



Setting ^{THE} record straight

June 2009

Harmful card check legislation threatens 'Main Street' America *Neither EFCA nor 'compromise' bills address job creation, retention*

In its continued push for the fundamentally flawed and deceptively titled Employee Free Choice Act, or union card check, big labor is purposely heading down the wrong road with its message. Union card check has nothing to do with Wall Street, the focus of labor's slick ad campaign that attempts to mislead the public about EFCA's purpose. Rather, the legislation's government binding arbitration provisions are a direct attack on "Main Street," the small and medium-sized businesses that are the back-bone of job creation in this country, and that continue to struggle in an ever-difficult economy.

That organized labor is now taking the debate in this direction isn't surprising considering EFCA's other misguided provision – a card check system for union organizing – is rapidly losing support. Increasingly, more and more elected officials from both sides of the political aisle in Washington, DC, as well as the American public, are refusing to buy into the rhetoric that changing the rules for union organizing by effectively eliminating the private ballot is a good idea. The private ballot process protects workers from intimidation and coercion from *all* parties, allowing them to make the decision on union representation without others knowing their vote. Even among union households, studies reveal overwhelming support for preserving the private ballot. In announcing his opposition to EFCA, U.S. Sen. Arlen Specter said, "On the merits, the issue which has emerged at the top of the list for me is the elimination of the secret ballot, which is the cornerstone of how contests are decided in a democratic society."

"Card check" is being seen for what it is – a threat to worker freedoms. Now binding arbitration must be seen for what it is – a job-killing requirement that is equally as harmful to American workers and damaging to a nation trying to pull out of recession. Enacting EFCA with its binding arbitration rules intact would significantly harm job creation and the economy in general. This provision would take critical workplace decisions out of the hands of both employees and employers and substitute the priorities of outside federal government arbitrators. Contracts imposed by a government arbitrator would cover not only wages, benefits and workplace rules, but could even impact a company's operating strategy. A business would have no recourse to address onerous provisions, and workers would have no vote on the initial two-year contract. It is hard to imagine how a federal bureaucrat could better understand a company's operations and worker priorities than company owners and workers themselves.

Continuing his anti-EFCA remarks made on the U.S. Senate floor, Specter stressed that the problems of the recession make this a "particularly bad time" to enact Employee Free Choice legislation, noting that employers understandably worry that "adding a burden would result in further job losses."

The business community and workers have the right to be concerned. According to a recent study by economist Dr. Anne Layne-Farrar from the non-partisan consulting firm LECG Consulting, the unionization of a predicted 1.5 million existing jobs under EFCA in year one would lead to the loss of 600,000 jobs by the following year.

All of this, of course, has led to talk of "compromise." But just as provisions that weaken the rights of workers to decide in private on unionization is a non-starter for the business community, so too is any call for government binding arbitration.

Ultimately, businesses thrive, grow and create new jobs when employers and employees work together in a positive workplace environment. Opening up workers to harassment and government interference in the private sector would disrupt and divide workplaces—which is the exact opposite of what labor laws should accomplish.

Big Labor's Wall Street imagery can't disguise the fact that there is absolutely *nothing* in EFCA that creates or retains jobs. If union bosses truly care about building the middle class, they would stop offering false hope to the American people by pushing this ill-advised, job-killing legislation.

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