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OP-ED

Secret ballot endangered

Independence Hall. The Constitutional Convention. The Liberty Bell. Philadelphia is the birthplace of democracy as well as that most democratic of processes: the secret-ballot election.

Refineries. Pharmaceuticals. Cable. Philly likewise is the home to big industries.

Strangely, the fall of one may lead to the demise of the other. The home of the 76ers soon may become a graveyard for worker democracy thanks to the opportunistically named Employee Free Choice Act. The Democratic presidential nominee Senator Barack Obama has vowed to sign the act into law if elected. If passed, the bill would absolutely eliminate workers' rights to vote for union representation by means of a secret-ballot election where a majority of workers sign union cards.

Under current law, if just 30 percent of workers sign cards, a union can call for a National Labor Relations Board election. However, if the union chooses to bypass the election procedure, it can continue to gather signatures and, upon obtaining cards from a majority of workers, request the employer to count the cards and recognize the union without a vote. Most employers seek to protect employees' right to a vote, and lawfully decline this voluntary election-free recognition process, thereby compelling the union to ask for a vote.



**GUEST
COMMENT**

Rick Grimaldi

Employers do this in part because unions are notorious for engaging in intimidation and peer pressure tactics to influence workers who are considering joining. Union organizers are told to "blitz" employees and "agitate" them into signing cards. Under EFCA, if a union obtains a majority of signed cards, the union is entitled to automatic recognition. In fact, EFCA's language prohibits an election under these circumstances.

Passage of the act will mean an almost immediate burst of union organizing, which will in turn cause massive economic disruption for Philadelphia industries ripe for union infiltration. Adding a fortified union base to an already trying economic climate and credit crunch creates a perfect storm of financial disaster for businesses in Philadelphia. Hospitals, retailers and real estate development are just a few of the local business entities that are at risk. Additionally, a significant increase in the cost of goods and services through union-negotiated contracts will have a negative impact on exports, further adding to overall economic strains.

Management needs to prepare now for the potential onslaught of union activity by training supervisors to watch for signs of intimidation, and effectively engage employees seeking information. Worker's rights will suffer under EFCA and companies may crumble unless management properly prepares.

Rick Grimaldi is partner and resident manager of the Philadelphia office of Jackson Lewis LLP. Marty Payson and James LaRocca, both of Jackson Lewis, contributed to this column.

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