

## Straight Talk on EFCA and the Union-Busters' Propaganda

The Propaganda	Straight Talk
<p>EFCA would strip away workers' rights to an NLRB-supervised, secret-ballot election, and replace it with a process run by unions that will subject workers to union harassment and intimidation.</p>	<ul style="list-style-type: none"> <li>✓ EFCA does not eliminate the option for secret-ballot elections. If 30% of the employees petition for an election, it occurs now and will continue under EFCA. EFCA merely eliminates a company's ability to <i>unilaterally veto</i> workers' choices by demanding an election.</li> <li>✓ A "secret ballot" at the end of a sustained anti-union campaign of coercion and intimidation is not a fair election. Companies campaign against the union, firing or threatening to fire workers, forcing employees to attend anti-union closed-door meetings with supervisors, and threatening to close the plant. Unions are restricted to communicating during breaks and off company premises.</li> <li>✓ Concerns about "union harassment" are contrived. Over 60-plus years of labor law enforcement, the anti-union HR Policy Association identified only 42 instances in which the NLRB found unions have committed coercion, fraud, or misrepresentation in the signing of union authorization forms. This compares to the more than 31,000 cases in 2005 alone in which companies were required to pay back pay for their unfair labor practices.</li> </ul>
<p>EFCA allows unions to be recognized using a majority sign-up process, but it still requires a secret ballot election to decertify and get rid of the union.</p>	<ul style="list-style-type: none"> <li>✓ Although formal decertification of a union does require an election, employees can usually achieve the same result without an election. If employees present the company with evidence (such as a petition) that the union has lost majority support, the company must withdraw its recognition of the union and stop bargaining. The effect is similar to the majority sign-up process to get a union.</li> </ul>
<p>EFCA increases penalties only on companies for unfair labor practices, not on unions.</p>	<ul style="list-style-type: none"> <li>✓ Now, companies regularly threaten or fire employees trying to organize with relative impunity, causing workers and their families great economic and emotional harm. Companies can spend years fighting charges and even NLRB orders to award remedies. If a union is found to have coerced workers to sign cards, the cards are invalidated and the union loses everything it sought (the election). Increasing penalties on companies would begin to address the enormous disparity in remedies that now exists.</li> </ul>
<p>EFCA does nothing to protect workers from harassment or misrepresentation by the union.</p>	<ul style="list-style-type: none"> <li>✓ The record shows that union misbehavior is rare; the real problem is rampant company coercion. There have been only 42 NLRB findings of union misconduct in sign-up campaigns in more than 60 years.</li> <li>✓ Besides, EFCA <i>does</i> protect against union misbehavior. It requires the NLRB to establish guidelines and a process to determine the validity of cards authorizing a union signed by employees. A fraudulently obtained, inauthentic, or coerced card is invalid and cannot be counted.</li> </ul>