

There has been much discussion lately regarding the misleadingly-named ***Employee Free Choice Act (EFCA)***. Unions have bombarded the airwaves seeking to shore up public support for this piece of legislation. This article attempts to set the record straight and educate Maine's restaurant community about the EFCA in a straightforward manner.

In short, the EFCA is not a quality piece of legislation. It will be adverse not only for businesses, but also to employees. The legislation will disrupt the symbiotic relationship that currently exists between management and employees, tilting the scales disproportionately in favor of unionization.

In trying to understand any piece of legislation, it is important to look at its genesis. The EFCA's evolved, in part out of the fact that union membership is decreased more than eight percent nationwide in recent years resulting in less dues being paid to unions. Of course, pro-unionists argue that fewer workers are protected by them as a result. It is worth noting that workers are consistently rejecting unionization and remain satisfied in their relationship with their employers.

Currently, without EFCA enacted, unions can still win unionization elections. The unions in support of the EFCA point to some scattered incidents of businesses that manipulated or coerced their workforce into voting against unionization. Such examples are far from the norm and do not represent even a significant minority of cases. Today, unions continue to win more than half of all secret ballot unionization elections that are held.

So what exactly does the EFCA aim to change about the current system of perfectly functional and efficient unionization procedures? First it does away with secret ballot elections. Instead, the legislation would create a system where a union need only get a majority of employees to sign a card. Thus the EFCA is commonly referred to as "Card Check" legislation. If enough signature are gathered on the card, a union is formed. The problem with this, of course, is it opens the door for corruption and coercion of the employees. While unions point to rare occasions of businesses forcing employees to vote against unionization, there are far too many incidents of unions harassing workers at work, home, even at bars and places of recreation, until they sign the card. Former union organizers have even testified to Congress that they are actually trained in these coercive practices.

Federal supervision under Card Check would no longer be a safeguard for the worker. The legislation does away with the supervisory role of the Federal Labor Relations Authority, opening the way to even more union coercion. If any violations of the complicated unionization rules do take place during the process, the EFCA punishes businesses but not unions. This poses a major problem for small business owners unfamiliar with the process and unable to bear the cost of

retaining council. Miststeps could costly enough to significantly damage some businesses.

Finally, the EFCA proposes to implement a system of binding arbitration that is highly unpopular with employees and employers around the nation. If an agreement on the terms of the first two years is not found within 120 days of unionization, the federal government will impose its chosen terms on both sides, with neither side getting a vote on the outcome. A federal agency unfamiliar with the specifics of the business mandating inflexible terms and conditions for both sides does not benefit employers or employees.

There is a reason a majority of union members oppose the EFCA. This Act will harm businesses in a time of economic distress. And the businesses it hits hardest will be small and medium size businesses, like those we rely upon in Maine. Ultimately it makes no sense that Congress is considering passing the EFCA which will unduly burden businesses and employees, while at the same time handing out hundreds of billions to Wall Street titans in an effort to salvage the economy and American jobs.