

## **PRESERVE THE EMPLOYEES' RIGHT TO THE SECRET BALLOT PROVISION IN THE FORMATION OF UNIONS**

### **CONCERNS:**

**The Employee Free Choice Act (EFCA) would be harmful to home health and hospice workers and their employers by removing the right of the employees to a federally-supervised, private ballot when deciding whether or not to certify a union.**

The Pennsylvania Homecare Association supports the enforcement of laws that allow for the organization of labor free of undue outside influence. The Employee Free Choice Act (EFCA), H.R. 1409/S. 560, would amend the National Labor Relations Act to change the requirements for the formation of a union in a way that eliminates workers' right to a private vote. Under present labor law employers and workers have the right to demand a secret ballot vote to certify a union. EFCA would eliminate the right to a secret ballot and permit the formation of a union by simply getting a majority of the workers to sign a card authorizing a union. It would also impose some mandatory arbitration requirements and increased penalties on employers for certain practices.

### **RECOMMENDATION:**

Congress should preserve worker privacy rights in the formation and certification of unions and reject the EFCA.

EFCA is fundamentally incompatible with protecting the interests of individual liberty and the principles of a sound democracy. If Congress passes this proposal, it will be stripping away federally-protected private ballots from the hands of American workers. The only way to guarantee worker protection is through the continued use of a federally-supervised private ballot so that personal decisions about whether to join a union remain private.

Under the EFCA system, paid union organizers – not the federal government – oversee the process, and the workers' choice is ultimately made public to the employer, the union organizers and co-workers.

EFCA also includes language that would force binding arbitration on both the employer and the collective bargaining unit. This creates uncertainty for business planning and diminishes the control employers have over their operations and property.