

NLRB's 'Fired Workers' Only Tip of the Iceberg

Employer-Dominated Labor Law System Conceals Reality of Workers Fired for Union Activity

Every day men and women join unions in this country to improve their jobs and economic livelihood. Unfortunately, clever employers often interfere with their workers' support for a union. As a result, anti-union employers fire pro-union workers in 25% of organizing campaigns.*

Adding insult to injury, fired workers discover incredible obstacles in attempts to reclaim their jobs due to a weak labor law system that favors employers. The workers who end up with an official ruling in their favor from the National Labor Relations Board (NLRB) represent only the tip of the iceberg of the thousands of workers fired each year for supporting a union. Rather than navigate a long and difficult process, too many fired workers end their pursuit of justice, however minimal, from the NLRB.

Between 1999 and 2007, more than **86,000** workers filed unfair labor practice claims with the NLRB for being illegally fired by their employer for union activity.

Despite strong evidence in favor of many of those workers' claims, only **11%** of fired workers receive a final ruling from the NLRB determining they are eligible to get their jobs back.

35% of workers accept a settlement from their employer. Rather than wait for an NLRB ruling, these fired workers succumb to a system that encourages settlement and protects employers from having to admit responsibility.

54% of fired workers receive neither a ruling nor a settlement. Despite many legitimate claims that these workers were likely fired for supporting a union, they cannot overcome the legal obstacles in this employer-dominated labor law system—or simply give up.

Countless other workers who were fired for union activity never even file claims. Many workers can't afford to wait through the lengthy NLRB process or opt-out because the remedy is woefully inadequate. And too many fired workers find they aren't protected by our national labor law. Whatever the case, these individuals never get justice for the abusive anti-union practices of their employer.

Solution: The Employee Free Choice Act

In light of these problems, reform of our obsolete labor laws must be taken by Congress. The Employee Free Choice Act will provide relief and help prevent illegal firings from taking place.

The Employee Free Choice Act will:

- Toughen penalties on employers who violate the law.
- Require the NLRB to seek injunctive relief when it has reasonable cause, allowing fired employees to return to work without unjust delay.

Based on American Rights at Work's review of the NLRB's Case Activity Tracking System database, June 2008. For more information, see www.americanrightsatwork.org.

* Kate Bronfenbrenner, *"Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing,"* U.S. Trade Deficit Review Commission, 2000.