



EDUCATION & THE WORKFORCE
COMMITTEE

The Workforce Democracy and Fairness Act (H.R. 3094) *Separating the Myths from the Facts*

In recent months, the National Labor Relations Board (NLRB) has advanced sweeping changes to federal labor policies that undermine the rights of employers and employees. In an effort to roll back the NLRB's activist agenda, Republicans have introduced the Workforce Democracy and Fairness Act. Unfortunately, the board's allies are turning to fear and misinformation in an effort to discredit this sensible response to the board's radical actions. To set the record straight, the House Education and the Workforce Committee has compiled the following document that separates the myths from the facts.

MYTH: The legislation is part of an ideological war on workers.

FACT: The Workforce Democracy and Fairness Act strengthens long-standing worker protections.

- Under the board's ambush election proposal, union elections can be held in as few as 10 days. This will severely undermine workers' free choice. The **Workforce Democracy and Fairness Act provides workers at least 35 days to decide whether they want to join a union**. It also forces the board to address issues that may sway a worker's vote before the election, thereby ensuring workers are armed with the time and information necessary to make the right decision.

MYTH: The legislation prevents union elections.

FACT: The Workforce Democracy and Fairness Act restores a successful election process that has been in place for decades.

- The board's ambush election scheme dismantles a process that has served employers, employees, and unions well for decades. Today, elections occur in an average of 31 days and unions win nearly 70 percent of the time. However, after Congress refused to adopt the extreme agenda of Big Labor, the NLRB is now pursuing policies that will further tilt the playing field in favor of its union allies. The **Workforce Democracy and Fairness Act forces the NLRB to change course by restoring the current successful election process**.

MYTH: The legislation allows employers to file frivolous complaints.

FACT: The Workforce Democracy and Fairness Act ensures employers are able to exercise their legal rights and have access to a fair pre-election process.

- Federal labor law is extremely complicated. Just an "outline" of union election procedures covers more than 400 pages. The board's ambush election scheme leaves employers just seven days to navigate all the complexities of labor law and largely denies them an opportunity to address additional legal concerns once this brief window closes. The **Workforce Democracy and Fairness Act allows anyone to raise relevant and material concerns throughout the course of the pre-election hearing, reaffirming a policy that has been in place for decades and preventing the filing of frivolous claims**. Additionally, the bill provides employers at least 14 days to find legal counsel and prepare their case.

(More)

MYTH: The legislation allows employers to gerrymander the workplace.

FACT: The Workforce Democracy and Fairness Act restores the traditional standard for determining which group of employees will participate in the election.

- The board's *Specialty Healthcare* decision abandoned nearly 30 years of labor policy in an attempt to make it easier for unions to fracture the workplace. Under the new standards adopted by the board, it will be virtually impossible for anyone to challenge the group or "unit" of employees chosen by the union. The decision empowers union leaders to manipulate the workplace for their own gain. The **Workforce Democracy and Fairness Act reinstates the traditional standard adopted by the board decades ago to determine the appropriate unit of employees.**

MYTH: The legislation does nothing to strengthen our economy and create jobs.

FACT: The Workforce Democracy and Fairness Act rolls back an activist agenda that is undermining the competitiveness of the American workforce.

- The Obama NLRB has spent years advancing a culture of union favoritism that is undermining the strength of the workforce. The board's activist policies weaken an employee's freedom in the workplace and increase an employer's labor costs. At a time when we need to create jobs for millions of Americans searching for work, the board's actions are adding to the uncertainty plaguing the nation's job-creators. The **Workforce Democracy and Fairness Act rolls back an extreme agenda that is having a chilling effect on employers**, and reaffirms the responsibility of Congress to enact significant changes to federal labor policies – not a board of unelected bureaucrats.