



Employee Free Choice Act

Issue Summary

The Employee Free Choice Act would eliminate the secret ballot for union organizing by requiring companies to recognize and bargain with a union if a majority of employees sign union authorization cards. The legislation also requires that first contract negotiations move to federal mediation if agreement is not reached within 90 days, and binding arbitration if mediation is not concluded in 30 days. Together, these provisions are radical revisions of current labor law that would upset the carefully calibrated balance between labor and management achieved by the National Labor Relations Act.

Union membership has fallen dramatically over the years and unionized workers now represent less than eight percent of private sector employees, about half as many as only ten years ago. Organized labor sees card check recognition as a tool to help reverse this decline, and the Employee Free Choice Act is the top legislative priority for organized labor.

Traditionally, secret ballot elections have been the primary method to determine if employees wish to be represented by a labor union. In recent years, however, union organizers have often been successful in obtaining signatures from a majority of employees, only to lose secret ballot elections in which employees are free to vote their conscience without any coercion or intimidation. By requiring card check recognition, employees would lose the freedom to decide their own future, one of the most important protections they are granted under federal labor law. Employees often sign cards for a variety of reasons ranging from a simple coworker request to outright intimidation or coercion. Without an opportunity to cast a secret ballot, employees would lose the ability to make an informed decision in privacy. Under the binding arbitration provisions, a government employee could wind up writing a union contract leaving a business owner without the ability to control his or her operation and denying employees the opportunity to vote on their union contract.

Objective

IFDA strongly opposes the Employee Free Choice Act and is urging Congress to preserve employee rights to a secret ballot election to determine union representation. IFDA is a management committee member of the Coalition for a Democratic Workplace, the main organization formed to oppose this legislation.

Political Overview

With a Democratic President and larger Democratic majorities in both the House and Senate, organized labor is poised to make a major push to pass EFCA. In the 110th Congress, the Employee Free Choice Act passed the House by a vote of 241-185 on March 1st, 2007, less than a month after its introduction. Thirteen Republicans supported the bill as did all but two Democrats. Companion legislation, S.1041, was successfully filibustered in the Senate by a vote of 51-48 almost entirely along party lines with only Sen. Arlen Specter (R-PA) joining all 50 Senate Democrats in voting for cloture.

EMPLOYEE FREE CHOICE ACT *(continued)*

EFCA can be expected to once again pass the House with ease though it is likely the number of Democrats opposed to the bill will increase slightly while the number of Republicans supporting the legislation is likely to drop. The real battle will come in the Senate where Democrats are extremely close to a filibuster proof margin. To defeat the bill, the business community will need a strong grass-roots efforts focused on convincing moderate Democratic Senators to vote no.