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BLOGS

Unionization of Workforces

What the EFCA Would Do

Card Check Recognition Without Secret Balloting. The EFCA would amend the National Labor Relations Act in numerous significant respects. The most troublesome provision for employers and the one receiving a lot of media attention is the abolishment of the right to a “secret ballot” election process by which employees decide if they will be represented by a union. The EFCA seeks to change existing procedure by eliminating an employer’s right to a secret ballot election before requiring the employer to accept unionization of its workforce. The law would require employers to recognize a union upon being presented with “authorization” cards signed by a majority of its employees, presumably indicating that they desire union representation.

The bill’s elimination of an employer’s right to a secret ballot election is problematic for several reasons. Most notably, an employer may not be aware that organizing activity is occurring and thus may not be able to present the employer’s position on unionization, creating a likelihood that the workers, who will not be able to vote in private, will be coerced by organizers.

In short, the EFCA would streamline the process of union organizing and weight the process much more heavily in favor of unions than it has ever been. Conversely, it would make it more difficult for employers to fight union organization efforts and would also limit employers’ bargaining power.

Further Information. The text of the bill is available at: <http://thomas.loc.gov/cgi-bin/query/z?c111:H.R.1409>. Contact information for members of Congress is available at www.usa.gov/Contact/Elected.shtml.