

SECRET BALLOT PROTECTION ACT – FACT SHEET

PROBLEM

Organized labor currently represents 8% of the American workforce, the lowest percentage in its modern history. In order to increase their membership rolls, unions have therefore moved aggressively to promote card-check recognition (in which a union gathers “authorization cards” purportedly signed by workers expressing their desire for the union to represent them) as a critical component of their organizing strategy.

In fact, a recent study reports that since 1997, approximately one in four newly organized workers enroll following a card-check campaign. However, there have been more than ten times as many National Labor Relations Board (NLRB) conducted elections than successful card check campaigns each year. This suggests that when given the opportunity to vote in a secret ballot election, many workers choose not to be represented by an organized labor union. In addition, the number of workers organized in a successful card check campaign usually encompasses several hundred, while a successful election campaign typically yields under a hundred new union workers.

Precisely because of these facts, organized labor is increasingly pressuring employers (by way of threat, boycott, or public relations and public pressure) to recognize based on a card-check agreement rather than the customary secret ballot election supervised by the NLRB. Under current law, employers may voluntarily recognize unions based on card checks, but they are not required to do so – they may insist upon an election administered by the NLRB.

SOLUTION

The Secret Ballot Protection Act would prohibit a union from being recognized based on a card check, provide that a union may only be recognized by an employer following certification by the NLRB if it has won majority support in a secret ballot election conducted by the NLRB, and guarantee the right of every worker to a secret-ballot vote on decisions to unionize.

Under the Secret Ballot Protection Act, a union would not be able to pressure an employer to recognize it based on a card-check, and an employer would not be pressured (or able) to “bargain away” its workers’ rights to a secret ballot election. The Secret Ballot Protection Act:

- 1) Preserves the sanctity of worker free choice and the right to a secret-ballot election
- 2) Protects workers from intimidation, threats, misinformation, or coercion by a union or co-workers to “sign the card”
- 3) Eliminates a union’s ability to pressure an employer to agree to card-check recognition

In contrast, some members actually want to *mandate* that an employer recognize a union based on card-checks, which was included in the “Employee Free Choice Act,” a bill with a misleading title introduced last year by House Democrats. Interestingly, although some of those same House Democrats do not think that secret ballots are necessary to protect the rights of American workers, in a letter signed by 15 House Democrats sent to Mexican government officials they observed that “We understand that the secret ballot is allowed for, but not required, by Mexican labor law. *However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.*”

Shouldn’t American workers enjoy the same protections?