

# THE CHILLING EFFECT

## Fire One Worker, Send a Powerful Message to the Rest

It is well-established that employers illegally fire workers for their support of a union in the United States. But what people may not realize is that **for every worker fired, 395 coworkers receive the message: get involved with the union and you'll get a pink slip.**

Looking at how many workers, on average, in a workplace observe someone being fired for supporting a union reveals the real impact. The firing goes far beyond a lost job, vanished income, and workplace injustice for the individual worker – it can chill support for a union by instilling fear among coworkers that they too could lose their livelihood and economic well-being.



Just ask Danette Chavez about the chilling effect of her termination. She was fired for union organizing efforts at her workplace in Austin, Texas: “[My coworkers] were scared. They didn’t want to talk union...It just went downhill.”

## Injunctive Relief: The Key to Workers Winning or Losing

The National Labor Relations Board (NLRB) may voluntarily seek injunctive relief when it has reasonable cause to believe an employer fired workers for their support of a union or conducted other significant labor law violations. Unfortunately, the Labor Board rarely pursues such action. Take a look at the stark difference in case outcomes when injunctions are optional:

### When Employers Create a Chilling Effect Dynasteel Corporation

In 2001, Dynasteel fired two employees active in the union organizing effort at its Mississippi plant. The NLRB issued a complaint against the company, but did not pursue an injunction to reinstate the workers. Instead, the agency let the case proceed through the lengthy legal process and neither went back to work. In 2005, the NLRB ordered the company to reinstate the workers—more than four years after they were fired, and long after the company had successfully chilled support for the union.

### When Workers Achieve Swift Justice Point Blank Armor

In 2002, 175 employees at Point Blank’s Florida plant went on strike to protest the company’s firing of three employees for union organizing. When Point Blank fired all 175 of the striking workers, the NLRB pursued an injunction to reinstate the workers, and shortly thereafter, a federal judge ordered the company to comply. The workers returned to their jobs with a reasonable belief that their rights would be protected. The following year they successfully formed a union.

## There is a Solution: The Employee Free Choice Act

The Employee Free Choice Act would restore balance and level the playing field during the union organizing process. The bill requires the NLRB to seek injunctive relief to reinstate workers when it has reasonable cause to believe their rights were violated. Under current law, injunctions are only required against significant violations by unions, creating an unbalanced system tilted in management’s favor.

This reform will give workers who have been wrongly fired an opportunity to go back to work without unreasonable delay. As importantly, this law will help end the chilling effect, sending a loud and clear message to others that their job security isn’t on the line for supporting a union.