

Two minutes with the Boss

By: Joseph Andalina

EFCA: (Employee Free Choice Act) A Dirty Word? Part I

Various publications and newspapers are seemingly jumping at the chance to bash the Emergency Card Check. You know, the labor bill looking to pass in the Senate (Federal) and promised by Obama to sign. If you don't know what this is, just look to a similar bill passed a few years back by our Illinois legislators that allows employees, under the Illinois Labor Relations Board (which deals with the public sector) the opportunity to organize under a **majority petition**.

This is, in effect, a card check program where unions can organize a group that currently does not have a union by having 51 percent of all employees in the group sign collective bargaining interest cards.

Simply stated, a group wants to join a union and doesn't have a bargaining representative, they can do so by employees signing interest cards with that group. If the group has a 51 percent sign up, they can, through the union, file a majority petition with the Illinois Labor Relations Board.

Now, is that such a bad thing? Some purely conservative periodicals, like *Human Events* thinks so. Now mind you, I read a variety of news items; Democratic, Republican, and Libertarian in order to get at least a few varied opinions on a subject, so this is nothing against that paper. However, the spin they put on the emergency card check is sort of ludicrous. One by-line read "*The Employee Free Choice Act: It's worse than you think.*" Chicken Little, I would say; the sky is not falling. And free choice is a bad thing?

Same with mainstream newspapers like the *Daily Herald* here in northern Illinois. They wrote an opinion piece in March of 2009 titled "Secret Ballot is a right worth protecting."

Both this paper and *Human Events* paint a picture of emergency card check as "troubling" because it eliminates a secret vote in favor of a majority petition as documented earlier. All the naysayers believe that a union election should be conducted just as any open election for any type of governmental office.

Now there are a lot of pros and cons to this issue—too many to discuss in a brief blog. You can do the research, I'm sure, and make up your own mind.

As far as MAP, our constituents, and I am concerned, the emergency card check is a good thing. We have organized many law enforcement groups this way and **no one** has complained except management.

While doomsayers suggest improprieties and forced signing of cards by employees, I say baloney. Management and big business spin is all that this is. Because the card check

legislation was passed in Illinois, in order to prevent the coercion, intimidations, and implied threat of reprisal by **management** against employees who **want** to unionize.

It eliminates employees being held hostage because the workplace is management's domain. I understand that. I also understand and have seen the stranglehold management can put on employees not to sign cards, when they get wind that the union is in town.

Management can also drag out the process for elections. Why? To further hold you hostage, to intimidate, coerce, and threaten you not to organize. We and the legislature have obviously seen this happen time and time again.

Card check/majority petition speeds up the process to about 30 days, unless evidence is presented to the ILRB shows, yes, you guessed it, coercion by a union or fraud to make employees sign union cards. I'm not sure what the time table is for the EFCA; I'm guessing it's similar.

So you see, the process has a built in check and balance. There are no free rides. If evidence of fraud or coercion is substantiated, cards are eliminated and the certification can be delayed. It works and causes a lot less grief for those who do not have a current union and want one. It expedites the whole process. Three or four months of fighting goes down to about one.

If, as stated earlier, there is an existing union and you want a change, then it is a secret ballot election for the two or more unions in question and a ballot spot for no representation. The hoopla over emergency card check by management, the news media in general, and big business is designed only to keep the playing field uneven for management's benefit.

“What ifs” are not abuse. Just like a democratic election—even with card check—majority rules. And if the majority sign cards and there is no evidence of complaints or fraud, what's the problem?

Stay safe.

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