

## EFCA Facts

### What is the Employee Free Choice Act?

The deceptively-named Employee Free Choice Act (EFCA) strips workers of their right to a government-supervised, private-ballot vote and replaces it with a forced-unionization system, where workers must publicly declare their support for a union and sign a binding contract in public without seeing the “fine print.”

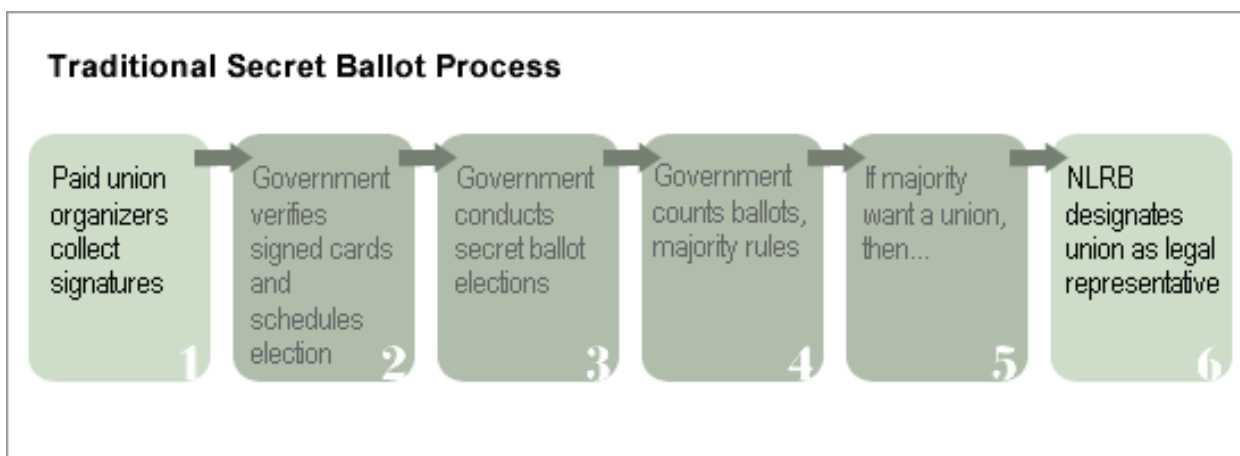
At its core, EFCA is an undemocratic power grab by special interest union lobbyists. It trashes workers right to privacy and exposes them to intimidation, deception, and coercion from union bosses and even their co-workers and friends.

### Why Union Bosses Want EFCA?

America’s labor unions are on the verge of extinction. Between changing economic conditions and labor bosses’ inept leadership, private-sector union membership has fallen to a dismal 50-year low of just 7.4%. National polls show that most Americans would prefer not to be in a union. Given that, labor bosses know that without a radical change in the process of creating a union, the prospect of their survival is low.

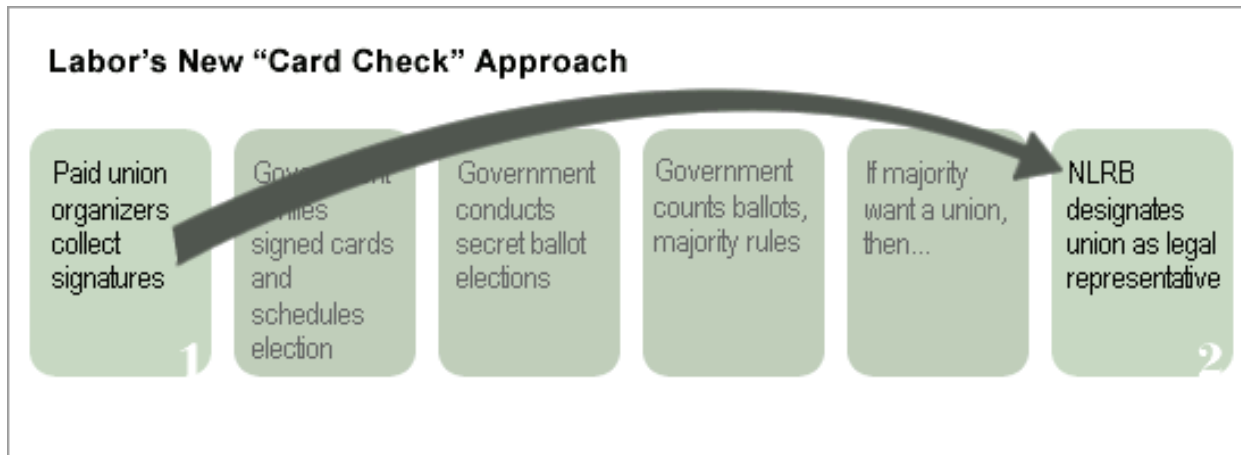
### How does EFCA change the law?

For the last 60 years, workers have used government-supervised, private-ballot elections—similar to the system used to elect Senators or the President—to vote on unionizing. But for the last decade, unions have lost many private-ballot elections because of unions’ declining popularity.



To remedy this, EFCA replaces the private-ballot election with a “card check” system, where paid union organizers can corner employees at their homes, in parking lots, or even at church and ask—or, as is often the case, intimidate—them to sign a legally binding union contract (or “card”) without even seeing the fine print.

Sometimes the cards misleadingly suggest there will ultimately be an election, but under EFCA, no election is necessary. Once the union has signatures from a majority of employees, the union exists. The remaining 49% of employees have no option to express their opinion on joining a union.



Some EFCA supporters disingenuously claim that the bill gives workers the option of either a private-ballot vote or a publically-signed contract as their “vote.” But there is no means of gauging the workers’ preference on which method to use. In fact, union bosses choose the process they want, and they have clearly stated said they will exclusively use “card check” contracts, should EFCA become law.

## Who's Against an EFCA Workplace?

### The American Public:

Opinion polls consistently show that Americans overwhelmingly support a worker’s right to a private-ballot election and oppose an EFCA workplace.

87 percent of Americans support a federally supervised secret ballot election to decide unionization.

– McLaughlin & Associates, 2007

75 percent of the public supports secret ballot elections over EFCA rules.

– Opinion Research Corporation, 2006

77 percent of voters in Maine, 72 percent of voters in Colorado, and 72 percent of voters in Minnesota support secret ballot elections over EFCA rules.

– McLaughlin & Associates, 2008

### U.S. Courts:

“The unreliability of the cards ... is inherent, as we have noted, in the absence of secrecy and in the natural inclination of most people to avoid stands which appear to be nonconformist and antagonistic to friends and fellow employees.”

“We would be closing our eyes to obvious difficulties, of course, if we did not recognize that there have been [card solicitation] abuses, primarily arising out of misrepresentations by union organizers.”

– **U.S. Supreme Court, 1969<sup>1</sup>**

Freedom of choice is a matter at the very center of our national labor relations policy, and a secret election is the preferred method of gauging choice.”

– **District of Columbia Circuit Court of Appeals, 1991<sup>2</sup>**

Workers sometimes sign union authorization cards not because they intend to vote for the union in the election but to avoid offending the person who asks them to sign, often a fellow worker, or simply to get the person off their back.”

– **Seventh Circuit Court of Appeals, 1983<sup>3</sup>**

It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a ‘card check,’ unless it were an employer’s request for an open show of hands.”

– **Fourth Circuit Court of Appeals, 1967<sup>4</sup>**

[I]t is beyond dispute that a secret election is a more accurate reflection of the employees’ true desires than a check of authorization cards collected at the behest of a union organizer.”

– **Second Circuit Court of Appeals, 1965<sup>5</sup>**

**Union Officials**, when they benefit from a real election:

The AFL-CIO supports private ballot elections in union decertification petitions (voting the union out of a workplace) because they “provide the surest means for avoiding decisions which are the result of group pressures and not individual decisions.”<sup>6</sup>

**Leading Democrat Supporters of EFCA<sup>7</sup>**, when it’s Mexico:

“[W]e feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.”

1. Gissel Packing, 395 U.S. 575, 602 (1969)
2. Avecor, Inc. v. NLRB, 931 F.2d 924, 934 (D.C. Cir. 1991)
3. NLRB v. Village IX, Inc., 723 F.2d 1360, 1371 (7th Cir. 1983)
4. NLRB v. S. S. Logan Packing Co., 386 F.2d 562,565 (4th Cir. 1967).
5. NLRB v. Flomatic Corp., 347 F.2d 74, 78 (2d Cir. 1965).
6. From CDW Fact Sheet
7. CHECK THEIR EFCA SUPPORT
  - Rep. George Miller
  - Rep. Dennis Kucinich
  - Rep. Bernard Sanders (now a senator)
  - Rep. Bob Filner
  - Rep. Barney Frank
  - Rep. Joe Baca
  - Rep. Zoe Lofgren
  - Rep. Fortney Stark
  - Rep. Barbara Lee
  - Rep. James McGovern
  - Rep. Marcy Kaptur