



Written by [Brian Farmer](#) on March 2, 2009

The Employee Free Choice Act Is a Deception

But labor leaders want far more than that, because union membership in the private sector has been dropping for decades, which means that relatively less money from union dues has been flowing into the coffers of Big Labor.

The union bosses want Congress to enact a so-called "card check" bill, which has been given the Orwellian name of "The Employee Free Choice Act" (EFCA), in order to hide the real intent of the legislation. Under present law, if union organizers can get at least 30 percent of employees in a company to sign petition cards requesting a union, then the National Labor Relations Board (NLRB) can authorize a secret-ballot election. If more than 50 percent of employees sign cards, then the labor union can try to unionize the employees without a secret-ballot vote. However, the employer has the right to ask for a secret-ballot election overseen by the NLRB, to confirm that the employees really want a union to bargain for them.



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Under the EFCA rules, however, if more than 50 percent of employees were to sign union authorization cards, then the employer's right to request a secret-ballot election would be taken away. A secret-ballot election could still take place, but only if the labor union were to agree to hold one. Of course, no labor union would want to run the risk of being rejected by secret ballot, after browbeating a majority of workers into signing authorization cards. Hence, those who argue that the EFCA does not remove secret-ballot elections from the union organizing process are not being completely honest.

On top of that, surveys conducted by non-partisan polling organizations reveal that the vast majority of non-union workers do not want to be unionized. A 2006 Zogby poll revealed that 74 percent of non-union workers do not want to be a member of a labor union. Only 20 percent said they do. Another Zogby poll showed that 78 percent of union members favor keeping the current system. And a 2007 survey conducted by the Coalition for a Democratic Workplace revealed that 89 percent of Americans feel that a worker's choice should be expressed in private.

Without the protection of the secret ballot, employees would fall victim to ruthless harassment by union organizers who would stop at nothing to get a signature. History shows that labor unions are more than willing to retaliate against anyone who does not knuckle under to union demands. The National Right to Work Committee notes that there have been more than 90,000 recorded instances of union violence



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since 1975, resulting in more than 200 deaths.

Amazingly, the Supreme Court has ruled that union officials have immunity from federal prosecution even if they resort to extortion and violence, up to and including murder, so long as they are in pursuit of so-called "legitimate union objectives"! That should raise an obvious question: why do violent union thugs, rather than their victims, need protection?

Ironically, while the provisions of the EFCA allow for only a card-check process to certify a union, they do not allow for a card-check process to decertify a union. Another double-standard provision of the EFCA would significantly increase the penalties for unfair labor practices committed by an employer, but there is no provision at all relating to unfair practices committed by the union. Clearly, this legislation was never intended to be fair and balanced.

The EFCA also provides for the use of binding arbitration, in order to impose expedited contract negotiations that could easily lead to contracts being dictated by federal government bureaucrats. Under EFCA rules, unions and companies would have 90 days to reach a contract agreement. If no agreement is reached, a mediator would have 30 days to help resolve the stalemate. If that doesn't yield a contract, then a federal arbitration panel would be called in to impose one that would be binding for two years. Given the confirmation of Hilda Solis, a radical labor activist and a darling of the Socialist Party, as the new U.S. Secretary of Labor, one would expect an anti-business bias under such binding arbitration.

In the end, the EFCA is not about helping workers, who would be mercilessly intimidated into accepting union representation, whether they want it or not. It's about making it easier for Big Labor to plunder the wages of workers through the forced payment of union dues. It's about union bosses wanting this money not only to support their lavish lifestyles, but also to buy political influence. It's about certain politicians currying favor with Big Labor, in order to get more campaign support from labor unions.

When one considers how labor unions have contributed to the downfall of the steel industry and the auto industry, it's frightening to think of what would happen if our entire economy were unionized. It's not too late to tell your representatives that when the EFCA is introduced in Congress, it should be shot down in flames.

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