Employee Free Choice Act Overview

The Employee Free Choice Act (EFCA), commonly known as “card check,” represents the most sweeping proposed change in labor law since passage of the Taft-Hartley Act in 1947. It will dramatically change the union organizing process – and, in turn, has the potential to disrupt operations at both union and non-union manufacturing operations alike.

In these tough economic times, it’s imperative that all employees of a company work together toward common goals. Card check threatens the ability to do so by imposing conditions that will undermine positive, collaborative relationships between employees and their employers, and also potentially pit employees against each other.

Whether you support or oppose the proposed act depends upon your opinion of both the current labor law and the changes card check will bring.

In a nutshell, the proposed card check requires a union to be recognized if a simple majority (i.e., 50% plus one) of employees – within the proposed bargaining unit, which could include the entire company, a targeted business unit, or even a single department – sign authorization cards. This means that a union could be recognized with a large number of employees not even knowing about it. With card check, there will be no secret ballot election and no private vote. In many cases, there will be no opportunity for workers to hear both the union’s and management’s sides of the issues, or for employers to respond to union claims and promises.

The bill also permits the government to impose a binding contract on the union and the employer. In other words, a third party appointed by the government – not the company and not the workers – will determine wages, benefits and work rules. In addition, card check provides for substantial increases in existing penalties for employers (but not for unions) that violate labor laws.