

EMPLOYEE FREE CHOICE ACT

H.R. 800 / S. 1041 – EMPLOYEE FREE CHOICE ACT OF 2007

Sponsor(s):

H.R. 800 – Rep. George Miller (D, CA-7) with 233 cosponsors.

S. 1041 – Sen. Edward Kennedy (D-MA) with 46 cosponsors.

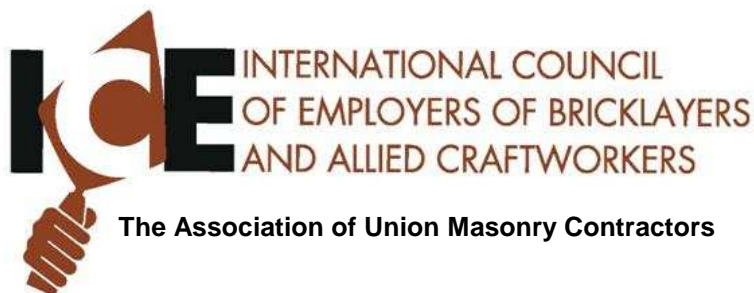
EMPLOYEE FREE CHOICE ACT

- To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.
- The current law allows employers to voluntarily recognize a union if the labor organization shows that a majority of the employees have signed authorization cards. However, the employer can refuse to recognize the union by questioning the employees' support. Then the union can petition the National Labor Relations Board to conduct a secret ballot election.
- The Employee Free Choice Act would allow employees to form a union by gaining a simple majority of those who have signed authorization cards. It would eliminate the secret ballot and provide stronger penalties for violations of employee rights when workers seek to form a union and provide mediation and arbitration for first-contract disputes.

- Detractors of the Employee Free Choice Act claim that the elimination of secret ballot elections as a method of determining whether employees will be represented by the union would be an invasion of employees' privacy, expose them to union intimidation and taint the election process.
- Provisions to eliminate secret ballots already exist in the construction industry and were approved by Congress in 1959 in amendments to the National Labor Relations Act. Construction contractors and employees are allowed to agree to union representation by signing "pre-hire" collective bargaining agreements without a secret ballot.
- As a result of the 1959 amendments, very few elections occur in the construction industry. In an industry with almost 900,000 employers and over 4 million workers, the Construction Labor Research Council reports that there were only 245 elections, covering only 7,500 workers in all of 2006 and 2007.
- Thousands of pre-hire agreements covering millions of construction workers have been negotiated without any serious claim that such a process has been undemocratic.

ICE POSITION

ICE believes the union representation provisions of EFCA are a necessary and appropriate modification to the National Labor Relations Act and supports its enactment. However, in the amendment process, arbitration provisions should be amended to put protections in place to ensure that new agreements in a multi-employer environment do not undercut existing and established multi-employer collective bargaining agreements and fringe benefit programs.



P.O. Box 21462
Washington, DC 20009
202-210-6069
Fax 202-457-9051
e-mail: info@icebac.org
www.icebac.org