Is the Employer Waging a War on Workers? What do People Think?

When surveyed people believed:

Would the employer fire employees who support the union?

- 20% of union members believed yes
- 17% of the public believed yes
- 25% of employers have fire employees for supporting the union

Is it acceptable for the employers to do this?

- 96% of union members say no
- 92% of the public say no

Would supervisors urge individual employees to vote against the union?

- 22% of union members believe yes
- 20% of the public believe yes
- 78% of supervisors have urge employees to vote against the union

Is it acceptable for the supervisor to do this?

- 91% of union members say no
- 78% of the public say no

Would employers warn employees that if they vote for the union it will lead the company to close or lay off workers?

- 39% of union members believed yes
- 35% of the public believed yes

- 51% of employers told their employees this would happened

Is it acceptable for the employer to do this?

- 76% of union members say no
- 64% of the public say no

Would the employer send letters to employee's homes urging them to vote against the union?

- 22% of union members say no
- 21% of the public say no
- 70% of employers have sent letters to employee's homes during organizing drives

Is it acceptable for the employer to do this?

- 73% of union members believe no
- 63% of the public believe no

Would employer require employees to attend anti – union meetings?

- 20% of union members believe no
- 20% of the public believe no
- 92% of employers require employees to attend anti-union meetings during organizing drives

Is it acceptable for the employer to do this?

- 68% of union members say no
- 60% of the public say no

(Note: Data is for private sector employer tactics/Source: Peter Hart Research

CORPORATE INTERFERENCE BY THE NUMBERS

(Private-sector employers)

1. Companies that illegally fire at least one worker for union activity during organizing campaigns:	**25%**
2. Chance that an active union supporter will be illegally fired for union activity during an organizing campaign:	**1 in 5**
3. Companies that hire consultants or union-busters to help them fight union organizing drives:	**75%**
4. Companies that force employees to attend one-on-one meetings against the union with their own supervisors:	**78%**
5. Companies that force employees to attend mandatory closed-door meetings against the union:	**92%**
6. Companies that threaten to call U.S. Citizenship and Immigration Services during organizing drives that include undocumented employees:	**52%**
7. Companies that threaten to close the plant if the union wins the election:	**51%**
8. Companies that actually close their plants after a successful union election:	**1%**
9. Workers in FY 2007 who received back pay in cases alleging company violations of workers' rights under the National Labor Relations Act:	**29,559**
10. Percentage of cases in which companies do not agree to a contract after workers form a union under the NLRB process:	**44%**
11. Portion of public that supports workers' freedom to bargain for better wages and benefits:	**78%**
12. Portion of public that knows companies routinely resist unionization efforts by their employees:	**47%**
13. Number and percentage of U.S. workers that belong to unions:	**16.1 million or 12.4%**

SOURCES: 1 and 3-8: Kate Bronfenbrenner, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing," September 6, 2000. A study of Chicago-area NLRB representation elections by University of Illinois-Chicago professors Chirag Mehta and Nik Theodore reported similar findings. Mehta and Theodore found that workers were fired illegally during 30 percent of organizing campaigns, employers force workers to attend one-on-one, anti-union meetings with supervisors during 91 percent of NLRB representation election campaigns, and employers hire consultants or union-busters to help them fight 82 percent of union organizing drives. See Mehta and Theodore, "Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns," report for American Rights at Work, December 2005.
2. John Schmitt and Ben Zipperer, "Dropping the Ax: Illegal Firings During Union Election Campaigns," Center for Economic and Policy Research, January 2007, http://www.cepr.net/index.php?option=com_content&task=view&id=775&Itemid=8.
9. National Labor Relations Board annual report, fiscal year 2007, Table 4.
10. John-Paul Ferguson, "The Eyes of the Needles: A Sequential Model of Union Organizing Drives, 1999–2004," *Industrial and Labor Relations Review*, October 2008.
11-12: Peter D. Hart Research Associates, survey for the AFL-CIO, December 2008.
13. U.S. Department of Labor, Bureau of Labor Statistics.

THE UNION DIFFERENCE

Union Advantage by the Numbers

Union workers get more benefits and earn higher wages than workers who don't have a voice on the job with a union.

Union workers participating in job-provided health insurance	79%
Nonunion workers participating in job-provided health insurance	52%
Union workers are 52 percent more likely than nonunion workers to have job-provided health care	
Union workers without health insurance coverage	2.5%
Nonunion workers without health insurance coverage	15%
Nonunion workers are five times more likely to lack health insurance coverage	
Union workers participating in guaranteed (defined-benefit) pension plans	77%
Nonunion workers participating in guaranteed (defined-benefit) pension plans	20%
Union workers are 285 percent (nearly three times) more likely than nonunion workers to have defined-benefit pensions	
Union workers with paid personal leave	57%
Nonunion workers with paid personal leave	38%
Union workers are 50 percent more likely than nonunion workers to have paid personal leave	
Union workers' average days of paid vacation	15 days
Nonunion workers' average days of paid vacation	11.75 days
Union paid vacation advantage	**28%**
Union workers' median weekly earnings	$886
Nonunion workers' median weekly earnings	$691
Union wage advantage	**28%**
Union women's median weekly earnings	$809
Nonunion women's median weekly earnings	$615
Union wage advantage for women	**32%**
African American union workers' median weekly earnings	$720
African American nonunion workers' median weekly earnings	$564
Union wage advantage for African Americans	**28%**
Latino union workers' median weekly earnings	$733
Latino nonunion workers' median weekly earnings	$512
Union wage advantage for Latinos	**43%**
Asian American union workers' median weekly earnings	$902
Asian American nonunion workers' median weekly earnings	$852
Union wage advantage for Asian Americans	**6%**

Sources: U.S. Department of Labor, Bureau of Labor Statistics, *Union Members in 2008*, Jan. 28, 2009; U.S. Department of Labor, Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in Private Industry in the United States, March 2008*, August 2008; Economic Policy Institute; Employee Benefits Research Institute, May 2005.

TURN AROUND AMERICA

AFL-CIO EMPLOYEE FREE CHOICE ACT

WHY DOES AMERICA NEED THE EMPLOYEE FREE CHOICE ACT?

More than ever, working people today need a way to get ahead.

- America's working people are stretched as never before. Wages are dropping, health care costs are rising and pensions are disappearing. For the first time in generations, people are very worried that their children will be worse off than they are.

Unions are the best route to the middle class.

- Union members make 28 percent more than workers who don't have a union. That's almost $200 a week, or $10,000 a year!
- Union members are 52 percent more likely to have employer-provided health insurance, and the benefits and costs are better. And 77 percent of union members have defined-benefit pension plans through their jobs, compared with only 20 percent of workers who don't have unions.
- And communities with strong unions have higher living standards for everybody.

Sixty million people who don't have unions say they'd join one tomorrow, but too few will ever get the chance in our corporate-dominated system.

- Companies routinely intimidate, harass, coerce and even fire people who try to form unions—and current labor law is helpless to stop them. The penalties are so slight for breaking the law that corporations simply consider it the cost of doing business. The government found that companies violated the rights of 29,559 workers in 2007 alone (and those are just the documented cases). A quarter even illegally fire workers.
- Even when workers win their unions, many companies delay bargaining any way they can. According to a new study by MIT, 44 percent of workers who form a new union never reach a first contract.

The Employee Free Choice Act is the change we need.

- The Employee Free Choice Act would put the choice of whether to form a union back in workers' hands by giving them the option of using majority sign-up, an alternative to the current company-dominated system. Large national companies with good profit margins and good labor relations, such as AT&T and Kaiser Permanente, have used majority sign-up successfully for years.
- The Employee Free Choice Act guarantees that companies can't just drag their feet on a first contract. To guarantee workers can win a union contract, it provides for mediation or binding arbitration when it's needed.
- The Employee Free Choice Act levels the playing field by putting real penalties on companies that violate the law during organizing and contract campaigns.

SUMMARY OF EMPLOYEE FREE CHOICE ACT

1. Certification on the Basis of Signed Authorizations

Provides for certification of a union as the bargaining representative if the National Labor Relations Board finds that a majority of employees in an appropriate unit has signed authorizations designating the union as its bargaining representative. Requires the Board to develop model authorization language and procedures for establishing the authenticity of signed authorizations.

2. First Contract Mediation and Arbitration

Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS has been unable to bring the parties to agreement after 30 days of mediation the dispute will be referred to arbitration and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties.

3. Stronger Penalties for Violations While Employees are Attempting to Organize or Obtain a First Contract

Makes the following new provisions applicable to violations of the National Labor Relations Act committed by employers against employees during any period while employees are attempting to organize a union or negotiate a first contract with the employer:

a. **Mandatory Applications for Injunctions:** Provides that just as the NLRB is required to seek a federal court injunction against a union whenever there is reasonable cause to believe that the union has violated the secondary boycott prohibitions in the Act, the NLRB must seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.

b. **Treble Backpay:** Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.

c. **Civil Penalties:** Provides for civil fines of up to $20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.