



Assisted Living  
Federation of America

## POSITION PAPER

### Protect Assisted Living Workers Right To A Secret Ballot When Deciding Union Representation

**ALFA Urges Senators and Representatives to Oppose  
the So-Called Employee Free Choice Act (S. 560 / H.R. 1409)**

The **Assisted Living Federation of America (ALFA)** is the largest national association for professionally-operated assisted living communities for seniors. ALFA influences public policy at the federal and state level by advocating for informed choice, quality care and accessibility for all Americans seeking assistance with long-term care. On behalf of ALFA, its members and their employees, we urge your opposition of the Employee Free Choice Act (S. 560 / H.R. 1409).

ALFA and its members recognize the right of workers to determine whether or not they wish to be represented by a union. Currently, the most common method for such a determination is a private ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from employers or unions. This legislation, S. 560 & H.R. 1409—and any compromise legislation that may come from it, would be damaging to the senior living workforce and ultimately provide a negative impact on the millions of seniors served in senior living communities.

- **The so-called Employee Free Choice Act holds the potential to take away a worker’s right to a federally supervised ballot when deciding whether or not to join a union.**

The secret ballot election is a bedrock principle of American democracy. Any legislation that deprives American workers the ability to make a fully informed decision and exercise their right to vote in a secret ballot election without fear of intimidation or recrimination simply cannot stand—and the American public agrees. Recent polling conducted by the Coalition for a Democratic Workplace (CDW) found that 74% of voters and union households oppose the EFCA; and that 82% of voters, 85% of union households favor a federally supervised election as a means to “protect the rights of individual workers.”

- **The so-called Employee Free Choice Act holds the potential for unprecedented government imposed mandatory binding interest arbitration.**

This legislation invites government arbitrators in to the private workplace and allows these arbitrators to impose contracts on workers and employers—without employer approval or a vote in support by union membership. ALFA believes that unions and workers alike should hold the ability to approve or reject contracts that determine wages, benefits, and working conditions—and again the American public agrees. CDW polling found that 71% of voters and 72% of union households believe the binding arbitration provision of the contract would be “unwise” and “risky.”

- **The so-called Employee Free Choice Act impinges upon the free-speech and holds the potential to silence debate—both of which are vital components in any true election.**

This legislation severely limits the ability of employers to present their argument during a union election. Since 1947, our labor laws have encouraged a “free debate on issues dividing labor and management,” under the theory that such debate will result in informed choices that lead to better outcomes. Effectively preventing any debate prior to an election is no better than stripping secret ballots or permitting government imposed contract terms.

Various legislative “compromise” proposals are currently making their way through the halls of Congress. Some proposals include “Quickie” elections that would deprive workers of the time needed to gain the information to make an educated choice. Other proposals include “Union Access” provisions that have the potential to disrupt the senior living workplace, and indeed the lives of seniors, by allowing union organizers the right to enter the workplace to solicit support during an organizing campaign. Polling conducted in 2008 by Public Opinion Strategies, one of the nation’s leading public opinion research firms, found that 92% of assisted living residents are satisfied with the overall quality of life in their community. ALFA and its members will continue to oppose any legislation that holds the potential to violate the rights of workers in senior living communities, and the quality care they provide.