



# The Employee Free Choice Act

## A Fact Sheet For The Gay, Lesbian, Bisexual And Transgender Community

### What It Is:

The Employee Free Choice Act, supported in 2007 by a bipartisan coalition in Congress, would enable working people to bargain for better benefits, wages and working conditions by restoring workers' freedom to choose for themselves whether to join a union. It would:

- Establish stronger penalties for violation of employee rights when workers seek to form a union and during first-contract negotiations.
- Provide mediation and arbitration for first-contract disputes.
- Allow employees to form unions by signing cards authorizing union representation.

### Why Is It Needed?

Today, CEOs get contracts that protect their wages and benefits. But some deny their employees the same opportunity. Although U.S. and international laws are supposed to protect workers' freedom to belong to unions, employers routinely harass, intimidate, coerce and even fire workers struggling to gain a union so they can bargain for better lives. And U.S. labor law is powerless to stop them. Employees are on an uneven playing field from the first moment they begin exploring whether they want to form a union, and are often crushed by brutal management tactics.

### How Does This Affect The Lesbian, Gay, Bisexual, and Transgender Community?

- Statistics show that workers who have union representation on the job have a higher standard of living than those who do not.

Workers who belong to unions earn 30% more than nonunion workers. They are 59% more likely to have employer-provided health coverage and 72% more likely to have pensions.<sup>1</sup>

- There are no federal job non-discrimination protections that protect on the basis of sexual orientation and gender identity. In 30, and 37 states respectively, it is legal to fire someone on the basis of their sexual orientation or gender identity.

-Since 1975, unions have been bargaining contracts with non-discrimination protections that include these categories.

-Union contracts allow LGBT workers who face discrimination to grieve and remedy that discrimination, all in a timely manner.

- The Employment Non-Discrimination Act (ENDA), a pending piece of federal legislation, would bar discrimination on the basis of sexual orientation and gender identity. ENDA and the Employee Free Choice Act are complimentary pieces of legislation.

The Employee Free Choice Act steps in where ENDA ends, providing LGBT workers with the opportunity to bargain for benefits federal law does not mandate, including:

- Inclusive language for LGBT families in the Family Medical Leave Act (FMLA);
  - Extension of sick and bereavement leave to care or tend to issues with your domestic partner, same-sex spouse, or their children;
  - Offering domestic partner health care benefits;
  - Removing transgender health exclusions from employer provided health care plans; and
  - Passing of pension plan benefits to domestic partner, same-sex spouse, or their children upon death.
- Statistics show that LGBT people make less than their heterosexual counterparts.<sup>ii</sup> A union contract provides a way to level the playing field, helping LGBT people bargain our way into the middle class.
  - For people of color in the LGBT community, statistics are very clear, unions bring wages and benefits up:
    - African-American union workers' make 28% more than non-union workers,
    - Latino union workers' make 43% more than non-union workers, and
    - Asian-American workers' make 6% more than non-union workers.<sup>iii</sup>
  - Unions have stood up for LGBT people, its time for LGBT people to stand with our allies. In California, unions donated over \$2 million dollars to defeat Prop 8. 10 international unions, representing over 10 million workers, have endorsed an end to marriage discrimination and yes to marriage equality. Over 60 International Unions and union organizations have endorsed passage of the Employment Non-Discrimination Act.<sup>iv</sup>

### What You Can Do:

Contact your Senator (202-224-3121) and Congressional Representative (202-225-3121) and ask them to Co-Sponsor the Employment Non-Discrimination Act and the Employee Free Choice Act. **Together, they bring LGBT workers real protection on the job!**

<sup>i</sup> Source: U.S. Department of Labor, Bureau of Labor Statistics, *Union Members in 2008*, January 28, 2009

<sup>ii</sup> Source: Badgett, L. The Wage Effects Of Sexual Orientation Discrimination, *Industrial Labor Relations Review*, 1995

<sup>iii</sup> Source: U.S. Department of Labor, Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits In Private Industry in the United States*, March, 2008, August, 2008. Economic Policy Institute; Employee Benefits Research Institute, May 2005.

<sup>iv</sup> Source: Pride At Work Website, <http://www.prideatwork.org>