Statement of Hon. George Miller at Employee Free Choice Act Markup
February 14, 2007

I am very pleased that we are marking up the Employee Free Choice Act. This bill is the culmination of years of work and careful analysis, and has the support of a number of the nation's most knowledgeable labor law experts, all of the nation's labor organizations, and a long list of community, faith-based, human rights, and civil rights organizations. It also has bipartisan support. There are currently 234 co-sponsors to H.R. 800, more than sufficient to pass the House.

The Employee Free Choice Act has a very simple purpose: To allow more Americans the choice – if they want to – to

join with their fellow employees to bargain for better wages, better benefits, and better working conditions. This concerted action taken by hard working Americans is deeply woven in our nation's history and tradition – and it remains the nation's bedrock means by which American workers can gain fairer treatment at work and greater economic prosperity.

We are all painfully aware -- and even President Bush has publicly acknowledged -- that the middle class in America is being squeezed economically. They are having hard time paying the bills for health care and for college and other basics, and they are having a hard time saving for

retirement. They are working harder and harder just to keep up.

In November the voters sent us a clear message. They want the new Congress to focus every day on their real economic concerns, and take decisive action on their behalf.

We intend to do just that.

I want everyone on this committee to understand exactly what The Employee Free Choice does. The current law already allows employees to seek a union by either an election or through a majority sign up of cards to indicate their support for a union.

The choice is nothing new. It's been that way for decades.

But here's the rub with the current law. Today, if a majority of employees sign cards authorizing a union, the law allows the employer to trump the majority will and unilaterally veto their decision to have a union and force them through the NLRB election process.

Frankly, we just don't get this and think it is wrong. Why does the employer get to veto a decision of the majority of employees who want a union? Why shouldn't that decision be the employees decision? Why is it that critics of this bill don't trust American workers to make their own choices?

Why can't employees decide which process they want to use to for. a union and bargain for better wages and benefits and working conditions?

It should be employees' choice, not employers', and that's really what the heart of this bill all about.

Let the employees decide if they want an election or they want majority sign up—with no veto by the boss.

We know why anti-worker companies and organizations prefer the NLRB election process. Because it is a broken process. Because it is an unfair and undemocratic process,

dramatically tilted in favor of employers and against workers.

This bill addresses what has sadly become an epidemic of retaliatory actions taken against employees all over the country who dare to support a union. As the hearing record showed, and the committee testimony illustrated, tens of thousands of employees a year face unlawful retaliatory actions by their employers for lawful union related activities. This is unacceptable and un-American.

This bill says employers who engage in these kinds of actions will face real monetary penalties. It also says to the NLRB, if you see shameful retribution taking place, you must go to court immediately and seek an injunction.

Workers facing retaliation should not have to wait over a decade – like Keith Ludlum at last Thursday's hearing – to vindicate their rights. The law is the law and it should be enforced in a timely and effective way.

Finally, this bill addresses another urgent problems faced by workers who have succeeded against all odds to form a union. Unfortunately, some employers have torpedoed unions by simply refusing to enter into a contract, using all kinds of dilatory tactics to frustrate bargaining. The Employee Free Choice Act facilitates good-faith bargaining by requiring that if, after 90 days of bargaining for a first contract – with no contract reached – either party may

request mediation with the Federal Mediation and Conciliation Service (FMCS).

If the FMCS cannot mediate a contract within 30 days, then the contract is taken to binding arbitration. We should encourage the resolution of labor agreements, not let disagreements fester for years without resolution, nor let anti-union employers frustrate workers' wishes by denying them their hard-won right to good-faith collective bargaining.

I look forward to a good debate, and recognize the Senior Republican Member McKeon.