



## Tough Choices Ahead for Workers

By Paul Kersey

The following general principle should be fairly uncontroversial: When workers genuinely want union representation, they ought to have it. When they don't, a union ought not to be imposed on them.

It also seems pretty reasonable to say that when there is a question about what workers want, the best way to settle the question is a secret ballot vote.

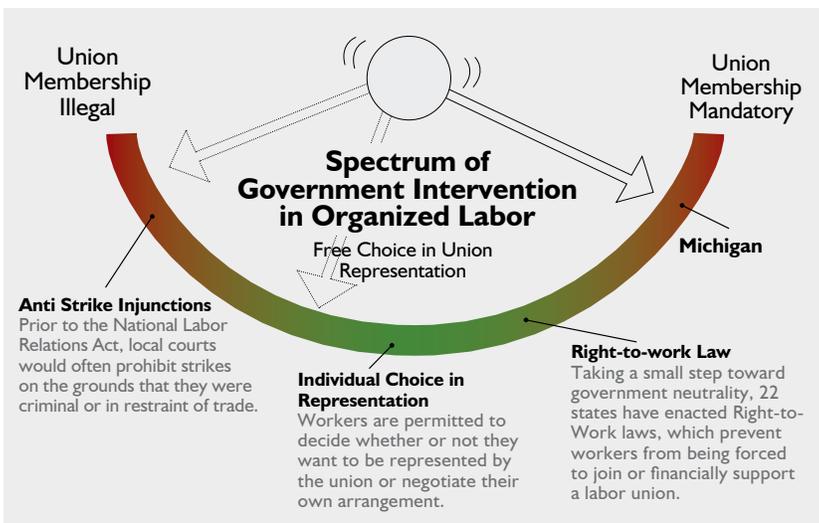
Union officials in Michigan and across the country appear to have rejected the notion that choosing or declining a union is ultimately the workers' prerogative. They clearly have repudiated the idea of secret ballot votes. This is a development that could put workers in a tough position. At some point a lot of Michigan workers will need to make a stand. They will be better off making that stand sooner rather than later.

Unions typically collect signatures from interested workers on what are known as "authorization cards." When presented with signed cards from a sufficient number of employees, a company may accept a union's claim to have the support of a majority of workers and recognize that union as their representative without a vote. In some cases workers may submit a petition of their own to force a vote even if the company is willing to skip that step. A secret ballot vote isn't automatic, but the law is set up so that if there is a question about a union's support, it gets tested by the fairest, most reliable means possible.

**Summary**

Workers who value their liberty and privacy rights should be extremely concerned about the so-called Employee Free Choice Act.

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Under the Employee Free Choice Act, which has the adamant support of most union officials, a large portion of Congress and President-elect Barack Obama, an employer will be obligated to recognize a union when presented with signatures. Secret ballot votes — if any are held — will be strictly at the union's discretion.

The process of establishing union representation via signatures alone — known as "card-check" — has been recognized for years to be a flawed one. That is why the law has allowed employers to call for an election for decades and why more recently the National Labor Relations Board created the procedure for workers to call a vote.

The problem with card-check is that there's no way to know whether or not an employee's signature represents an informed choice to back a union. That signature could also have been garnered through intimidation or deception. Unlike an election, there's no privacy and no monitor to ensure that the whole thing is done fairly. Incidents of intimidation by union officers in card-check campaigns are legion: workers have been harassed by union officers, been visited at their homes by union officials without notice or invitation, and told they would be fired if they fail to sign.

Unions typically receive fewer votes in secret ballot elections than the number of authorization cards they have that were signed. As one Teamsters union Web site puts it: "cards don't vote." Numerous unions are on record stating that a union should not go ahead with a vote unless they have signed cards from around 70 percent of workers.

Doing away with the secret ballot would put workers in a vulnerable position: unions could resort to intimidation and deception to gain signatures, and then impose their representation over workers who do not really want the union there.

The need for a right-to-work law in Michigan would become even more pronounced if EFCA is passed. In a right-to-work state, workers cannot be forced to pay membership dues or agency fees as a condition of employment. That minimizes the incentive for unions to insert themselves in workplaces where they are not wanted — union opponents can refuse to join and pay dues. But in Michigan, unions can expect full dues and fees from workers they represent whether they have genuine worker support or not.

So workers who want to keep the freedom to decide for themselves about forming a union have a difficult choice: they can take a stand against the EFCA now and preserve secret ballot votes, or they may need to stand firm against union intimidation later.

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