

Right to Secret Ballot Election

OVERVIEW

Currently, the preferred method for determining whether employees want union representation is a secret ballot election overseen by the National Labor Relations Board (NLRB).

The NLRB follows strict procedures to ensure a fair election, free of employer and union coercion. Under current law, employers are prohibited from making threats of reprisal or force, and from promising benefits that might interfere with an election. If employers engage in such conduct and their behavior disrupts election conditions, the NLRB may order the employer to bargain with the union, even if the union lost the election.

If a union enjoys a majority of employee support, current law allows employers to waive the secret ballot election requirement and recognize a union that produces signed union authorization cards from more than 50 percent of the employees.

In the 111th Congress, labor unions unsuccessfully attempted to permanently deprive workers of their right to a secret ballot election through the deceptively named “Employee Free Choice Act” (EFCA), also referred to as “card check” (H.R. 1409/S. 560). This legislation would have fundamentally tilted the playing field in favor of union organizing by effectively eliminating secret ballot elections as a method of determining whether or not employees want a union. Instead, it would require an employer to recognize a union in all cases based on a mere check of authorization cards that unions would collect from employees. The card-signing process would have

none of the protections offered by secret ballot elections, and employees could be subjected to peer pressure or threats. ABC vigorously opposed EFCA.

Although EFCA failed to move in the last Congress, the Obama administration may attempt to force increased use of card check onto the workforce through NLRB adjudication or regulatory action. ABC and its member companies will continue to oppose any actions that would take away American workers’ right to a secret ballot election.

All workers, in every industry, deserve the fundamental American right to a federally supervised secret ballot election. This right is guaranteed when voting in political elections; there is no reason it should be surrendered in the workplace.

ABC SUPPORTS

- The Secret Ballot Protection Act of 2011 (S. 217/H.R. 972), introduced by Sen. Jim DeMint (R-S.C.) and Rep. Phil Roe (R-Tenn.), which would guarantee the right of every worker to a secret ballot vote on decisions regarding union representation.

ABC OPPOSES

- Any effort to overturn established NLRB procedures that protect the rights of employees to fair union elections through secret ballot voting.