"Alternatives" to Misnamed *Employee Free Choice Act* Compromise Protections for Employees and Employers

- There can be no compromise on eliminating the rights of workers to vote by private ballot in union organizing elections. The Coalition for a Democratic Workplace (CDW) will oppose any federal legislation that deprives American workers of the ability to make a fully informed decision and exercise their right to vote in a secret ballot election without fear of intimidation or recrimination. In fact, CDW polls found that:
    - 74% of voters and union households oppose EFCA.
    - 82% of voters, 85% of union households favor having a federally supervised election as a means to "protect the individual rights of workers".

- There can be no compromise on the imposition of unprecedented government imposed mandatory binding interest arbitration in labor contract negotiations. CDW will oppose any federal legislation that invites government into the workplace to impose contracts on workers and employers. CDW also opposes any effort to deprive workers and employers of having a voice in approving or rejecting their own contracts. In fact, CDW polls found that:
    - 71% of voters and 72% of union households believe the binding interest arbitration provision would be "unwise" and "risky".

- There can be no compromise that is designed to limit free speech and silence debate – which are vital components in any true election.
    - Since 1947, our labor laws have encouraged a "free debate on issues dividing labor and management," under the theory that such debate will result in informed choices that lead to better outcomes.
    - As one court put it, "the guaranty of freedom of speech and assembly to the employer and to the union goes to the heart of the contest over whether an employee wishes to join a union. It is the employee who is to make the choice and a free flow of information, the good and the bad, informs him as to the choices available."
    - Effectively preventing any debate prior to an election is no better than stripping secret ballots or permitting government imposed contracts terms.

"Quickie" Elections Deprive Workers of Choice and Information

- "Quickie" elections impose a limited timeframe to complete a secret ballot union recognition election.
    - A short time table can virtually eliminate an employers' ability to provide employees with adequate information about the union, respond to the union's comments or unionization generally.
    - Such a scheme allows professional union organizers to "campaign" for months, while providing employees with limited – if any - time to hear from their employer about potential downsides to unionization.

- "Quickie" elections can deny employees the opportunity to hear *both* sides of the argument on unionization.

    - Deciding whether or not to join a union will have long-term impacts on workers lives. Limited election timeframes can unjustly curtail an employer's ability to convey their point of view to their own employees prior to a secret ballot election.
    - Employees should be able to make informed, as well as private, decisions about this important issue. Hearing from just one side denies them that information.

- Current federal law provides employers the important opportunity to make *their* case to their employees, just as the professional union organizers can make their pitch.

- Presently, the average time taken to complete a secret ballot election is 39 days, and 94% of elections are completed within 56 days.

"Union Access" Provisions Are Unnecessary and Disruptive

- Union access provisions would give non-employee union organizers the right to enter a workplace during work hours to solicit support during a union organizing campaign.
    - Employees who support the union currently have the right to campaign on company property, so union organizers are not without workplace advocates under the current law.
    - "Union access" will significantly disrupt the working environment of a business, severely hampering day-to-day operations. Employees could be approached regularly by professional union organizers while they are performing their job.

- Professional union organizers are permitted by law to contact employees outside of the workplace, in the community, and include visits to an employee's home.
    - Moreover, the employer *must* provide the union organizers with a list identifying the employees—including contact information--that are eligible to be in the bargaining unit.
    - Employers are <u>not</u> allowed to contact employees during non-work hours.

- Professional union organizers currently have the advantage of not being restricted in the promises and commitments that they can make during a campaign (i.e., increased benefits, pay, vacation, etc. which may ultimately be unattainable in the labor contract).
    - Employers are restricted by law in what they can tell employees during an organizing campaign.
    - Worksite access and unfettered union campaigning, combined with one-sided restrictions on employer speech, would provide professional union organizers with a greater advantage.

- Union access provisions would effectively force the employer to subsidize union organizing since employees would be compensated while work time and productivity would be lost.

- One of the "access" proposals could even require the employer to inform the union if an employee asked his/her supervisor questions about the organizing drive or claims the union has made.