

'Card Check' threatens business vitality

By David C. Olson

The Minnesota Chamber is playing a leading role in educating businesses on and advocating against the federal employee Free Choice Act, also known as "Card Check." Employers across the state should have a conversation with their employees so everyone understands the ramifications of this proposal on workers' rights.

The Minnesota Chamber's primary focus is on state public policy. However, we also intervene on federal issues that pose a significant impact on the statewide business community. Card Check clearly rises to that level, and we are working closely with our friends at the U.S. Chamber on this critical issue.

In a nutshell, this bill would require the National Labor Relations Board to certify a union without a secret ballot, if a majority of the bargaining unit employees signed cards. It also would change the bargaining and mediation process, allowing binding arbitration if no agreement is worked out between labor and management within 120 days. Lastly, the act would step up penalties on employers.

Organized labor continues to spread misleading information – even falsehoods – about Card Check. The biggest stretch is the assertion that the business community opposes Card Check because we reject the right of workers to organize. Nothing could be further from the truth.

In fact, contrary to what organized labor says, Card Check will not give employees any more control over the current process. Instead, control will be relinquished to union organizers who will have the ability to go worker to worker, openly soliciting and pressuring them for votes with a near certainty for victory.

The proposed bill explicitly states that if cards representing a majority of employees are presented, there will be no secret election. Unions do not need to pass this bill if they are willing to rely on elections as carried out under existing law.

Card Check was introduced March 10 in Congress. Similar legislation passed the U.S. House in 2007 by a vote of 241-185, but failed to pass the U.S. Senate. Noteworthy this time, the legislation has the backing of President Obama who pledged his full support in a videotaped address to the AFL-CIO.

This legislation is bad for workers, bad for employers and bad for our economy. Taking away the protection of a private vote would lead to intimidation of workers, even in small Main Street businesses.

Under Card Check, union organizers would be free to “persuade” workers to publicly sign a card stating that they support the union. Organizers could ask workers to sign a card just about anywhere – in a parking lot after work, at a restaurant, even at home. Once more than 50 percent sign cards, workers would be stuck with the union – with no more debate and with no secret-ballot election. And unions would know exactly who did and did not sign cards.

Card Check is about much more than simply stripping workers of their right to a vote in privacy. The bill also contains a binding arbitration component that could impose contracts with no say from employers or workers.

After union recognition under Card Check, if negotiations are not completed within 90 days, then either union or management may call in the Federal Mediation and Conciliation Service. If no agreement is mediated within 30 days, the contract is subject to binding arbitration by government arbitrators.

This approach often discourages negotiations and usually places important matters of government fiscal policy in the hands of third-party arbitrators. It is difficult to imagine businesses, subject to binding arbitration, remaining competitive in today’s global marketplace.

Exposing workers to the harassment of union organizers may seem unfair, but fairness is not the goal of this legislation. We need our elected officials to protect secret-ballot votes in our workplaces before this legislation does irrevocable harm to our small businesses and struggling economy.

The secret ballot for union organizing is a fair and long-held democratic principal. To alter it so drastically in favor of a process that encourages intimidation and strong-arming is a mistake. It would have extremely negative consequences for business in Minnesota generally and could be especially disastrous to small businesses.

The Minnesota Chamber is committed to challenging Card Check head on as a leader in a statewide coalition. Businesses interested in assisting the effort should contact Jennifer Byers at (651) 292-4673 or jbyers@mnchamber.com.

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