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COALITION FOR A DEMOCRATIC WORKPLACE REMINDS SENATORS TO REJECT HARMFUL ARBITRATION ALTERNATIVES IN MISNAMED EMPLOYEE FREE CHOICE ACT

Magic 60 number continues to elude Big Labor

As pro-EFCA forces struggle to build the support they need to pass the anti-worker card check bill, the focus shifts to the job-killing binding interest arbitration provision in the legislation. Today, the 580-member Coalition for a Democratic Workplace (CDW) sent a letter to every U.S. Senator urging them to reject ill-conceived replacements for the binding interest arbitration proposal in the Employee Free Choice Act.

“Efforts to spin binding interest arbitration as comparable to dispute arbitration are both deceptive and dangerous. Dispute arbitration is a mutual process where all parties agree to seek alternatives to costly litigation. There is nothing mutual or voluntary about binding interest arbitration that allows federal government arbitrators to dictate labor contract terms. These differences are dramatic and consequential,” said Brian Worth, chairman of the Coalition for a Democratic Workplace.

CDW’s letter states that:

“Binding interest arbitration, as proposed in EFCA, allows federal government arbitrators to dictate terms of a labor contract if parties have not yet come to a voluntary agreement on a first contract within 120 days of good-faith bargaining. EFCA’s proposed binding interest arbitration **forces** employees, their union representative and the employer to accept a contract (written by the arbitrator) for two years.

In dispute arbitration, the arbitrators, **interpret** the law or previously agreed to contracts or contract terms with a general right of the parties to appeal. However, under EFCA’s binding interest arbitration, the arbitrators, who are unlikely to have any relevant business experience, will **dictate the terms of a labor contract** that involves almost every facet of how a business is run, including pay, benefits, and work rules with no right of the parties to appeal the arbitrator’s final contract.

In short, under dispute arbitration, arbitrators are interpreting contracts and the law, which is essentially what they are trained to do. Under EFCA, the arbitrators are making business decisions on every aspect of company operations, even



though they may lack any business experience, let alone have any expertise with the pertinent industry or specific company.”

“These desperate attempts to find an EFCA compromise ignore the fact that the foundation of the bill is so fundamentally flawed that not even an extreme makeover will fix it,” added Worth.

A copy of CDW’s July 8, 2009 letter is attached.

About the Coalition for a Democratic Workplace

The Coalition for a Democratic Workplace is made up of more than 500 associations and organizations from every state across the nation that have joined together to protect a worker’s right to a private ballot when deciding whether to join a union. In 2008, CDW embarked on a multi-million dollar public education campaign in key states that included polling, television, radio and internet ads and direct mail. For more information and a listing of our membership, please visit www.MyPrivateBallot.com.