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- [The Tribune's View](#)
- [Trib Talk](#)
- [Darkow Cartoons](#)
- [Letters to the Editor](#)
- [Op-Ed Columns](#)

Employee Free Choice Act would kill jobs, ballot secrecy

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Union leaders nationally are desperate. With membership falling throughout the private sector, they have turned toward an Orwellian-named piece of proposed federal legislation called the Employee Free Choice Act.



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Unions are promoting the act as the best method to increase membership and improve wages and working conditions. But don't be fooled. This initiative fails on every level. It would kill U.S. jobs and send even more jobs overseas. Perhaps most insidious, the proposal would provide for less, not more, privacy in the workplace by eliminating secret ballot voting for employees deciding whether they want to create a union.

Employees currently have two ways of forming a union. If at least 30 percent sign union cards, there must be a secret ballot vote overseen by the National Labor Relations Board. If at least 50 percent sign the cards, the NLRB must certify the union. The employer, however, has the right to call for a secret ballot election in those cases. Under the proposed legislation, that authority would be stripped away from the employer.

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In the vast majority of cases, the employer requires a secret ballot. Why? Simply stated, employers are concerned about intimidation. There's nothing secret about the cards. Union leaders know precisely who voted and how and have every intention of ensuring their wishes are paramount.

Ask yourself this question: If you went into the ballot box and public officials, political parties and perhaps your next-door neighbor knew precisely how you voted, would you believe you had a free and fair chance to be heard? Of course not. But this is what the Employee Free Choice Act would do. It would eliminate the employer option of a secret vote if at least 50 percent of employees sign the cards. Employers would not only lose the power to educate employees about the pros and cons of their decision but would also experience higher administrative and wage costs — and would pass those expenses on to the consumer in the form of higher prices.

Why are union leaders afraid of the secret ballot? Union leaders say the current system allows employees to intimidate workers in the weeks leading up to an election. On its Web site, the AFL-CIO highlights a study claiming 92 percent “of private sector employers, when faced with employees who want to join together in a union, force employees to attend closed-door meetings to hear anti-union propaganda.”

But let’s look a little closer at this claim. It says simply that employers want to inform employees about why they believe a union would be a poor choice. Union organizers are allowed to disseminate information to workers. Shouldn’t employers have the same right? Indeed, in this country most people are used to hearing from both sides of an issue before making a decision. But the AFL-CIO and other unions want to make union formation a one-sided debate, making employees feel uncomfortable if they disagree and don’t want to join.

Are there employers who violate federal law, illegally intimidating and firing workers involved in legally organizing? Yes, a small number. Fortunately, there are federal laws in place, enforced by the NLRB, to protect employees from such actions. But if federal lawmakers approve the Employee Free Choice Act, employers will have no ability to prevent union bosses from intimidating their employees into voting for a union.

More broadly, if the act takes effect, it could hurt this country’s and Missouri’s efforts to compete in the international marketplace through rapid union expansion. You only have to look at the U.S. auto industry to see how it has been hurt by bloated wages and benefits and intractable union rules.

Still, I recognize employees do have the right to organize themselves into a collective bargaining unit. But doesn’t it make sense to model that process after the time-tested election process? The secret ballot is the best and fairest way to know whether employees in a workplace truly want a union.

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