

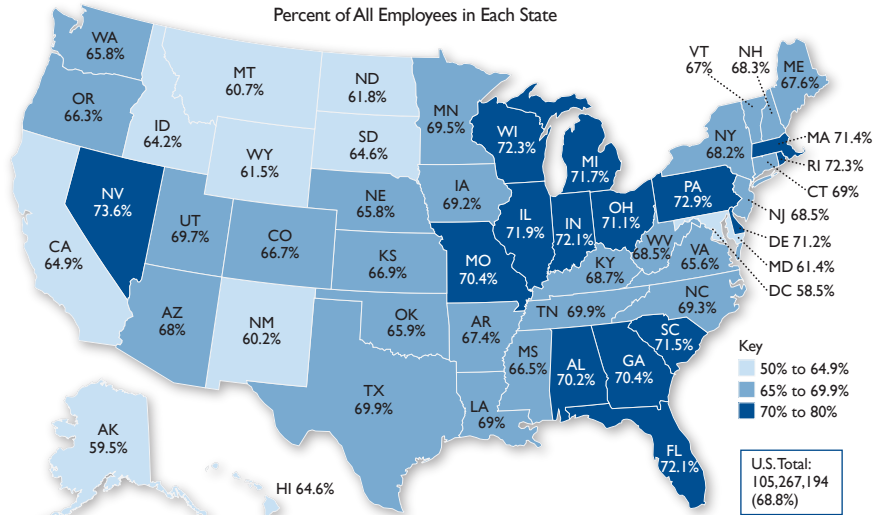
EMPLOYEE “NO” CHOICE ACT

Increasing the Federal Government’s Role, Again

Unions Rally Against Democratic Elections

- **Card Check:** The Employee Free Choice Act (EFCA) would replace secret ballot organizing elections with publicly signed union cards, allowing union organizers to deceive, harass, and threaten workers into signing these cards and thereby unionizing.
- **Stripping Away Privacy and Freedom:** A worker may vote “no” against a union behind a curtain but may be less courageous if pressured in public. This is why most union organizers currently don’t call for elections until between 60% and 75% of a shop notes interest, knowing that there will be drop off once the votes are tallied.
- **Union Workers Oppose:** A recent Zogby poll found that 71% of union members believe that the current private-ballot process is fair. A McLaughlin & Associates poll found that fully 74% of union members favor keeping the current system in place over replacing it with one that provides less privacy.
- **Liberals Opposed It ... in Mexico:** In 2001, labor-friendly Members of Congress, including EFCA sponsors, pressed Mexico in a letter to increase its use of the secret ballot, saying it was “absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.”

Employees Who Would Lose Their Right to a Secret Ballot by EFCA



Source: Heritage Foundation calculations using data from the December 2006 to November 2007 Current Population Survey, conducted by the Bureau of Labor Statistics. Workers covered by the Employee Free Choice Act are those subject to the National Labor Relations Act (NLRA). Consequently, any worker who reported working for the government, for railways, for airlines, in agriculture, or as a self-employed person is not covered by the Act. Since the NLRA does not cover supervisors, managers were also excluded from EFCA coverage. Union members were not considered covered by EFCA since they already belong to unions and Congress rejected amendments to the bill to extend card-check procedures to workers leaving unions, not those joining.

Card Check Creates Government-Run Workplaces

- **Collective Bargaining:** Under current law, no contract takes effect until both workers believe they get a fair deal and management believes the contract will not bankrupt the firm. If negotiations end, the workers can strike or management can lock them out, but neither side must work under an unworkable contract.
- **Putting the Power in Washington:** Section 3 of EFCA gives government officials the power to impose contracts on workers and firms. After a union organizes a business, there would a short period of time for management to offer them an “acceptable” contract. If the union does not agree, the matter would be sent to a federal arbitration board.
- **Bureaucrats in Charge of Your Workplace:** Instead of mutual consent, the federal government would then impose working conditions on both employers and employees, whether they were workable or not, and these conditions would be binding on the business for two years until the negotiations are reopened.
- **In Summary:** So after the unions strong arm employees into their union, they would then have government-backed authority to tell business owners how to run their business, including wages and bonuses; employment levels; retirement and health care plans; business operations; promotions; assignments; subcontracting; and closure, sale, or merger of a business.

Increase Opportunities for Employees

- **There IS an Alternative:** There is a better way to help workers earn more money. Unionized workers are not allowed to earn more than their union contract calls for; no matter how hard they work. Unions keep wages of above-average employees down so that workers will look to the union—instead of their own efforts—as the way to get ahead.
- **Let Workers Earn More Money:** By allowing employers to pay individual workers more than a collective bargaining agreement calls for, Congress would eliminate union wage ceilings and allow workers to earn more money and be rewarded for outstanding performance.
- **Don’t Kill Jobs:** Unions reduce job opportunities in the economy. Conservative estimates show that EFCA would reduce employment opportunities by 765,000 potential jobs in the economy over the next seven years. Other studies estimate even greater effects.

To learn more about protecting workers’ rights, visit <http://www.heritage.org/News/Employee-Free-Choice-Act.cfm>.