

# myth

VS

# REALITY



## *The Truth About the Employee Free Choice Act*

**MYTH:** The Employee Free Choice Act would eliminate secret ballot elections in union campaigns.

**REALITY:** The Employee Free Choice Act does NOT get rid of secret ballot elections. Contrary to what our opponents say, the Act has no impact on secret ballot voting in local or international union elections, contract ratification or any other union vote. It allows workers to have a union once a majority of employees in a workplace signs authorizations cards indicating they want to form a union. Alternately, the workers can choose an NLRB-supervised election. Currently, the employer makes the choice. Under the Employee Free Choice Act, the decision would be in the hands of the employees.

—AFL-CIO, “Response to Right-Wing Attacks,” 1/09

**MYTH:** With majority sign-up, unions will intimidate workers into joining a union against their will.

**REALITY:** In elections, 46% of workers complained of pressure from management. In contrast, during majority sign-up campaigns, less than 5% of workers who signed a card with a union organizer reported that the presence of the organizer made them feel pressured to sign the card. During election drives, 30% of employers illegally fire pro-union workers, 82% hire union-busting consultants, and 91% force employees to attend one-on-one anti-union meetings with their supervisors.

—Adrienne Eaton, Ph.D., Rutgers University, and Jill Kriesky, Wheeling Jesuit University, “Fact Over Fiction: Opposition to Card Check Doesn’t Add Up,” 9/06; Chirag Mehta and Nick Theodore, “Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns,” Center for Urban Economic Development, University of Illinois at Chicago, 12/05

**MYTH:** The Employee Free Choice Act will cost jobs and hurt the economy.

**REALITY:** Thirty-eight leading American economists recently disputed this myth and agree that unions would bolster the U.S. economy. A February 2009 report by the Center for American Progress Action Fund found that a modest increase in unionization rates would help restore the broken link between productivity and wage gains, pumping tens of billions of dollars into the U.S. economy.

—Economic Policy Institute, 2/25/09; Center for American Progress Action Fund, “Unions Are Good for Workers and the Economy,” 2/18/09

**MYTH:** This legislation will force small businesses to close.

**REALITY:** Small businesses are exempt from the National Labor Relations Act and the Employee Free Choice Act has no effect on that exemption. Retail employers with annual sales under \$500,000 and non-retail employers with annual sales under \$50,000 do not fall under the jurisdiction of the National Labor Relations Board.

—Government Accountability Office, GAO-02-835

**MYTH:** The Employee Free Choice Act will undermine “right-to-work” states, and workers in those states will find themselves forced to join a union.

**REALITY:** No worker in any state can be forced to join a union. Furthermore, the Employee Free Choice Act would not make changes to the federal law that allows states to have “right-to-work” laws.

—American Rights at Work, “Myth vs. Reality,” 2/09