



Everyone Loses with the Employee Free Choice Act — Except Unions

Defeating the Employee Free Choice Act should be a top priority for every employer and employee in Michigan, and across the nation. Why? Because the consequences for both employers and employees are enormous if the federal legislation, which is also referred to as the “Card Check” bill, is signed into law.

The secret ballot is central to our democracy and must be protected. The right to a secret ballot for union representation provides important protections for both employers and employees. The Employee Free Choice Act (EFCA) would strip those protections away, leaving millions of American workers without the right to privacy in casting their vote and hampering the economic recovery that Michigan, and the nation, is desperately seeking. The secret ballot will not technically be eliminated; it will simply not be used. Under the EFCA, unionization could occur one of two ways: unions could obtain signed cards from 30% of a company’s employees to authorize an election (as permitted under current law) or they could cut out the secret ballot entirely by having 50% plus one of the company’s employees publicly sign cards authorizing union representation. Obviously, the latter is faster and is more likely to have favorable results for unions, which is why they are so eager to pass the legislation.

The misnamed EFCA is not about freedom or choice. Rather than providing employees with “Free Choice,” it forces them to openly declare their affiliations or intentions with regard to unionization efforts which is an open invitation for harassment, intimidation and coercion.

Employers and employees both lose when negotiation is replaced by arbitration. The EFCA would impose an unrealistic timeline for when the first labor contract must be reached when a union is certified. Under the proposal, a federal arbitrator — not the employer and union representative — could dictate the terms of the contract, including wages, benefits and work rules if agreement cannot be reached in 120 days. Employees would have no input regarding the terms of the contract. And employers would be forced to live for two years under the terms of an agreement drawn up by an arbitrator that will likely know very little about the business. That’s a long time to tie the hands of businesses that are struggling to survive.

EFCA would destroy the labor law balance between employer and employee interests. Current labor law represents 60 years of carefully crafted labor law checks and balances that have served employees and employers well for many decades. The National Labor Relations Board already has strict procedures to ensure fair private ballot elections, free of employer or union coercion. These existing procedures are no threat to unions; they lead to swift and fair elections. Most elections are held within 56 days, and labor unions prevail over 67 percent of the time. Our current system clearly allows employees who wish to form a union to do so. Radically restructuring that system, as proposed by proponents of the EFCA, would totally shift that hard-won balance toward unions.

Organized labor, not the workers that they claim to represent, would be the only winner if the EFCA became law. Business isn’t the only opposition to this dangerous proposal. A recently commissioned poll by the Coalition for a Democratic Workplace shows that three out of four voters (74%) oppose the EFCA. And only 20 percent of union workers supported the EFCA, with nine out of ten union members indicating that they felt strongly that their decision to join a union should be private.

For more information on the Employee Free Choice Act and how you can help defeat this dangerous legislation, visit the protectMIjobs.com website or contact MMA President and CEO Chuck Hadden at (517) 487-8541 or mma_executiveoffice@mma-net.org.