

Secret ballots, card check and politics

by *The St. Louis Post-Dispatch*

Arlen Specter, the moderate Republican senator from Pennsylvania, this past week may have quashed organized labor's hopes for congressional passage this year of so-called "card check" legislation.

The bill, officially known as the Employee Free Choice Act, has been at the center of an all-out lobbying war between organized labor and business groups since Democrats reassumed control of Congress in 2007. The bill would make it easier for unions to organize workplaces; if a majority of workers sign cards signifying they want to join a union, the union automatically would be recognized.

Labor law requires the National Labor Relations Board to conduct an election if at least 30 percent of workers sign cards in favor of unionization. Employees then cast votes in private. The AFL-CIO and other labor groups say that makes it easier for employers to coerce workers. Business groups say the card-check system would make it easier for union activists to put pressure on co-workers. Both are correct.

The card check bill also would increase penalties against companies that retaliate against workers who try to organize a union. And it would require NLRB arbitration if companies and a newly formed union can't agree on a first contract.

The bill is expected to pass widely in the House. But Senate rules effectively require 60 votes for passage, since it takes 60 votes to close debate on a bill. Specter " who supported card check cloture in 2007 " became the 41st senator to announce he would not vote for cloture.

Specter, who faces reelection next year, is expected to face a primary challenge from former Rep. Patrick J. Toomey, now president of the ultra-conservative Club for Growth. Specter said politics played no role in his decision. He said current economic conditions make it difficult to vote for any bill that could increase labor costs or add to unemployment. He said he opposed "the elimination of the secret ballot, which is the cornerstone of how contests are decided in a democratic society."

Indeed, the "sanctity of the secret ballot" has been a cornerstone of business groups' lobbying against the bill. It would be nice to think that's because of a commitment to the democratic process, but the reality is that the secret ballot makes it easier to divide and conquer the very foundation of organized labor: It's far easier to break one stick at a time than it is a handful of sticks.

A consortium of three companies with relatively progressive labor policies " Starbucks, Costco and Whole Foods " is pushing a compromise that would retain the secret ballot but expand penalties against coercion and allow union organizers more access to employees.

Labor officials, who at first rejected the compromise, might want to rethink that decision in light of Specter's decision. Or they could bide their time and focus on the 2010 Senate elections, when a large number of Republican seats will be in play. A cloture-proof 60-seat Democratic majority almost surely would help the card check bill to pass in 2011.

Business groups would be wise to grab the compromise while they can. Part of the reason for the economic crisis is that the balance between labor and management is severely out of whack. Fighting for unlimited executive pay, bonuses and perks while fighting to keep workers' wages down won't help their cause.

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