

Talking Points
Employee Free Choice Act
February 6, 2007

Background:

The National Labor Relations Act (NLRA), enacted over 70 years ago, establishes a system that allows private sector employees to determine whether they wish to be represented by a particular union through a secret ballot election overseen by the National Labor Relations Board (NLRB). The NLRB process protects the interests of both the employee and employer by ensuring that both sides have an opportunity to make their case, and that employees are able to express their decision in private, free from interference or influence by either side.

The NLRA permits a union representation election to take place when at least 30 percent of employees show an interest in unionizing by signing union authorization cards. The NLRB supervises elections to ensure they are done in a fair and impartial manner

While secret ballot elections have long been recognized as the preferred method for determining representation questions, a union and an employer are allowed to agree to union recognition through the so-called “card check” process. Under current law, the employer, when presented with union authorization cards signed by more than 50 percent of the employees, may voluntarily recognize the union.

The “Employee Free Choice Act” (H.R. 800), which has 232 co-sponsors, would amend the NLRA to require employers to recognize the union solely through the “card check” process, thus permitting labor unions to circumvent elections where employees make decisions free from interference or influence by either side. Under the card check approach, union organizers collect signatures of employees through authorization cards and present them as representing the true intent of the workers.

Main Messages:

- The AHA opposes H.R. 800; we support the currently established election system that is based on the bedrock principle of democracy – free and fair elections where ballots are cast in private free from interference or influence by either side.
- The hardworking women and men and our nations’ hospitals are entitled to choice and this bill would strip employees of their working rights. Without the protection assured under federal law workers would be vulnerable to unwanted interference or influence.
- The choice of union representation at any hospital is a decision best made through a fair process that allows individuals to consider all factors and make a personal choice about their workplace.

- The AHA believes in the right of individuals to collectively organize for purposes of union representation, but we believe that those elections must be fair and impartial.
- The NLRB and the courts have acknowledged that the secret ballot is the “most satisfactory...indeed the preferred...method of determining whether a union has majority support.”
- Unlike a secret ballot election, union authorization cards are signed in the presence of an interested party – a union organizer or a pro-union co-worker.
- We support current practices under the NLRA, which allows for fair, free and confidential elections overseen by the National Labor Relations Board. This best ensures that the true interests of hospital employees are represented and that the balloting process is free from interference or influence by either side.

Our nation’s hospitals couldn’t exist without the caregivers who work there. The AHA has long supported the compassionate work of these individuals and is committed to providing them every protection afforded to them, so that they may continue to support the mission of their community hospital.