefits, said he thinks that a bill including both card check and binding arbitration could not pass the Senate. But he acknowledged that some form of legislation, perhaps a bill giving labor organizers greater access to facilities where they were trying to encourage workers to form

unions, plus some kind of arbitration provision, might pass. Johnson said he thought it might be wiser for unions to bargain down the original legislation in order to achieve other legislative priorities.

Measured against the original Employee Free Choice Act, he said, "a lot of these things will look comparatively reasonable. In an election year, a lot of these bills are more easily susceptible to sound bites for them than they are for us: more safety and health; more paid family leave; more rights when your employer goes through a layoff."

Whether unions get the tools to organize workers more easily or not, they see hope in other legislation that will create jobs -- and potential union members -- in emerging sectors.

Anna Burger, secretary-treasurer of the Service Employees International Union, said she remains confident that the Employee Free Choice Act will pass in some form, and that her union will be able to pursue progressive priorities that will spur economic growth. Expanding health care coverage and encouraging preventive care could increase demand for nurses and nurse practitioners, prime targets for SEIU and other unions that represent health workers. And Burger said that her union would work on climate-change legislation next year in the hopes of winning support for green jobs programs, which are difficult to outsource to other nations, and for immigration legislation, which could decrease low-wage laborers' fear of deportation if they try to join unions.