



National Grain and Feed Association



Employee Free Choice Act (EFCA) Is it Really “Free Choice” for Employees

Issue: Legislation has been introduced in Congress this year that would significantly amend the National Labor Relations Act (NLRA) by altering the time tested process for a union election by employees. The so called Employee Free Choice Act (EFCA) eliminates the requirement for secret ballot elections by employees to establish a union in the workplace. That provision alone generated significant opposition and supporters are now attempting to modify the bill to make it more palatable to moderates. The bill also: 1) requires companies and new unions to accept contract terms established by an arbitrator if an agreement is not reached in 120 days; 2) reduces union election campaign times to 5-10 days; 3) prohibits mandatory company run sessions on potential negative impacts of forming a union; and 4) requires employers to give union organizers access to company property.

NGFA Position: Oppose Employee Free Choice Act – H.R. 1409 and S. 560.

These Bills Include A Number of Provisions that Would Harm Workers, Employers and the Economic Recovery ...

- Elimination of the Secret Ballot: The bill would, effectively, eliminate the protection of a private ballot in union organizing campaigns. Instead workers would have to make their choice in public, which would lead to intimidation and coercion.
- Forced binding interest arbitration: Under this bill, government-appointed arbitrators could write union contracts and force them upon both sides. Employers could get stuck with a contract that is incompatible with their cost structure and business model—possibly forcing them to close their doors, while workers would be denied the ability to vote on a contract as they typically can now. It’s hard to see how this is compatible with economic recovery or workers’ rights.
- Unreasonable and one-sided penalties: the bill includes substantial new penalties, which apply only to employers. The National Labor Relations Act is supposed to provide balance between unions and employers—these new penalties tip that balance in one direction.

The added costs associated with EFCA would have an adverse impact that is particularly devastating on small businesses whose success will be a key component of the economic recovery. In addition, while talks of a compromise could improve portions of the bill the entire concept is so misguided it should be opposed in any form.