



## Oppose the Employee Free Choice Act

### Everyone deserves the right to vote in private!

✓ The Employee Free Choice Act (EFCA) would deny workers their right to a secret ballot when deciding whether to be represented by a union. The secret ballot would be replaced with a “card check” scheme where a union is organized if a majority of workers simply sign a card – with everyone watching, including union bosses, your fellow employees and your employer.

✓ The unions are asserting that EFCA does not eliminate the secret ballot. While an election could still be called by the union if **30%** of the workers sign authorization cards, in reality the union will wait it out until it collects cards from **50%** plus one of the workers, bypassing the secret ballot election completely. Thus, the secret ballot election will be effectively eliminated by EFCA. The Bill text is clear:

**“If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative ... the Board shall not direct an election but shall certify the individual or labor organization as the representative.”**

✓ Card check is undemocratic and an assault on an individual’s right to privacy. The secret ballot is the bedrock of democracy.

✓ The only way to guarantee worker protection from coercion and intimidation from unions or employers is through the continued use of a federally supervised secret ballot election so that personal decisions about whether to join a union remain private.

✓ Under EFCA, employers would be deprived of their longstanding right to present an alternative voice to union participation, under the threat of steep penalties. Workers would be deprived of the opportunity to make an educated decision. Workers lose out when they get to hear only one side of the story – the union’s side.

### Mandatory arbitration is bad for everyone – employers and employees.

✓ The Employee Free Choice Act (EFCA) limits the time that a company and a union can negotiate a first-time collective bargaining agreement to 90 days—this elimination of good faith negotiation undermines a good workplace environment.

✓ Because first contracts set out the blue print for employers and union members to work together in an environment where each side is clear of their respective obligations and rights, first contracts routinely take over a year to complete. A 90 day time limit is very likely to be unattainable.

✓ Furthermore, any arbitrary, mandated time limit may ensure that neither employers nor unions are able to adequately consider the scope of conditions necessary to ensure a smooth, predictable working environment.

- ✓ Under the EFCA, if the company and the union are unsuccessful after 90 days, either party can demand mediation. If after 30 days mediation proves unsuccessful, a contract will be imposed on the company and the union by a third-party arbitrator in a process called “interest arbitration.”
- ✓ Interest arbitration removes incentive to bargain: the incentive to reach agreement decreases if the parties have reason to believe an arbitrator might select one proposal over another, or to come up with an entirely different solution.
- ✓ Interest arbitration is unfair to both workers and employers. Neither side is afforded the opportunity to vote to accept or reject the contract.

## **The EFCA is a direct threat to economic growth and job creation.**

- ✓ Companies that are not able to operate under contracts that are not negotiated to the mutual benefit of the company and the unions may be forced to reduce worker benefits or, reduce their workforce to remain in business, or worse, close their doors.
- ✓ Our country is in a financial crisis. We need to make small businesses more competitive, incentivize the growth of new business, and encourage job creation—passage of the EFCA will result in the OPPOSITE.