

## PARTY OF FOUR



*As an employment lawyer, what new or pending laws and regulations are you closely watching?*

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If Congress approves the Employee Free Choice Act, it will represent the most radical change in labor law in more than 75 years.

In 2007, EFCA passed the House but was stopped by a filibuster in the Senate, where Barack Obama was one of the bill's sponsors. During his presidential campaign, Obama promised to make passage of EFCA a priority in the first days of his administration. Labor leaders who campaigned hard for Obama would like to hold him to that promise, but the current economic picture has raised concerns about the likely negative effects of EFCA on business.

Effectively eliminating traditional secret ballot voting, EFCA would allow union recognition if a simple majority of workers sign authorization cards presented to them by unions. The law offers no guidelines on card signing, leading many businesses to fear that unions will exert undue coercion and intimidation on employees to get them to sign cards.

Following union recognition, if a first contract cannot be negotiated within an extraordinarily short 120-day period, a binding two-year contract could be unilaterally imposed by a federal arbitrator without input from either the employer or the union and without being ratified by the employees. Not exactly a "free choice."

Finally, EFCA provides for substantial fines against employers who break the rules. There are no corresponding fines for unions who do the same.

