

Right to secret ballot for union elections under fire

by Stephen DeMaura

When millions of Americans went to their polling places this November they cast their vote in a manner that has protected the sanctity of American democracy since our founding. They cast a secret ballot. This fundamental right allowed them to make a choice on their own apart from the pressures of their friends, family, neighbors and co-workers.

In a Dec. 9 column, "Get facts on Employee Free Choice Act," John Frecker, a member of the American Federation of Government Employees, made the case for the Employee Free Choice Act on these pages. In doing so Mr. Frecker argued that those concerned with business issues such as ours were using "little facts" like an employee's loss of a secret ballot to argue against the legislation.

Recently in Washington both Democratic and Republican members of Congress gathered to vote for their leaders. They too did so in the American tradition – with a secret ballot.

Some of these same officials now want to take away a worker's right to a secret ballot.

Some have called this a payback to the union bosses who spent nearly a half-billion dollars this election year to elect pro-union politicians. I simply call it wrong.

I applaud the principled stand that Sens. Olympia Snowe and Susan Collins have taken on this issue. Citing the loss of the private ballot, Maine's senators opposed the legislation when it was before them in the 110th Congress. Sens. Collins and Snowe both understand the devastating effect this legislation would have on our economic recovery and to the rights of workers across the state.

The so-called "Employee Free Choice Act" would do many things to pad the unions' coffers at the expense of American competitiveness, but most egregiously it would eliminate a worker's right to a secret ballot.

The current unionization process is that once 30 percent of a company's workers sign union authorization cards, the National Labor Relations Board oversees a secret ballot vote, typically six weeks after the cards have been authorized, to determine if unionization will occur. During the six-week period both the union and the employer have the opportunity to present their case and campaign for votes.

With implementation of this legislation, unionization will occur without a secret ballot election and without both unions and employers being presented the opportunity to present their case. The act states that unionization would occur when 50 percent of employees sign authorization cards.

As Mr. Frecker noted, in addition to the elimination of a worker's right to a secret ballot, other troubling parts of the legislation exist. A few examples: After a union has been formed, if the union and the employer have not reached agreement within 90 days, a federal arbitrator in a two-year binding decision sets the benefit pack-age for employees. In addition, with the loss of the secret ballot, employees would be open to coercion and "unfair labor practices." This law significantly increases penalties on companies only, not unions for coercive behavior.

The influence and size of Big Labor have decreased dramatically since the 1950s, and it has the well-heeled union bosses willing to do almost anything to maintain power. Union bosses have turned to their allies whom they spent hundreds of millions of dollars to elect and have asked for a bailout. As we have learned recently, this is what failing organizations increasingly do. Just as we should hesitate to bailout failing companies, we too should not bail out failing union bosses from the problems they have created.

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