

Why aren't more workers forming unions?

New data on employer anti-union behavior

About the Report

- *Undermining the Right to Organize* examines both legal and illegal employer conduct during the union representation campaign process.
- The report analyzes the impact of employer conduct on union election outcomes.
- The new data exposes the violations of workers' rights to freely and fairly choose to form unions.
- The study confirms findings from the seminal national survey on employer anti-union behavior—*Uneasy Terrain* (2000) by Kate Bronfenbrenner.

Report Methodology

- The report is based on a survey of 62 campaigns launched in 2002 in the Chicago metropolitan area.
- Region 13 of the NLRB provided data on all campaigns by unions to represent previously unorganized workers.
- Investigators also conducted case studies of 25 campaigns, and interviewed union organizers, workers, and NLRB representatives.

*Undermining the Right to Organize:
Employer Behavior During Union
Representation Campaigns*
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Employer Anti-Union Behavior Is Widespread

Findings from a new report reveal that **most employers take full advantage of the opportunity to tread on workers' rights to a "free choice"** before a union representation vote. They do this by aggressively intimidating, harassing, and coercing workers in an effort to undermine union support. Among employers faced with organizing campaigns:

- 30% of employers **fire pro-union workers**.
- 49% of employers **threaten to close a worksite** when workers try to form a union, but only 2% actually do.
- 51% of employers coerce workers into opposing unions with **bribery or favoritism**.
- 82% of employers **hire high-priced unionbusting consultants** to fight union organizing drives.
- 91% of employers force employees to attend **one-on-one anti-union meetings** with their supervisors.

Employer Anti-Union Behavior Impedes Union Organizing

The report confirms that union membership in the United States is not declining because workers no longer want, need, or attempt to form unions. Instead, the falling membership rate is related to **employers' systematic use of legal and illegal tactics to stymie union organizing**.

- Aided by a weak labor law system that fails to protect workers' rights, **employers manipulate the government-supervised union recognition process** in a way that allows them to abuse their power and significantly influence the outcome of union representation elections.
- In 91% of the union recognition petitions filed with the National Labor Relations Board (NLRB) in the survey, a **majority of workers indicated they wanted a union** before the process began. In several cases, workers demonstrated more than 80% support.
- However, unions were victorious in only 31% of the campaigns in which they filed a petition.