



# EFCA / “Card Check” Claim vs. Fact

All workers, in every industry, deserve the fundamental right to a federally supervised private-ballot election. It is central to our democracy. However, this right is being threatened by legislation under consideration in the U.S. Congress.

The so-called Employee Free Choice Act, also called “Card Check,” would replace the well-balanced, federally supervised private-ballot process that exists today. Currently, workers decide to unionize by a private-ballot election, a time-tested process that allows them to vote anonymously without fear of intimidation or reprisals. However, under the “Card Check” proposal, worker’s votes are made public to the employer, union organizers and coworkers. There is no private ballot election. There is no free choice.

## **Claim #1: Card Check is needed to avoid employer coercion.**

**FACT** The National Labor Relations Board (NLRB) protects the rights of workers. Employees have the right to file an Unfair Labor Practice charge with the NLRB if they feel they are being coerced, harassed or threatened by their employer.

## **Claim #2: The “Card Check” process was used successfully in the past.**

**FACT** “Card Check” was used for union organizing during the 1930s and 1940s. In response to the widespread intimidation of workers, Congress amended the National Labor Relations Act in 1947 and expressly provided that workers be given the right to a private-ballot election. “Card check” would turn back the clock 60 years to a failed system.

## **Claim #3: The private-ballot process can take months or years before an election is held.**

**FACT** NLRB statistics show the median time for holding an initial private-ballot election is just 39 days, and more than 94 percent of elections are held within 56 days.

## **Claim #4: Employers illegally fire employees involved in organizing drives.**

**FACT** If it is proven that an employer has illegally fired a worker during an organizing drive, the NLRB can order that employer to reinstate the worker, pay back wages, and even recognize and bargain with the union — even if the union loses the election.

## **Claim #5: Union representation is decertified by the “Card Check” process.**

**FACT** Incorrect. According to the law, the only way a union can be decertified from representing a bargaining unit is by the employees voting in a private-ballot election.

A private-ballot election ensures all workers will have a voice, all votes will be counted and every vote will count!



For more information, go to [www.abc.org/cardcheck](http://www.abc.org/cardcheck)