

## **Public Policy Issue Briefs**

**Issue:** Card-Check Legislation

**Overview:** An employee's decision to join a union should be made in private.

<http://www.restaurant.org/government/Issues/Issue.cfm?Issue=cardcheck>

**Background:** Organized labor's top priority in Congress is a bill called the "Employee Free Choice Act." The measure would dramatically change U.S. labor law. Today, employees are entitled to a private-ballot election when deciding whether they want union representation in their workplace. Elections are overseen by the National Labor Relations Board, which has numerous procedures in place to ensure fair, fraud-free elections. Because of NLRB safeguards, employees can cast their vote confidentially, without peer pressure or coercion from unions or employers.

If Congress passes the Employee Free Choice Act, employees effectively lose their right to private-ballot elections. The bill would establish a so-called "card-check" union organizing system, in which a majority of employees simply sign a card in favor of union representation.

Recent polls show strong majorities of the public want to keep the current protections in place. Numerous editorial pages across the country also have expressed support for keeping the private ballot.

**Status:** The House passed the Employee Free Choice Act, H.R. 800, in 2007 by a 56-vote margin – 241 to 185. The vote was largely along party lines; only 13 House Republicans voted for the bill and only 2 House Democrats voted against it. Supporters haven't been able to get S. 1041 through the Senate yet. On their last try, they achieved only 51 of the 60 Senate votes they needed. 2009 could be a different story, which is why we need to educate lawmakers now.

## Talking Points

**1. A card-check process increases the risk of coercion.** When a union tries to organize a workplace, employees sometimes face intimidation and pressure about how they should vote, from the union, management, or both. The best way to protect employees from coercion is through the continued use of a federally supervised, private-ballot process.

**2. Private ballots are a basic American right.**

The entire American system is based on respect for individual liberty and democracy. If Congress passes this proposal, they will strip away the protections that federally protected, democratic elections provide for American workers.

**3. An employee's decision to join a union should be made in private.** Employees should not have to reveal to anyone — employers or unions — how they exercise their right to choose whether to organize with their co-workers in a union. Moving to a card-check process rather than a federally supervised election tramples on employee privacy. An employee's decision to join a union should be made in private, protected from any coercion by unions, employers or co-workers.

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