

Myth vs. Fact : The Employee Free Choice Act

MYTH

The Employee Free Choice Act Takes Away the Secret Ballot

Union Elections Are Just Like Elections for Public Office

Passing the Employee Free Choice Act Will Hurt Economic Recovery

Intimidation by Employers During Organizing Drives is Exaggerated

Majority Sign-Up Doesn't Work

FACT

The Act provides that if a majority of employees sign union authorization cards, the company must recognize and bargain with the union. Majority sign-up is a fairer process than the current one, where employers can coerce workers. But, if a majority of employees prefer instead to hold an election, they will have that right.

Union representation elections have almost nothing in common with elections for public office.

In public elections, candidates have free speech. In union elections, managers can require employees to attend “captive audience” anti-union meetings. Union supporters can be forced to attend—but denied the opportunity to speak out.

It is illegal for private companies to tell their employees how to vote in a public election. In union elections, supervisors routinely fire, demote, or reassign workers who support the union.

There are limits to how much money candidates can raise and spend in public elections. In union representation elections there are no limits to how much companies can spend on anti-union lawyers and consultants.

In democratic elections, the winning candidates usually take office just two months after Election Day. In union elections employers can appeal the result to five different levels for several years.

The best stimulus package for workers is a union job. Union jobs pay, on average, 35 percent more than nonunion jobs. The National Labor Relations Act was first passed during dire economic times to encourage unionization so workers would have more buying power to fuel economic recovery.

A study compiled from NLRB reports for 2007 reveals that during that year, more than 29,000 people—one worker every 18 minutes—were disciplined or even fired for union activity. Thirty-two percent of employers fire pro-union workers and 50 percent threaten to close down their workplaces.

First, majority sign-up is not a new process. In fact, directly after passage of the NLRA, almost one-third of all union certifications took place as a result of

majority sign-up.

Since 2003, more than half a million American workers formed unions through majority sign-up. They include UPS freight workers, reporters, hotel and casino workers and nuclear engineers.

Studies show that, with majority sign-up as compared to NLRB election campaigns, employees report less pressure from co-workers to support the union and less pressure from employers to oppose the union.

If the Employee Free Choice Act Passes, Workers Will be Pressured to Join Unions

In the first 70 years of the NLRA, only 42 cases found fraud or coercion by unions in the submittal of authorization cards. By contrast, there were 29,000 documented cases of intimidation or coercion by employers in 2007 alone.

It is impossible to enforce regulations that prevent employers from threatening workers for organizing unions without increasing penalties and allowing workers to choose unions by majority sign-up.

The Union Representation Election Process Can Be Fixed Without the Employee Free Choice Act

The power relationship between union supporters and their employers isn't subject to the strict rules that govern other employer-employee relationships. Take, for example, sexual harassment. There is no such thing as a non-coercive sexual approach ("pass") by a supervisor to a worker, even though such an approach would be perfectly normal in a non-workplace setting. But, in dealing with union election campaigns, employers can engage in coercion and threats, defending their conduct upon "free speech." This means, for instance, that a supervisor can speculate that—in his opinion—a facility would close if a union wins an election, without being charged with actually making a threat. The Employee Free Choice Act is aimed at the elimination of this kind of unbalanced and unfair power relationship.

Source: Economic Policy Institute