

CHATTANOOGA AREA CHAMBER OF COMMERCE

Opposing the Employee Free Choice Act or “Card Check”

- The “Employee Free Choice Act” (EFCA) would take away a worker’s right to a federally supervised private ballot when deciding whether or not to join a union
- It would replace the private ballot with a process called “card check” which allows a union to organize if a majority of workers simply sign a card. Under this system, union organizers (not the National Labor Relations Board) oversee the process, and the workers choice is ultimately made public to the employer, the union organizers and co-workers. Unions are transferring their risk to individual employees as a matter of convenience
- Although secret ballot voting would not be banned, it would have the same practical effect. But the bill allows organizing to take place in secret, thus limiting an employer’s ability to counter false and misleading rhetoric and disenfranchising workers who may oppose unionization
- Tennessee’s right to work tradition gives employers a strong incentive to provide the best for their employees. The success of which is evident by many failed organizing votes at some of Tennessee’s most prominent companies. The threat of card check jeopardizes that tradition which has helped attract many billions of dollars in new capital investment and several hundred thousand jobs to our state in the past decade alone
- Even though workers in Tennessee (as a right to work state) have the right to refuse to pay union dues, they must give up their right to deal directly with their employer if the workplace is organized
- The only way to guarantee worker protection is through the continued use of a federally supervised private ballot so that personal decisions about whether to join a union remain private
- EFCA alters collective bargaining by allowing unions to end good faith negotiations and force employers into binding interest arbitration to set all the terms and conditions of a union contract, not just wages and benefits. These include work rules, management rights clauses, and how union dues are collected.
- EFCA imposes new penalties only on employer misconduct, not on union misconduct. The bill *“Requires the NLRB to seek a federal court injunction when there is reasonable cause to believe a company has discharged or discriminated against employees, threatened to do so, or engaged in conduct that significantly interferes with employee rights during an organizing campaign or first contract negotiations. ”*

- Binding arbitration could also mean that both parties are left with a contract they don't like. An employer could be stuck with a contract completely incompatible with its cost structure and business model
- This creates uncertainty for business planning and diminishes the control employers have over their operations and property. Passage of EFCA may reduce employers' incentives to grow their businesses in the U.S. Employers will also face increasing global competition from nations that do not have similar binding arbitration statutes