

THE EMPLOYEE FREE CHOICE ACT

Myths v. Facts

MYTH: *The Employee Free Choice Act abolishes the "secret ballot" election.*

FACT: **The Employee Free Choice Act does not abolish the secret ballot election process.** That process, also known as a National Labor Relations Board election would still be available under the Employee Free Choice Act. The bill simply enables workers to also form a union through majority sign-up if a majority prefers that method to the NLRB election process. Under current law, workers may only use the majority sign-up process if their employer agrees. The Employee Free Choice Act allows workers, not corporate executives, to make that decision.

MYTH: *The Employee Free Choice Act will increase intimidation and harassment by labor unions against workers.*

FACT: **Harassment by unions is not the problem.** Unlike employers, a union organizer can't fire you, cut your pay, or deny you a promotion. But, if you're an employee actively trying to organize your coworkers, you have a one in five chance of getting fired by your employer for simply exercising your democratic rights. Even a pro-business group could only find 42 cases of union deception and/or coercion in obtaining card signatures over the last 70 years. Contrast that with roughly 30,000 workers who received back pay from employers that had fired or illegally intimidated them for each year of the Bush administration. It's clear where the problem lies.

MYTH: *The Employee Free Choice Act would require a secret ballot election in order for workers to get rid of a union.*

FACT: **Under current law, no election is necessary to disband a union. The Employee Free Choice Act would not change this.** Under current law, if an employer has evidence, such as cards or a petition, that a majority of workers no longer supports the union, then the employer is required by law to withdraw recognition of the union and stop bargaining, without an election, unless the *employer* files for an election.

MYTH: *The Employee Free Choice Act would require "public" union card signings.*

FACT: **Under current law, employees must sign cards or petitions saying they support a union in order to obtain an election.** And, under current law, when an employer agrees to a majority sign-up process, employees must sign cards to show the union's majority status. Signing a card under the Employee Free Choice Act is no different from these card signings under current law. As with petitions for an election, under the Employee Free Choice Act, the NLRB, not the employer, would receive the cards and determine their validity.

MYTH: *According to an independent study, the Employee Free Choice Act will cost 600,000 jobs in 2010.*

FACT: **This is a bogus study bankrolled by the very lobbyists pumping millions into efforts to defeat this bill.** Our nation's economy experienced one of the greatest economic expansions in history during the 1950s and 1960s, a time when our nation had its highest rate of unionization. In fact, unemployment averaged 4.5 percent in the 1950s when union density was over 30 percent of the workforce.

MYTH: *The Employee Free Choice Act's sponsors support secret ballot elections for workers in Mexico, but not in the United States.*

FACT: Members of Congress wrote to Mexico in 2001 arguing in favor of a secret ballot election in a case where workers were trying to replace a sham company-dominated union with an independent union. The Employee Free Choice Act is consistent with this: it would not change the requirement for an NLRB election in cases where workers seek to replace one union with another union. Indeed, the original framers of the National Labor Relations Act intended elections for precisely those cases where multiple unions were competing – particularly where one was a sham company union and another was a real independent union.

MYTH: *The Employee Free Choice Act will hurt small businesses.*

FACT: Small businesses stand to benefit from the Employee Free Choice Act. Large employers are more likely to be the subject of organizing drives than are small employers. When workers organize, wage and other gains made by employees will mean more money in their wallets to spend locally. When workers spend locally, they stimulate small businesses. Moreover, when small businesses are organized, these businesses reap rewards – like partaking in apprenticeship and worker training programs and competitive multiemployer health and pension plans, which they would have been unable to provide on their own. This has been the experience particularly in the construction industry. Finally, many small businesses are exempt from the NLRA and the Employee Free Choice Act altogether – some 5.5 million workers are not covered by the NLRA because their small employer is considered too small to be engaged in interstate commerce.