

Industry's Battle Against Employee Free Choice Act Is Still Far From Over

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In June 2007, one of the most catastrophically conceived labor laws of all time - the curiously titled Employee Free Choice Act - stalled in Congress. Many will remember this as the law that would have replaced National Labor Relations Board secret-ballot elections with totally unsupervised authorization conducted by union themselves. The fact that EFCA did not become law in 2007 probably caused many employers to breathe a sigh of relief. But the battle is only beginning, and concerned restaurant and foodservice employers should keep vigilant watch on what may yet become the most dramatic change in the labor relations landscape to appear since passage of the National Labor Relations Act in 1935. While Republican resistance kept EFCA from becoming law in 2007, Big Labor and congressional supporters have made clear that some form of "card-check" law is a high priority legislative item for the next administration. With the possibility of a Democratic administration on the horizon, passage of a revamped EFCA is not only probable, but also highly likely. For those in the foodservice industry, expanded union density driven by legislative fiat will undoubtedly have profoundly complex and unsettling implications for years to come.

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