

SECRET BALLOT PROTECTION

South Carolina Chamber of Commerce
October 2009

Objective

To protect the rights of South Carolina workers by combating the misnamed federal Employee Free Choice Act (EFCA), legislation that would remove a worker's right to vote by secret ballot in union elections and allow labor unions to organize if 50 percent of workers sign a union authorization card.

Background

For more than 73 years, federal labor law has required good faith bargaining agreements between employers and union bosses, but no forced concessions have been instituted. The federal Employee Free Choice Act, or "card check," would be an extreme departure from existing federal law. The EFCA was introduced in Congress in March.

Situation

Not only would "card check" eliminate a worker's right to vote by secret ballot, it also would allow employers only 130 days to reach agreement with union bosses or one could be drafted that unfairly binds employers and negatively impacts employees. The arbitrator may have little or no familiarity with the business but, in the end, would decide to what concessions a business must agree. The EFCA would contort the process by reducing the likelihood of a voluntary agreement while imposing terms through binding interest arbitration.

In addition, removing the secret ballot would allow co-workers to see how peers voted, making it easy for bullying and intimidation during elections.

In 2009, the National Association of Manufacturers (NAM) and the U.S. Chamber of Commerce led state efforts called "Save Our Secret Ballot" to constitutionally protect the rights of workers to cast a secret ballot in union elections. In South Carolina, a state constitutional amendment to protect the rights of workers to vote by secret ballot passed the House of Representatives with 89 votes and passed a Senate Judiciary Committee by a vote of 17-2.

It is estimated that job losses directly attributed to the passage of the federal "card check" legislation would be equal to the entire population of Boston. In addition, 85 percent of workers oppose the elimination of the secret ballot.

S.C. Chamber Position

The federal Employee Free Choice Act, or "card check," is dangerous legislation unanimously opposed by businesses. In order to protect the rights of South Carolina workers and continue the state's proud right-to-work tradition, the South Carolina Chamber supports:

- Passing a Constitutional Amendment to protect the rights of workers to cast a secret ballot in union elections.