

Businesses Rally Against 'Card Check'

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Unions Say Law Would Increase Workers' Bargaining Power

By Kate Prahlad

HARRISONBURG - Local businesses are stepping up their battle against a bill that would make it easier for unions to organize, saying that the passage of the Employee Free Choice Act would, in fact, take away employees' privacy and destroy employers.

"This is really scary stuff," said Cathleen Welsh, a labor and employment lawyer with Lenhart Obenshain. She spoke at an event Thursday hosted by the Harrisonburg-Rockingham Chamber of Commerce to educate businesses about the changes the law, also called "card check," would enact.

Currently, if union organizers get a certain amount of employees to sign union-interest cards, the National Labor Relations Board orders an election. After 42 days of campaigning by both the business and the union, a secret ballot election is held to see if employees want union representation.

Under the Employee Free Choice Act, if a majority of employees sign the union card, the union automatically represents the workers without an election. The legislation would also make employers and unions submit to binding arbitration if they were unable to reach a contract agreement within 120 days.

All manner of small businesses would be adversely affected, no matter the number of employees, Welsh said.

"This really is the perfect storm," she told the businesses gathered. "What else can businesses handle? How can this help businesses if now you have to spend money on campaigning and collective bargaining?"

The Bill

The House passed the bill last session, but it died in the Senate, the victim of a Republican filibuster. The change in the composition of the Senate, with Democrats gaining additional seats, may change the future of the bill.

The impact of the bill didn't resonate until it looked as if Barack Obama was going to win the presidential race, Welsh said. Obama has promised to sign the bill if it crosses his desk, whereas President Bush promised a veto.

In Virginia, Welsh said, businesses paid even less attention to the bill because the state is second only to North Carolina for the fewest number of employees in unions, only around 3 percent.

However, Democratic Sen. Jim Webb, who has billed himself as the only person in the history of Virginia elected to statewide office with a union card, voted to bring the bill to a final vote on the Senate floor while it was facing a filibuster.

Democratic Sen.-elect Mark Warner, who remained firmly in the middle of the issue during his 2008 campaign, has not changed that position since winning office in November.

"As the proposal moves through the legislative process, I intend to work for a solution that allows workers and management to be adequately informed, and that provides a fair and level playing field for both sides," he said in a statement from his office. "On this issue, and many others, I will work with both business and labor to find ways to reach an appropriate balance that helps ensure that America remains competitive in the global economy."

Businesses Firmly Against

Lisa Rutherford came from a unionized company. She used to work for SYSCO, which has about half its workers unionized.

Now, as senior vice president of human resources at First Bank, she extols the virtues of "union-free management."

The bank has a union-free message in its employee handbook, and plans on starting supervisor training on how to catch the early warning signs of unions as well as teaching what can and can't be done in the workplace about unions.

"It eliminates your ability to have employee relations," she said. "All that will be taken out of our hands."

She also wants the supervisors to be able to educate and explain to the employees what an authorization card is, if the union does present the worker with one.

"They need to be able to say, 'That means the union will be representing you. We'll be dealing through a third party,'" she said.

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