

AL Voters To Decide Union Organizing Issue

Phillip Rawls, Associated Press

MONTGOMERY, Ala. (AP) — Amendment 7 on Alabama's ballot looks like a simple measure to preserve the right to a secret ballot. In reality, it puts voters in the middle of the battle between labor and management.

The proposed amendment to the state constitution provides that "the right of individuals to vote for public office, public votes on referenda, or votes of employee representation by secret ballot is fundamental."

If passed, it would prohibit unions from organizing by card check, where they get more than half of the employees at a company to check a box on a card saying they want a union to represent them. The only method available for union organization would be a secret ballot.

The sponsor, Republican Rep. Kurt Wallace of Maplesville, said he wants to stop union organizers from harassing employees who won't sign a card.

"We should be free to go to work and not be harassed about whether we want unions or not," Wallace said.

Al Henley, president of the Alabama AFL-CIO, says there is harassment, but it's from the other side.

"The measure would give companies more control over an already corporate-dominated system in which workers who want to form unions are harassed, intimidated and threatened by corporations that want to deny them their rights," he said.

While the National Labor Relations Act provides for card check, it doesn't require companies to recognize unions organized that way. Unions have been trying to pass federal legislation requiring companies to recognize unions organized by card check, but have not succeeded.

The U.S. Bureau of Labor Statistics reports that 10 percent of Alabama's workers were union members in 2011, down from a high of 14.7 percent in 1993.

The Alabama AFL-CIO was successful in stopping "secret ballot" legislation when Democrats controlled the Legislature, but it breezed through on largely party line votes in 2011 after Republicans took control of the Legislature. The legislative vote set up the statewide referendum Nov. 6.

Wallace is optimistic about the outcome because Alabama is a right-to-work state and because of what happened in four other states that have enacted similar constitutional amendments. They passed with 61 percent approval in Arizona, 86

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percent in South Carolina, 79 percent in South Dakota and 60 percent in Utah.

Henley said the proposed constitutional amendment violates the methods of union organization outlined in federal law and will be challenged in court. "State government can't override federal law," he said.

The National Labor Relations Board sued Arizona last year as a test case. In September, a federal judge rejected the challenge, saying it was premature to rule on whether the constitutional amendment conflicts with federal law because it depends on how the provision is enforced.

Wallace acknowledged that a legal challenge is likely in Alabama, but he said passage would send an important message to companies considering locating a plant in Alabama.

"If you come to Alabama, you are not going to be forced to be union. We will let the people decide," he said.

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