

CONNECTICUT RESTAURANT ASSOCIATION

The Connecticut Restaurant Association, on behalf of the state's restaurants and other small businesses, expresses its strong opposition to HB 6534, An Act Concerning Labor Union Authorization Card Checks.

America is founded upon an individual's right to a confidential, secret ballot election when choosing representation. Employees' signatures on a card are not a measure of the group's desire for union representation. The *AFL-CIO Organizing Survey* of 1989 quoted this from its 1961 *Guidebook for Union Organizers*:

NLRB pledge cards are at best a signifying of interest at a given moment. Sometimes they are signed to "get the union off my back..." Whatever the reason, there is no guarantee of anything in a signed NLRB pledge card except that it will count towards an NLRB election.

When a union tries to organize a workplace, employees sometimes face intimidation and pressure about how they should vote, from the union, fellow workers, or management. The best way to protect employees from coercion is through the continued use of a federally supervised, private-ballot process. The concept that coercion and intimidation can be reduced by the quick route to recognition offered by card check is flawed.

United Food and Commercial Workers organizer Joe Crump stated that with card check, "You don't need a majority or even 30% support among employees." Crump instructs organizers not to worry that aggressive campaigning for a company to skip an election might turn workers against the union because, "...if you had massive employee support, you probably would be conducting a traditional organizing [election] campaign."²

The entire American system is based on respect for individual liberty and democracy. If this bill were to pass in Connecticut, our state's workers would lose the rights that federally protected, democratic elections provide.

Employees should not have to reveal to anyone — employers or unions — how they exercise their right to choose whether to organize with their co-workers in a union. Moving to a card-check process rather than a federally supervised election tramples on employee privacy. An employee's decision to join a union must be made in private, protected from any coercion by unions, employers or co-workers.

Noted legal scholar Richard Epstein challenges claims made by supporters of the Employee Free Choice Act (EFCA) in a study released last month by the Alliance to Save Main Street Jobs. Published by the Hoover Institution of Stanford University, the study enumerates the risks to job creation, small businesses and overall economic growth presented by the legislation. This from the study's Executive Summary:

"... the passage of [card check legislation] will create huge dislocations in established ways of doing business that will in turn lead to large losses in productivity. **Small businesses, which as a group are the largest source of new jobs in the country**, will find themselves besieged with insistent demands for unionization, for which they are ill-equipped to cope. These businesses often operate on small budgets, without the assistance of full time lawyers. Under [card check legislation], their first exposure to

unions could come at the conclusion of a secret campaign, which requires them to both hire and acquire expertise on contentious matters for which they are ill-equipped to deal, at a cost which they can ill afford to bear. These calls for unionization will divert management from the essential tasks of product development, marketing and sales, on which their business models necessarily depend. **The likely consequence of [card check legislation] will be to retard the formation of small businesses**, as fledgling entrepreneurs will reassess their prospects of success to take into account the danger of derailment at an early stage in the process. **In the long term the [card check legislation] will reduce the rate of firm formation, and thus deprive the economy of a central driver of new job creation and technology growth.”**³

No valid argument can be made that Connecticut’s workers will benefit from card check recognition of a union, or that union representation will improve their earnings or job opportunities. Connecticut is no different than any other state today... we need to protect the jobs that are still here, and work to create new ones. Card check is the ultimate business-unfriendly initiative and if passed, will surely drive more employers and jobs away from our state.

Respectfully submitted,

The Connecticut Restaurant Association

REFERENCES

¹ Brief for Charging Parties and the AFL-CIO, *In Re Chelsea Industries, Inc. and Levitz Furniture Company of the Pacific, Inc.*, before the National Labor Relations Board, Case Nos. 7-CA-36846 and 7-CA-37016, May 18, 1998, p. 13

² Joe Crump, "The Pressure is On: Organizing Without the NLRB," *Labor Research Review*, Volume 18, Fall/Winter 1992.

³ Richard A. Epstein, *"The Case Against The Employee Free Choice Act,"* Hoover Press 2009 (forthcoming) The full report is available at this link:

<https://www.law.uchicago.edu/files/452.pdf>