

Employee Free Choice Act / Act should be passed

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Position: Act should be passed

This position addresses the topic Employee Free Choice Act.

For this position

“China has secret-ballot elections, but so what? In nearly half of all union elections, companies break the law in some way during the campaigns, according to new research by American Rights at Work, and a quarter even illegally fire union activists, according to Cornell University research. Yet current labor law is so weak, it's helpless to stop them.”

From Give workers free, fair choice, by John Sweeney (*USA Today*, October 16, 2008) (view)

“There's nothing wrong with management voicing its view on unions - say, in a flyer to workers - and certainly nothing wrong with secret ballots. The problem lies in the abuse of management power in the period between the initial union card signing and the NLRB-sponsored secret ballot election. If workers are willing to sign a union card-- which is a courageous step all by itself --that should be enough to signify their choice.”

From Challenging the Workplace Dictatorship, by Barbara Ehrenreich (*The Huffington Post*, March 8, 2007) (view)

“Generally, it takes years for illegal union-busting firms to face any penalties and, even then, whatever fine they pay is often well worth the price of maintaining their bargaining power over the employees. In theory, it might be possible to create enough regulations with enough enforcement to ensure fair secret-ballot union elections. In reality, it's never going to happen. Hence, the card-check proposal, which would allow workers to organize on their own terms.”

From Why so threatened by a union card?, by Jonathan Chait (*Los Angeles Times*, March 4, 2007) (view)

“Providing an easier route to unionize will not in itself calm the gale-force winds of global economic change that erode the pay and status of everyday workers. It would simply be a small measure of justice -- a way to show, perhaps, that our own government will not be yet another weight tipping the scale against those who seek dignity in an honest day's work.”

From Marie Cocco: Employee Free Choice Act, by Marie Cocco (*The Sacramento Bee*, March 1, 2007) (view)

“ "In blocking the Employee Free Choice Act from a final vote, 48 Republican senators voted to perpetuate a system in which private-sector employers illegally fire employees for union activity at least 25 percent of the time they seek to form unions." ”

From Only Fools: Opponents of Employee Free Choice, by John Sweeney (*The Huffington Post*, June 28, 2007) (view)

“ "The goal of the Employee Free Choice Act is simply to give workers the right to join unions without facing the (currently) one-in-five chance of being fired for playing an active role in a campaign to do so. Firing employees for endeavoring to form unions has been illegal since 1935 under the National Labor Relations Act, but beginning in the 1970s, employers have preferred to violate the law -- the penalties are negligible -- rather than have their workers unionize." ”

From A Union Beats a Fence, by Harold Meyerson (*The Washington Post*, June 20, 2007) (view)

“ "Most of the time, employees who want to form a union are threatened and intimidated by their employers. And all too often, if they don't heed the warnings, they're fired, even though that's illegal. I saw this when I was secretary of Labor over a decade ago. We tried to penalize employers that broke the law, but the fines are minuscule. Too many employers consider them a cost of doing business." ”

From The union way up, by Robert Reich (*Los Angeles Times*, January 26, 2009) (view)

“ "As increasing numbers of workers collaborate with management through unions, we can preserve more middle-class jobs while making the economy more competitive. America's best employers already understand this. It is time the rest do, too." ”

From Employee Free Choice, by George Miller (*The Nation*, January 19, 2006) (view)

Against this position

“ "The employer groups that I've represented know full well any private firm that succumbs to unionization won't be strong enough to survive adversity or nimble enough to advance. Yet EFCA would enable labor unions to muscle their way into an involuntary partnership with the firm's owners." ”

From A Labor Dilemma for President Bam, by Richard Epstein (*New York Post*, October 21, 2008) (view)

“ "Cajoled choice is more like it. The proposed change would give unions and pro-union employees more incentive to use peer pressure, or worse, to persuade reluctant workers to sign their cards. And without elections, workers who weren't contacted by union organizers would have no say in the final outcome." ”

From No way to form a union, by USA Today editorial board (*USA Today*, October 16, 2008) (view)

“ "There is really no proof that nonunion workers would organize even with card check. If they did, most would probably still want the vote. The AFL-CIO and other unions have had no success organizing workers in the tech industry, and their traditional manufacturing base is dwindling. The unions should stop using card check as a wedge issue to disguise their failure to be forward thinking." ”

From 'Card check' red herring, by The Washington Times editorial board (*The Washington Times*, November 21, 2008) (view)

“ "Many labor contracts can run over 100 pages with their requirements of each party. Compulsory arbitration is, in one sense, government dictating to employees what they will win or lose in the deal, with no opportunity to approve the "agreement." Why should employees pay union dues to get such a contract?" ”

From The 'Free Choice' Act Is Anything But, by George McGovern (*The Wall Street Journal*, May 7, 2009) (view)

“ "The wonderfully mistitled Employee Free Choice Act would replace the secret union ballot with a system wherein a simple majority of workers can create a union by signing a card in favor. But they would do so in the open, where would-be bosses can see which workers are voting "correctly." The bill also outlaws enticements from management to vote no, which is another big change." ”

From In complete union, by The Washington Times editorial board (*The Washington Times*, March 4, 2007) (view)

“ "Card-check supporters may argue that the activities of labor organizers, no matter how intimidating, involve purely private actions to which the Constitution's protections of free speech and association do not apply. However, the Supreme Court has recognized that certain government-sanctioned regulatory schemes can give associated private conduct the character of state or federal action, making the Constitution applicable." ”

From Why Card Check Is Unconstitutional, by David B. Rivkin Jr., Lee A. Casey (*The Wall Street Journal*, March 30, 2009) (view)

“ "Less than 8% of private sector workers today belong to unions, a number that has been falling for decades. Labor groups claim that membership is down because companies sack pro-union employees and threaten to shut down if workers organize. But the National Labor Relations Board, which fields these complaints, rejects almost all of the allegations after inspection. In 2005, for example, the NLRB found evidence of illegal firings in only 2.7% of the organizing election campaigns that took place that year." ”

From Unionize or Die, by The Wall Street Journal editorial board (*The Wall Street Journal*, March 20, 2009) (view)

“ "Employers may more frequently employ the lawful, but until now rarely used, tactic of "offensive lockouts" to pressure employees and their unions to accept a contract before the issue is placed in the unpredictable hands of a disinterested arbitrator. While the card check provisions of the Employee Free Choice Act might inflate union membership roles, the mandatory arbitration clause could devastate the very people those unions seek to represent." ”

From Labor move could backfire — on workers., by Richard Hankins (*The Atlanta Journal-Constitution*, March 2, 2007) (view)

“ "I prefer the pre-1935 rule: Unions represented the people who joined them. That world is often portrayed as anti-union, but it allowed the rise of famous unions, from Dave Beck's Teamsters to Bill Haywood's Industrial Workers of the World. In those days, unions had to struggle to gain workers' allegiance and also to keep it. It made them tough and vital." ”

From The Employee Free Choice Act should be renamed the Faux Choice Act, by Bruce Ramsey (*The Seattle Times*, March 17, 2009) (view)

“ "The late economist Mancur Olson explained the phenomenon. Starting with "The Logic of Collective Action" (1965), he showed how democracies are vulnerable to proliferating parochial interests that use government to claim an ever larger share of private wealth. Slow but clear decline follows once narrow interests take the wider polity hostage. Look at France -- or California." ”

From Labor's European Model, by The Wall Street Journal editorial board (*The Wall Street Journal*, March 16, 2009) (view)

“ "The unions' favorite corporate bogeyman is Wal-Mart, which has successfully resisted unionization for years. But Wal-Mart keeps people working. According to a Forbes estimate of job losses since November, Wal-Mart - which has about 1.4 million workers - has laid off about 1,200 employees. Super-unionized General Motors - with a workforce of 250,000 - has been forced by high labor costs to fire 66,000." ”

From So Long, Secret Ballots?, by New York Post editorial board (*New York Post*, March 15, 2009) (view)

“ "The ability of employees to organize -- indeed, even the prospect that they could do so -- is a critical component of achieving fairness in the workplace, and it is a core democratic right. Labor and its legislative allies would do better to concentrate on finding practical ways to protect it, rather than seeking a politically unachievable, and substantively unwise, result." ”

From A Balance for Labor, by The Washington Post editorial board (*The Washington Post*, March 12, 2007) (view)

“ "So far this Congress, Democrats have been trying to present themselves as "moderates" who won't return to their bad special-interest selves pre-1994. But this union-enabling bill strips away that mask and exposes an anti-business animus out of the 1970s, if not the 1930s." ”

From Walter Reuther's Ghost, by The Wall Street Journal editorial board (*The Wall Street Journal*, March 1, 2007) (view)

“ "And how do the unions, and union-backed supporters of the egregious Employee Free Choice Act [...] propose to protect workers from intimidation and harassment? By overturning employees' right to secret ballots in deciding whether to unionize and replacing that long-ingrained feature of American democracy with a "card check" method by which union organizers collect signatures on cards in public and every employee's choice would be known." ”

From Unions' 'card check' needs reality check, by Chicago Sun-Times editorial board (*Chicago Sun-Times*, June 21, 2007) (view)

“ "The Supreme Court has said that the card-check system is "admittedly inferior to the election process." Hillary Clinton, who has given herself a makeover as a moderate, and who was elected by secret ballots, and who hopes that next year voters will use their secret ballots to give to her the power to nominate Supreme Court justices, nevertheless toes labor's line when she advocates abolishing workers' right to a secret ballot."

”

From Dues and Don'ts, by George F. Will (*The Washington Post*, June 20, 2007) (view)

“ "In a dynamic economy, a business's survival depends upon its ability to constantly cut costs and innovate. But a company forced into binding arbitration will be frozen for two years (the duration of the initial contract) from making any changes to any aspect of its business that is covered by the contract. Literally every issue -- from its 401(k) contributions to its reliance on outside labor -- could potentially become subject to review by a government panel that has neither the company-specific knowledge nor the incentive to turn a profit."

”

From The 'Free Choice' Act and Binding Arbitration, by Shikha Dalmia (*The Wall Street Journal*, July 11, 2009) (view)

“ "It's not hard to imagine the intimidation workers would be subject to when they're offered cards to sign. And it's not as if nonunion workers are clamoring to join a union but are afraid of management reprisals if they do. By more than a 3-to-1 margin, polls show, workers say don't want to be part of organized labor."

”

From Union Revival Act, by Investor's Business Daily editorial board (*Investor's Business Daily*, January 6, 2009) (view)

“ "As frightening as this is for businesses and for America's tradition of secret ballots, it is mayors and governors who should be most afraid. Government workers constitute labor's fastest-growing block of members, and in these tough economic times of government furloughs, layoffs, and blown budgets, EFCA is the last thing city and state leaders need."

”

From Discard 'undemocratic' card check, by The Washington Times editorial board (*The Washington Times*, January 30, 2009) (view)

“ "Under the card-check system, unions are able to, in effect, select the voters they want. It strips all workers of privacy and exposes them, one at a time, to the face-to-face pressure of union organizers who distribute and collect the cards. The Supreme Court has said that the card-check system is "admittedly inferior to the election process."

”

From An Assault On Corporate Speech, by George F. Will (*The Washington Post*, February 27, 2007) (view)

“ "The Supreme Court (unfortunately, in my view) has held that the peculiar labor-law environment justified these abridgements of ordinary speech rights. But it hardly follows that if the government can curtail speech rights, the EFCA can eliminate them. There is simply no legitimate government interest in promoting unionization that justifies a clandestine organizing campaign which denies all speech rights to the unions' adversaries."

”

From The Employee Free Choice Act Is Unconstitutional, by Richard Epstein (*The Wall Street Journal*, December 19, 2008) (view)

“ "To my friends supporting EFCA I say this: We cannot be a party that strips working Americans of the right to a secret-ballot election. We are the party that has always defended the rights of the working class. To fail to ensure the right to vote free of intimidation and coercion from all sides would be a betrayal of what we have always championed." ”

From My Party Should Respect Secret Union Ballots, by George McGovern (*The Wall Street Journal*, August 8, 2008) (view)

“ "Under card check, there is no private choice -- and no clear end to the election process. Union organizers can take as much time as they want to push someone into signing a card -- and they can go into the employee's home, with one, two, or a full cadre of friends." ”

From Union coercion, by John Engler (*The Washington Times*, April 16, 2007) (view)

Mixed on this position

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