

April 9, 2004

## **Protect a Workers' Right to Secret Ballot Election on Decisions to Unionize**

### **Become an Original Cosponsor of the Secret Ballot Protection Act**

Dear Colleague:

In the face of dwindling membership, organized labor is increasingly pressuring employers (by way of threat, boycott, or public relations and public pressure) to recognize unions based on a "card-check" rather than the customary secret -ballot election supervised by the National Labor Relations Board (NLRB). Under a "card check" system, a union gathers "authorization cards" purportedly signed by workers expressing their desire for the union to represent them. By their very nature, "card checks" strip an employee of the right to choose, freely and anonymously, whether to unionize while leaving themselves open to harassment, intimidation, and union pressure.

The Secret Ballot Protection Act would guarantee workers the right to a secret ballot election conducted by the NLRB on deciding whether to unionize, and prohibit unions from being recognized based on a card check. This fundamental protection would force unions to win a majority of worker support in an anonymous, secret ballot election while eliminating any shroud of union intimidation

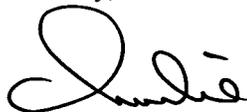
### ***What is more fundamental to the concept of our nation's Democracy than the right to a secret-ballot election?***

By adopting this common-sense protection, the Secret Ballot Protection Act will:

- ✓ **Preserve the sanctity of employee free choice and the right to a secret-ballot election;**
- ✓ **Protect workers from intimidation, threats, misinformation, or coercion by a union or co-workers to "sign the card;" and**
- ✓ **Eliminate a union's ability to pressure an employer to agree to card-check recognition.**

I urge you to become a cosponsor of this common sense, pro-worker legislation, and have attached a fact sheet that explains my bill in further detail. If you would like to become a cosponsor, or have any additional questions about the *Secret Ballot Protection Act*, please contact Greg Louer of my staff at 5-4101. ***The deadline for original cosponsorship is Monday, April 19, 2004.***

Sincerely,



Charlie Norwood  
Member of Congress

(see attached)

# **SECRET BALLOT PROTECTION ACT – FACT SHEET**

## **PROBLEM**

**Organized labor currently represents 8% of the American workforce, the lowest percentage in its modern history. In order to increase their membership rolls, unions have therefore moved aggressively to promote card-check recognition (in which a union gathers “authorization cards” purportedly signed by workers expressing their desire for the union to represent them) as a critical component of their organizing strategy.**

In fact, a recent study reports that since 1997, approximately one in four newly organized workers enroll following a card-check campaign. However, there have been more than ten times as many National Labor Relations Board (NLRB) conducted elections than successful card check campaigns each year. This suggests that when given the opportunity to vote in a secret ballot election, many workers choose not to be represented by an organized labor union. In addition, the number of workers organized in a successful card check campaign usually encompasses several hundred, while a successful election campaign typically yields under a hundred new union workers.

Precisely because of these facts, organized labor is increasingly pressuring employers (by way of threat, boycott, or public relations and public pressure) to recognize based on a card-check agreement rather than the customary secret ballot election supervised by the NLRB. Under current law, employers may voluntarily recognize unions based on card checks, but they are not required to do so – they may insist upon an election administered by the NLRB.

## **SOLUTION**

The Secret Ballot Protection Act would prohibit a union from being recognized based on a card check, provide that a union may only be recognized by an employer following certification by the NLRB if it has won majority support in a secret ballot election conducted by the NLRB, and guarantee the right of every worker to a secret-ballot vote on decisions to unionize.

Under the Secret Ballot Protection Act, a union would not be able to pressure an employer to recognize it based on a card-check, and an employer would not be pressured (or able) to “bargain away” its workers’ rights to a secret ballot election. The Secret Ballot Protection Act:

- 1) Preserves the sanctity of worker free choice and the right to a secret-ballot election
- 2) Protects workers from intimidation, threats, misinformation, or coercion by a union or co-workers to “sign the card”
- 3) Eliminates a union’s ability to pressure an employer to agree to card-check recognition

In contrast, some members actually want to *mandate* that an employer recognize a union based on card-checks, which was included in the “Employee Free Choice Act,” a bill with a misleading title introduced last year by House Democrats. Interestingly, although some of those same House Democrats do not think that secret ballots are necessary to protect the rights of American workers, in a letter signed by 15 House Democrats sent to Mexican government officials they observed that “We understand that the secret ballot is allowed for, but not required, by Mexican labor law. *However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose.*”

Shouldn’t American workers enjoy the same protections?