

# Why Workers Want Majority Sign-up

The Employee Free Choice Act allows workers, not their employers, to decide how workers will form a union: through National Labor Relations Board-supervised majority sign-up or through NLRB so-called elections.

## WHAT IS MAJORITY SIGN-UP?

Already widely used, majority sign-up (also known as “card check”) is an efficient, fair, and democratic organizing process whereby if a majority of employees sign cards to demonstrate their desire to form a union, then they are legally recognized as a union by the National Labor Relations Board (NLRB) and the employer. **Since 2003, more than half a million Americans have formed unions through majority sign-up**, more than the number who formed unions using elections.<sup>1</sup> In fact, in recent years only about 20 percent of workers form unions through elections; the other 80 percent used other methods, including majority sign-up.<sup>2</sup>

## HOW THE EMPLOYEE FREE CHOICE ACT CREATES A FAIR PROCESS

The Employee Free Choice Act (H.R. 1409 / S. 560) puts the decision of how to form a union in the hands of workers, not employers. Under the measure, workers would continue the long-established process of collecting signatures on cards from their coworkers indicating that they support forming a union.<sup>3</sup> If a majority of workers sign cards voting for a union, and if those cards are validated by the NLRB, the agency will certify the workers as a union. The employer would be legally required to recognize the workers’ union and bargain with them. Employees could still choose to use their signed cards to petition for an NLRB election. But given the many flaws with that process, many will choose to avoid conflict-ridden elections.

## WHY MAJORITY SIGN-UP IS NEEDED

Under current law, management can refuse to recognize a union even when 100 percent of employees have signed union authorization cards, and even if the employer has no reason to doubt the validity of the cards. Instead, **employers can insist on an election process that enables them to take advantage of weak labor laws and launch a one-sided campaign to intimidate their employees out of supporting a union.** When workers try and form unions, 91 percent of employers force employees to attend one-on-one anti-union meetings with their supervisors, 51 percent coerce workers into opposing unions with bribes or special favors, and 30 percent fire pro-union workers.<sup>4</sup> In fact, these elections don’t measure up to the most fundamental standards of democracy.<sup>5</sup>

NLRB elections invite more coercion and intimidation than majority sign-up. That’s why majority sign-up is so critical – it helps level the playing field and offers workers a fair and direct path to form unions. **During NLRB elections, 46 percent of workers report management pressure compared to only 14 percent of workers reporting union pressure during majority sign-up.** And it is very rare for workers who organized their union through majority sign-up to report any incidence of union pressure.<sup>6</sup>

While 12 states and more than 1,000 employers have adopted majority sign-up with great success,<sup>7</sup> **the vast majority of America’s workers are denied the fair and democratic process that majority sign-up provides.** It’s time for this to change. Workers want a voice at work now more than ever,<sup>8</sup> and recent national polling indicates that nearly 60 million U.S. workers would join a union if they could.<sup>9</sup> The Employee Free Choice Act would change the law to extend the right to majority sign-up to these workers, and make it easier for them to choose to form unions to bargain for better wages, health care, and job security.

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1. “Half a Million and Counting,” American Rights at Work, 2008. 2. Brudney, James J., “Neutrality Agreements and Card Check Recognition: Prospects for Changing Paradigms,” *Iowa Law Review*, Vol. 90, 2005. 3. *Ibid.* 4. *Undermining the Right to Organize*, Chirag Mehta and Nik Theodore, American Rights at Work, 2006. 5. For more on National Labor Relations Board elections, see *Free and Fair? How Labor Law Fails U.S. Democratic Standards*, Gordon Lafer, American Rights at Work, 2005. 6. *Fact Over Fiction: Opposition to Card Check Doesn’t Add Up*, Adrienne Eaton and Jill Kriesky, American Rights at Work, 2006. 7. “Half a Million and Counting.” 8. “Do Workers Still Want Unions? More than Ever,” Richard Freeman, Economic Policy Institute, 2007. 9. AFL-CIO calculation based on Peter D. Hart Research Associates survey, December 2006.