



The Workforce Democracy and Fairness Act: Protecting Employers' Free Speech and Workers' Free Choice

Background:

On June 22, the National Labor Relations Board (NLRB) issued a notice of proposed rulemaking that will significantly change procedures that govern union elections. While it may sound modest, the proposed rule represents a dramatic shift in union election procedures that have stood for decades. The NLRB's proposal will, among other things:

- Provide employers just seven days to find legal counsel and prepare their entire case to be presented at the NLRB pre-election hearing;
- Give workers as little as 10 days to consider all the consequences of joining a union before they have to vote in the election;
- Severely limit an employer's ability to raise additional issues or concerns throughout the election hearing process; and
- Require that employers provide to the union even more intrusive information about their employees, including home or cell phone numbers, personal email addresses, and work schedules.

In August, the board also adopted a new standard in its Specialty Healthcare decision for determining which group or "unit" of employees will vote in the union election. This new standard makes it almost impossible for anyone to challenge the bargaining unit chosen by the union. The decision will divide employees and raise an employer's labor costs.

The Need for Congressional Action:

It is clear the Obama labor board is committed to a culture of union favoritism that is hurting workers and employers. These recent actions will empower unions to manipulate the workforce for their own gain, while restricting an employer's right to communicate with their employees and crippling an employee's ability to make a fully informed decision. In an effort to prevent the activist NLRB from imposing sweeping changes to our workplaces, House Education and the Workforce Committee Chairman John Kline (R-MN) will soon introduce the Workforce Democracy and Fairness Act.

Workforce Democracy and Fairness Act:

- Ensures employers are able to participate in a fair union election process. The legislation provides employers at least 14 days to prepare their case to present before a NLRB election officer and an opportunity to raise additional concerns throughout the election hearing.

(More)

- Guarantees workers have the ability to make a fully informed decision in a union election. No union election will be held in less than 35 days, giving workers a chance to hear both sides of the debate. Important issues that can determine how a worker votes will be decided before ballots are cast.
- Reinstates the traditional standard for determining which employees will vote in the union election, restoring a standard that was developed through years of careful consideration and Congressional guidance.
- Protects workers' privacy by empowering workers to choose the type of personal contact information that is provided to the union.

The Workforce Democracy and Fairness Act will rein in the activist NLRB and reaffirm protections workers and job-creators have received for decades.

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