

OPPOSE THE EMPLOYEE FREE CHOICE ACT IN ANY FORM

The misnamed “Employee Free Choice Act” (EFCA), or card check, threatens our economic competitiveness under the guise of labor law reform. This legislation would undermine worker privacy and open the door to government control of wages and benefits in unionized workplaces.

Although there is much discussion of considering possible variations of the EFCA, any proposal that stems from such fundamentally flawed legislation will harm manufacturers’ economic competitiveness.

- This legislation contains numerous provisions that would radically overhaul our current labor law system, hindering economic growth and threatening our ability to create jobs.
- Card check or other misguided schemes will not result in labor law reform. In fact, card check would overturn longstanding principles of fairness and balance in our labor law system.
- Card check legislation, as it is currently written, would replace the current process of private ballot union representation elections.
- Several alternatives have been put forward to radically change the organizing process in favor of the unions. The current process is functioning properly – employees who wish to form a union are able to do so. Union membership is on the rise, adding 400,000 new members last year. And labor unions are winning 67 percent of union elections, which generally take place within 38 days on average.
- If passed, this legislation would also impose an artificial timeline for when the first labor contract must be reached when a union is certified. Under this system, a federal arbitrator could dictate the terms of the contract, including wages, benefits and work rules.
- This legislation contains equally concerning language that would force binding arbitration on employees and employers. In the current proposal, once a labor union becomes certified, the union and employer must begin first contract negotiations within 10 days. After 90 days of collective bargaining, either party may notify the Federal Mediation and Conciliation Service and request mediation. After 30 additional days, this federal panel would be able to impose a binding decision on both parties for two years that includes wages, benefits and work rules.
- This legislation is a solution in search of a problem. Our labor law system never intended the government to be able to impose binding contracts on employees and employers. A small group of senators continue efforts to develop a variation of card check. Some of the alternatives being discussed include:
 - Ambush elections
 - Binding interest arbitration
 - Postcard check
 - Increased access for union organizers

This bill – or any variation it – is a direct threat to manufacturers’ ability to compete in the increasing competitive global market and will reduce the incentive to create jobs in our manufacturing economy. No version of this jobs-killing legislation will result in economic growth.

For more information on this issue, visit our website at www.nam.org/efca or contact the NAM’s Keith Smith at (202) 637-3045 or ksmith@nam.org.

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