



EFCA Fact Sheet

The Bill

The Employee Free Choice Act (EFCA), commonly known as “card check,” is a bill that calls for sweeping changes in labor law.

Under current law, a union must collect signed authorization cards from 30% of workers in order to call for a secret-ballot election. Then, workers cast their votes in private to determine if the union will be recognized as their bargaining representative.

Under card check, unions can organize workers with a simple majority (50% plus one) of signed authorization cards. A full workforce, a specific business unit, even a single department can be organized under card check. There will be no secret ballot election and no private vote. Nor will there be an opportunity for employers to talk with employees about the company’s position or respond to union claims.

If a union does obtain a majority of signed authorization cards, contract bargaining must occur within 10 days of a union’s request. If a first contract has not been completed within 90 days, the Federal Mediation and Conciliation Service may intervene. If no agreement has been reached after 30 days of mediation, the government can appoint an arbitration panel that will impose a binding contract upon the employer and the union for up to two years.

How Card Check Impacts Workers

Card check streamlines the union recognition process and takes away workers’ right to cast their votes in private for or against a union. In some instances, card check may prevent some workers from having their voices heard at all on the question of union representation.

Card check allows unions to organize units or departments without the employer or even other employees knowing.

Card check forces employees to make snap decisions by taking away the critical education and discussion period between the collection of signed authorization cards and a secret-ballot election.

Binding arbitration takes away workers’ right to reject a union contract if they are unhappy with the terms.

Fundamental Problems With Card Check

Authorization cards are not a reliable measure of a worker’s desire to join or be represented by a union. In fact, even under today’s rules, unions prefer to get signed cards from 75% of workers before moving forward with an election – knowing that only then do they have a chance of winning.

The decision to join or be represented by a union is personal and should be made by a worker and his or her family. Taking away a worker’s right to cast his or her vote in private opens the worker to harassment and intimidation by fellow employees and union representatives.

Card check allows government-appointed third parties – rather than the company and its workers – to determine wages, benefits and work rules.