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LEGAL ALERT



Legal Alert: Big Labor's Assault on Workplace Democracy Begins

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Big Labor cashed in on its support of union-friendly candidates last fall when the perversely named Employee Free Choice Act (EFCA) was introduced in the House and Senate yesterday. Labor leaders hope EFCA will be the "magic formula" that helps reestablish the power of big labor unions, which have lost thousands upon thousands of members in recent years. To view the text of the legislation as it was introduced in the House, please click [here](#).

As currently proposed, EFCA would amend the National Labor Relations Act (which applies to all private sector employers except airlines and railroads) by altering fundamentally the method by which union representation is determined. It effectively would eliminate secret ballot elections as the method for employees to determine whether they want union representation. Under EFCA, a union would be established for a work group without *any* election when it secures the signatures of a majority of employees on cards authorizing the union to be the collective bargaining representative. It is uniformly accepted that this would achieve Big Labor's goal of significantly increasing union membership in every industry.

Additionally, EFCA would require an arbitrator panel to set all terms of a first contract (such as pay, benefits, pension, etc.) if the employer and union cannot reach agreement within 120 days. EFCA would also increase penalties for employers who are guilty of committing unfair labor practices. For more detailed information about EFCA, please visit our web site, <http://www.fordharrison.com> and click on Employee Free Choice Act, Ready or Not? Ford & Harrison attorneys also have prepared a detailed Critical Analysis of EFCA, which has been updated and is available upon request.

The introduction of this legislation, which President Obama co-sponsored in the Senate in 2007, makes it imperative for employers to ensure that their management team is well trained on how to maintain union free status; this includes management practices designed to ensure positive employee relations and how to answer employees' questions regarding the EFCA. Ford & Harrison attorneys and F&H Solutions Group consultants can assist you with management training, communications and workplace assessments to help you prepare for the challenges presented by this legislation.

We will continue to keep you updated on the status of EFCA. If you have any questions regarding EFCA or other labor or employment-related issues, please contact the Ford & Harrison attorney with whom you usually work.