

Lies & Distortion on the Secret Ballot

Business special interest groups have launched a \$160 million campaign to derail reform of the nation's broken labor law system by lying about the Employee Free Choice Act. Their only line of attack - that the bill somehow takes away so-called "secret ballot" elections for joining a union - is blatantly false.

The Employee Free Choice Act not only strengthens the current process for workers forming unions, but also provides for a more fair and democratic method for men and women to join unions.

Here are the facts to refute the opposition's fiction about the Employee Free Choice Act:

Fiction: *The "legislation would end the rights of employees to secret ballot elections."*
– Center for Union Facts

FACT: **The Employee Free Choice Act does not abolish elections or "secret ballots."** Under the proposed legislation, workers get to choose the union formation process—elections or majority sign-up. Under current law, the choice to recognize a union rests only with employers.

What the Employee Free Choice Act *does prevent* is an employer manipulating the flawed system to influence the election outcome. When faced with organizing campaigns: 25 percent of employers illegally fire pro-union workers; 51 percent of employers illegally threaten to close down worksites if the union prevails; and, 34 percent of employers coerce workers into opposing the union with bribes and favoritism.

Fiction: *"Legal recognition of a union has traditionally been achieved through secret ballot elections...just like how a person votes for a senator or congressman."*
– Center for Union Facts

FACT: **Current union elections involving "secret ballots" bear no resemblance to political elections.** Workers' free speech rights are squelched, employers practice various forms of economic coercion, and labor law allows employers to indefinitely delay recognition through drawn-out appeals. Says University of Oregon political scientist Gordon Lafer: "The presence of secret ballots can't overcome the corrupt nature of NLRB elections."

Fiction: *NLRB elections are "the only way to guarantee worker protection from coercion and intimidation."*
– Coalition for a Democratic Workplace

FACT: **Workers are more susceptible to coercion in NLRB elections than majority sign-up.** Workers in NLRB elections are twice as likely (46 percent vs. 23 percent) as those in majority sign-up campaigns to report that management coerced them to oppose the union. Further, less than one in 20 workers (4.6 percent) who signed a card with a union organizer reported that the presence of the organizer made them feel pressured to sign the card.

Fiction: *Majority sign-up is a "new approach" to forming unions.*
– Center for Union Facts

FACT: **Majority sign-up is a common way to form unions, and has been used since at least the 1935.** Even major corporations like AT&T allow their workers to join unions using majority sign-up. The Employee Free Choice Act is necessary today because employers have become increasingly bold in violating employees' rights and the law under the NLRB election process. When that process was developed, employers did not routinely engage in the massive legal and illegal violation of workers' rights that is commonplace today.