Employer Interference with the Right of Workers to Join Unions
Literature Review
Voice@Work, AFL-CIO – August 1999

TOPIC	SOURCE	FINDING
Captive Audience Meetings	Kate Bronfenbrenner and Tom Juravich, "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 22-23	The authors found that employers held five or more captive audience meetings as part of their anti-union campaigns during 64 percent of NLRB elections held in 1994--up from 33 percent of NLRB elections held in 1986-87. The union win rate in 1994 was only 29 percent when this tactic was used, versus 64 percent when it was not.
Discharge for Union Organizing	Paul Weiler, "Promises to Keep: Securing Workers' Rights to Self-Organization Under the NLRA," Harvard Law Review, Vol. 96, No. 8 (June 1983), pp. 1769-1827	Weiler noted that in 1980, "the NLRB secured reinstatement for more than 10,000 employees who had been discriminatorily discharged. A majority....though not all...during representation campaigns." Another 5,000 received back pay awards. Many more were fired illegally but did not file or could not substantiate unfair labor practice charges...with the result that in 1980, "the current odds are about one in twenty that a union supporter will be fired for exercising rights supposedly guaranteed by federal law a half-century ago." (P. 1781)
	William N. Cooke, "The Rising Toll of Discrimination Against Union Activists," Industrial Relations, Vol.24, no. 3 (Fall 1985), pp. 421-442	"The chilling impact of 8(a)(3) discrimination upon a work group appears to reduce the probability of a union victory by at least 17 percentage points. When this estimate is coupled with (the author's earlier) estimated impact of 8(a)(3) discrimination upon a the probability that unions obtain first contracts (a reduction of nearly 45 percentage points), the enormous negative implications of employer discrimination on union organizing success are apparent."
	Kate Bronfenbrenner, "Final Report: The Effects of Plant Closing or Threats of Plant Closing on the Right of Workers to Organize," Labor Secretariat of the North American Commission for Labor Cooperation, 1996	Found that workers were discharged for union activity during 32 percent of certification elections.
Employer Anti-Union Tactics	Richard B. Freeman and Morris Kleiner, "Employer Behavior in the Face of Union Organizing Drives," Industrial and Labor Relations Review, Vol. 43, No. 4 (April 1990), pp. 351-365	Their strongest finding: "the most effective 'hardnosed' company tactic was to have supervisors campaign intensely against the union." (P. 361)

TOPIC	SOURCE	FINDING
	Bruce E. Kaufman and Paula E. Stephan, “The Role of Management Attorneys in Union Organizing Campaigns,” Journal of Labor Research, Vol. XVI, No. 4, Fall 1995, pp. 439-454	The authors review a number of the specific tactics employed by outside attorneys in anti-union campaigns, and assess their effectiveness. According to the management attorneys they interviewed, “effectively marshaling the cooperation and support of the supervisors was the single most critical ingredient to defeating the union.” (P. 447)

Employer Anti-Union Tactics (continued)	Kate L. Bronfenbrenner, “Employer Behavior in Certification Elections and First-Contract Campaigns: Implications for Labor Law Reform,” in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 75-89	Overall, more than 75 percent of employers conducted active anti-union campaigns, a percentage which has also increased in more recent years. Employer tactics included discharges, captive audience meetings, supervisor one-on-ones, wage increases, promises of improvements, promotion of union leaders, anti-union committees, small-group meetings, anti-union videos, letters, and leaflets. Lower union win rates were associated with most of these tactics. Stipulated or board-ordered units that were different from units requested in the petition also had a negative impact on election outcomes.
	Richard W. Hurd and Joseph Uehlein, “Patterned Responses to Organizing: Case Studies of the Union-Busting Convention,” in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 61-74	Hurd and Uehlein summarized 19 employer anti-union case studies chosen from 213 cases submitted by 21 national unions in response to an IUD survey. These cases illustrate a broad range of employer union-avoidance strategies and tactics, as well as the inability of the law to protect the freedom of workers to join unions.
	Kate Bronfenbrenner and Tom Juravich, “It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy,” Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 19-36	“Employer campaigns have undergone the greatest change, not so much in the tactics being used but in the overall intensity. Just as they did a decade ago, the overwhelming majority of employers use a broad range of aggressive legal and illegal anti-union tactics, including discharging workers for union activity, giving workers illegal wage increases and imposing unilateral changes in benefits, conducting one-on-one supervisor meetings with employees, offering bribes, supporting anti-union committees, holding captive-audience meetings, establishing employee-involvement programs, holding social events, and mailing letters and distributing leaflets. And, just as in 1986-87, most of these tactics are associated with significantly lower win rates. “Many employers have also increased the use of specific tactics. For example, 87 percent of the employers in the 1994 sample used outside consultants as opposed to 71 percent in 1986-87. Similarly, whereas only 33 percent of employers held five or more captive-audience meetings in 1986-87, 64 percent held them in 1994... “What is most striking about the employer tactics, however, is that whereas only 21 percent of employers used more than five aggressive anti-union tactics in 1986-87, by 1994 that number had jumped to 39 percent...win rates were significantly lower in units in which employers used more than five aggressive tactics (32 percent) than in units in which five or fewer such tactics were used (48 percent).” (P. 28; see Table 1.1 on pp. 22-23 for details)

Employer Anti-Union Tactics (continued)	Larry Cohen and Richard W. Hurd, "Fear, Conflict and Union Organizing," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 181-196	Cohen and Rick Hurd review several cases in which employers intentionally cause workplace conflict during organizing drives, and find that this can be an effective anti-union tactic, especially among white collar workers. The authors find that employers deliberately create conflicts which did not exist prior to the organizing drive. The employers then blame these conflicts on the union, and predict that they will abate if the union loses the election, but will continue and intensify if the union wins. Workers who yearn for an end to the conflict are induced to vote against the union. In close elections, this can spell the difference between union victory and union defeat. Among professional workers who generally like their jobs and are less susceptible to fear-inducing threats than other occupational groups such as threats to close the plant, conflict can be an especially powerful employer tactic. Many of these workers may want badly to return to the lower level of workplace conflict that prevailed prior to the start of the organizing campaign.
	Kate Bronfenbrenner, "Final Report: The Effects of Plant Closing or Threats of Plant Closing on the Right of Workers to Organize," Labor Secretariat of the North American Commission for Labor Cooperation, 1996	EMPLOYER TACTIC — FREQUENCY IN PRIVATE SECTOR CAMPAIGNS Discharged one or more union activists — 32% Discharged workers not reinstated — 29% Captive audience meetings — 91% Showed anti-union videos — 58% Supervisor one-on-ones — 80% Made open or veiled threat to close facility — 51% Assisted anti-union committee — 43%
Employer-Assisted Anti-Union	Kate Bronfenbrenner and Tom Juravich, "It Takes	The authors found that employers assisted anti-union committees as part of their

Committees	More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 22-23	anti-union campaigns during 50 percent of NLRB elections held in 1994--up from 42 percent in 1986-87. The union win rate was only 28 percent in 1994 when this tactic was used, versus 56 percent when it was not.
First Contracts	Gordon R. Pavy, "Winning NLRB Elections and Establishing Collective Bargaining Relationships," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 110-121	Gordon Pavy reported the results of a major survey by the AFL-CIO and its former Industrial Union Department on the degree of difficulty unions experience in obtaining first and subsequent collective bargaining agreements after victories in NLRB representation elections. Of all election victories by unions in 1987, first contracts were not achieved a third of the time and only about half the units involved in these victories were still under contract in 1993.

Impact of Employer Opposition	Paul Weiler, "Promises to Keep: Securing Workers' Rights to Self-Organization Under the NLRA," Harvard Law Review, Vol. 96, No. 8 (June 1983), pp. 1769-1827	"The persistent decline in union membership in the United States is to a considerable extent attributable to the stubborn and often coercive resistance by employers that is fostered by the representation process under the NLRA." (p. 1769)
	Richard B. Freeman and Morris Kleiner, "Employer Behavior in the Face of Union Organizing Drives," Industrial and Labor Relations Review, Vol. 43, No. 4 (April 1990), pp. 351-365	They "find that management opposition, reflected particularly in the actions of supervisors, is a key component in union inability to organize workers in the United States." (P. 364)
	Gary N. Chaison and Joseph B. Rose, "The Macro-determinants of Union Growth and Decline," in The State of the Unions, edited by George B. Strauss, Daniel G. Gallagher, and Jack Fiorto, pp. 1-47, Industrial Relations Research Association	The evidence marshaled by Freeman, Cooke, Weiler, Kleiner and others during the 1980s led Gary Chaison and Joseph Rose to point to industrial relations policy and employer opposition as the most important explanations for union density decline, in this important 1991 review article.
	Kate L. Bronfenbrenner, "Employer Behavior in Certification Elections and First-Contract Campaigns: Implications for Labor Law Reform," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 75-89	In this analysis of a major survey of union organizers, Kate Bronfenbrenner found employer opposition was widespread and often effective in thwarting organizing.
	Phil Comstock and Maier B. Fox, "Employer Tactics and Labor Law Reform," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 90-109	Comstock and Fox summarized union certification election voter attitudes, based on 150,000 in-depth telephone interviews that were part of 360 organizing-related polls over fourteen years, conducted on behalf of more than 50 unions. They estimated that 36 percent of voters in union representation elections explained their vote as a response to management pressure. Among this group, 86 percent mentioned fear of job loss specifically. Since the outcome of a high percentage of representation elections is quite close, this large group of voters often spelled the difference between union victory and union defeat. They found that aggressive anti-union tactics are used especially often, and with the most powerful impact, to frustrate organizing in workplaces where workers want and need unions the most: in firms where job satisfaction is low, the desire for unionization is high, and there are high concentrations of women, minority or less skilled workers.

Impact of Employer Opposition (continued)	Kate Bronfenbrenner and Tom Juravich, "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 19-36	"...the overwhelming majority of employers use a broad range of aggressive legal and illegal anti-union tactics, including discharging workers for union activity, giving workers illegal wage increases and imposing unilateral changes in benefits, conducting one-on-one supervisor meetings with employees, offering bribes, supporting anti-union committees, holding captive-audience meetings, establishing employee-involvement programs, holding social events, and mailing letters and distributing leaflets... most of these tactics are associated with significantly lower win rates"...The probability of a union win declines 7 percent for each additional anti-union tactic the employer uses, "when the influence of election environment, bargaining unit demographics, and union tactics were controlled for." (P. 32; and Table 1.2, p. 30)
	Peter G.Bruce, "On the Status of Workers' Rights to Organize in the United States and Canada," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 273-282	"A climate of fear now stands in the way of a revival of American labor unionism. Recent polls have found that approximately 70 percent of Americans think that workers in general will be subject to economic coercion by their employers for attempting to unionize. And approximately 45 percent of workers fear that they themselves would be so treated for exercising collective bargaining rights that they have had on paper for more than fifty years." (P. 273).
	Tom Juravich and Kate Bronfenbrenner, "Preparing for the Worst: Organizing and Staying Organized in the Public Sector," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 263-282	Juravich and Bronfenbrenner compare the union win rate in public and private sector representation elections, and conclude that intensity of employer opposition to unionization is the principal explanation for the large difference. The authors find that of a total of 1,912 certification elections held among state and local government workers in 1991-92, unions won 85 percent. This compares with a union win rate of only 48 percent of private sector representation elections held under NLRB auspices during the same period. After reviewing various factors which could have contributed to the more than 35 percentage point gap between public and private sector union win rates, the authors conclude that the main explanation is the dramatic difference in intensity of opposition to union organizing between public and private employers. While virtually every private sector employer offered some opposition when faced with a union organizing campaign, one quarter of public sector employers offered no opposition at all. Most public sector employers ran very weak anti-union campaigns, consisting of nothing more than a few meetings and letters to employees. Private sector employers, by contrast, were more than six times as likely as public employers to commit unfair labor practices, including surveillance, discharges for union activity, and threats. "Overall, 38 percent of private sector employers utilized five or more aggressive anti-union tactics, whereas only 8

		percent of public sector employers" did so. Further proof of the impact of employer opposition can be found in the fact that in those relatively rare public sector elections when employers undertake an aggressive anti-union campaign, the union win-rate plunges. "When more than five anti-union tactics are utilized by public sector employers, the win rate drops to 33 percent, even lower than the rate in the private sector after intensive employer opposition."
Impact on Managers' Careers	Richard B. Freeman and Morris Kleiner, "Employer Behavior in the Face of Union Organizing Drives," Industrial and Labor Relations Review, Vol. 43, No. 4 (April 1990), pp. 351-365	Authors find that "managers whose establishments faced or lost organizing drives were more likely than other managers to suffer setbacks to their careers (firing, reassignment, ret raining, or failure to be promoted)."
Inadequacy of the Law	William N. Cooke, "The Rising Toll of Discrimination Against Union Activists," Industrial Relations, Vol.24, no. 3 (Fall 1985), pp. 421-442	"Present NLRB remedies for discrimination are wholly inadequate...The inadequacy of current back pay and reinstatement awards as methods of discouraging illegal discharges has been well-documented" (the author cites several sources). (P. 437)
	Sheldon Friedman, Richard W. Hurd, Rudolph A. Oswald, and Ronald L. Seeber (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994	The editors noted in their introduction to this volume: "Management consultants have become so bold and so contemptuous of the weakness of the labor law that repeat violations are common, even after their clients are found guilty of unfair labor practices and required to post 'cease and desist' orders. In one particularly egregious but telling case, a union-busting consultant was ordered to post a cease and desist order seven years after a representation election was found to be tainted by his extensive unfair labor practices; he posted the notice on the seat of his employees' toilet."
	Peter G. Bruce, "On the Status of Workers Rights to Organize in the United States and Canada," in Sheldon Friedman, et. al. (eds.), Restoring the	Bruce compared the administration of labor law with respect to unfair labor practices by the NLRB and the comparable agency in Canada's most populous and industrialized province, the Ontario Labor Relations Board. He finds that the

	Promise of American Labor Law, ILR Press, 1994, pp. 273-282	incidence of employer unfair labor practices is between four and ten times higher in the U.S. than in Ontario. Case processing times also differ markedly: "In the mid-1980s, the NLRB took approximately four to five times as long to process ULP cases that went to a hearing as the OLRB--that is, approximately two years versus four to six months." (P. 281) Remedies available to workers and their unions are also far weaker under U.S. law than in Ontario.
Inadequacy of the Law (continued)	Dorothy Sue Cobble, "Making Post-Industrial Unionism Possible," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 285-302	According to Dorothy Sue Cobble, millions of workers do not enjoy even the minimal protection of the right to organize which the National Labor Relations Act provides. Domestic workers, agricultural workers, managers and supervisors, many professional workers, confidential employees and public sector workers in states without collective bargaining laws are among the many categories of workers who have no protected right to organize. Nor does much of the fast growing so-called contingent workforce of independent contractors, temporary and part-time workers. Cobble presents a table detailing the impact of exclusions from NLRA coverage on women workers and on the workforce as a whole. She estimates that "the current legal and institutional framework of the NLRA disenfranchises more than half of the current female workforce." (P. 290)
	Bruce E. Kaufman and Paula E. Stephan, "The Role of Management Attorneys in Union Organizing Campaigns," Journal of Labor Research, Vol. XVI, No. 4, Fall 1995, pp. 439-454	They found that management attorneys are skilled at skirting the law. For example, even though "the employer is enjoined under the NLRA from making specific promises to the workers...contingent on defeat of the union,...a resourceful attorney can find ways for management to communicate to the workers that they recognize the problem and will attempt to correct it." (P. 447)
Plant Closing Threats	Kate Bronfenbrenner, "Final Report: The Effects of Plant Closing or Threats of Plant Closing on the Right of Workers to Organize," Labor Secretariat of the North American Commission for Labor Cooperation, 1996	Even though it is technically illegal to threaten to close a workplace in response to union organizing, Bronfenbrenner found that "plant closing threats are an extremely pervasive and effective component of employer anti-union strategies." (P. 9) Employers make such threats during 50 percent of all certification election campaigns, rising to 65 percent in manufacturing. The report describes in detail several cases when shutdown threats were made. In 12 percent of elections which the union won, employers went on to close the workplace. Employer shutdown threats had a major impact. Unions won only 33 percent of certification elections during which employers threatened to close the workplace. Among elections when no shutdown threat was made, the union win rate was 47 percent.
	Bruce E. Kaufman and Paula E. Stephan, "The Role of Management Attorneys in Union Organizing	Management attorneys commonly play on workers' fears of job loss by publicizing "large-scale layoffs and plant closings in unionized firms or industries." (P. 447)

	Campaigns," Journal of Labor Research, Vol. XVI, No. 4, Fall 1995, pp. 439-454	

Public Sector/ Private Sector Comparisons	Tom Juravich and Kate Bronfenbrenner, "Preparing for the Worst: Organizing and Staying Organized in the Public Sector," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 263-282	Juravich and Bronfenbrenner compare the union win rate in public and private sector representation elections, and conclude that intensity of employer opposition to unionization is the principal explanation for the large difference. The authors find that of a total of 1,912 certification elections held among state and local government workers in 1991-92, unions won 85 percent. This compares with a union win rate of only 48 percent of private sector representation elections held under NLRB auspices during the same period. After reviewing various factors which could have contributed to the more than 35 percentage point gap between public and private sector union win rates, the authors conclude that the main explanation is the dramatic difference in intensity of opposition to union organizing between public and private employers. While virtually every private sector employer offered some opposition when faced with a union organizing campaign, one quarter of public sector employers offered no opposition at all. Most public sector employers ran very weak anti-union campaigns, consisting of nothing more than a few meetings and letters to employees. Private sector employers, by contrast, were more than six times as likely as public employers to commit unfair labor practices, including surveillance, discharges for union activity, and threats. "Overall, 38 percent of private sector employers utilized five or more aggressive anti-union tactics, whereas only 8 percent of public sector employers" did so. Further proof of the impact of employer opposition can be found in the fact that in those relatively rare public sector elections when employers undertake an aggressive anti-union campaign, the union win rate plunges. "When more than five anti-union tactics are utilized by public sector employers, the win rate drops to 33 percent, even lower than the rate in the private sector after intensive employer opposition."
Supervisor One-On-Ones	Kate Bronfenbrenner and Tom Juravich, "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 22-23	The authors found that employers used supervisor one-on-one meetings with employees as part of their anti-union campaigns during 76 percent of NLRB elections held in 1994. The union win rate was only 39 percent when this tactic was used, versus 51 percent when it was not.

Unfair Labor Practices	Richard B. Freeman, "Why are Unions Faring Poorly in Union Representation Elections," in Thomas A.Kochan (ed.), Challenges and Choices Facing American Labor, MIT Press, 1985, pp. 45-64	Richard Freeman called attention to the increasing aggressiveness and sophistication of employer anti-union strategies in this 1985 essay. As part of this increasing aggressiveness, open violations of the law skyrocketed. According to Freeman: "From 1960 to 1980 the number of all unfair labor practice charges rose fourfold; the number involving a firing for union activity rose threefold; and the number of workers awarded back pay or reinstated into their jobs rose fivefold."
	William N. Cooke, "The Rising Toll of Discrimination Against Union Activists," Industrial Relations, Vol.24, no. 3 (Fall 1985), pp. 421-442	"The evidence... shows that, in proportion to union organizing efforts, 8(a)(3) violations have been on an unprecedented rise in recent years."
	Richard B. Freeman and Morris Kleiner, "Employer Behavior in the Face of Union Organizing Drives," Industrial and Labor Relations Review, Vol. 43, No. 4 (April 1990), pp. 351-365	The authors find that employers are most likely to strongly resist unionization with an all-out anti-union campaign where wages are low, working conditions are bad, and supervisory practices are poor. In such cases, firms are more likely to mobilize supervisors and more likely to commit unfair labor practices as part of their anti-union campaigns. Other things equal, committing unfair labor practices improves the chances that the employer will win the campaign.
Union Busters	Martin Jay Levitt and Terry Conrow, Confessions of a Union Buster, Crown, 1993	In this powerful memoir of a consultant who spent 20 years as a union buster before he saw the light, Martin Levitt describes in detail the strategies and tactics that enabled him to defeat the union in all but four of the 200 certification election campaigns in which he was paid to call the shots for anti-union employers. Even one of the four elections he 'lost' wasn't a defeat for Levitt in the end, since the employer kept him on to orchestrate a successful anti-first contract campaign. According to Levitt: "The enemy was the collective spirit. I got hold of that spirit while it was still a seedling; I poisoned it, choked it, bludgeoned it if I had to, anything to be sure it would never blossom into a united workforce, the dreaded foe of any corporate tyrant." (P.2)
	Richard B. Freeman and Morris Kleiner, "Employer Behavior in the Face of Union Organizing Drives," Industrial and Labor Relations Review, Vol. 43, No. 4 (April 1990), pp. 351-365	The authors found that "companies that brought in consultants were more likely to defeat unions than other firms."

Union Busters (continued)	Kate L. Bronfenbrenner, "Employer Behavior in Certification Elections and First-Contract Campaigns: Implications for Labor Law Reform," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 75-89	In this analysis of a major survey of union organizers, Kate Bronfenbrenner found that 70 percent of private sector employers used a management consultant for their campaigns--a percentage which has since increased according to analysis by the same author of more recent surveys. An additional 15 percent of employers used an outside law firm.
	Kate Bronfenbrenner and Tom Juravich, "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy," in Kate Bronfenbrenner, et. al. (eds.), Organizing to Win: New Research on Union Strategies, Cornell Press, 1998, pp. 19-36	In this analysis of a major survey of union organizers, the authors found that 87 percent of private sector employers used a management consultant as part of their anti-union campaigns during 1994 NLRB elections. The union win rate was 39 percent when employers used an outside consultant, versus 62 percent when they did not.
	Bruce E. Kaufman and Paula E. Stephan, "The Role of Management Attorneys in Union Organizing Campaigns," Journal of Labor Research, Vol. XVI, No. 4, Fall 1995, pp. 439-454	In this interesting and useful 1995 article, the authors examine the role of management attorneys in union organizing campaigns. They summarize the role management attorneys play in employer anti-union campaigns and the factors which contribute to their effectiveness in preventing unionization. They cite a number of studies which note that "one of the most important ways in which union avoidance policies have been implemented by American management is through the use of outside labor relations specialists." (P. 439) The authors believe that management attorneys and other labor relations consultants have a negative impact on union organizing. They cite as evidence the "dramatic growth over the last two decades in firms that specialize in providing union avoidance services," and reference several sources which document this growth. (P. 444) They also cite empirical research by other scholars which "has shown that unions win fewer elections when a management consultant is involved in the campaign." (P. 444)

Union Busters, Fees	Bruce E. Kaufman and Paula E. Stephan, "The Role of Management Attorneys in Union Organizing Campaigns," Journal of Labor Research, Vol. XVI, No. 4, Fall 1995, pp. 439-454	They find that "attorneys strongly resist (Landrum-Griffin Act) registration because unions can then discover the large amounts of money firms are spending on union avoidance and reveal it to employees..." (P. 442) The authors suggest that these amounts can be substantial: "One attorney interviewed for this study stated that the going rate for an experienced Atlanta attorney from a well-established, specialized labor law firm is in the $150-$250 per hour range, with rates for 'big name' attorneys being $300 per hour or more (in 1992). Two examples cited in our interviews provided illustrations of why organizing campaigns can be expensive for firms. One was a campaign in a large regional airline that involved twenty attorneys who conducted extensive one-on-one personal interviews with every supervisor in the company; the second was a campaign at a large multi-plant utility where eight attorneys' consultants compiled a book with a detailed analysis of the likely voting behavior of each employee in the election unit." (P. 451) "An inexpensive campaign in a small-medium size firm with one attorney may cost the employer $20,000 to $30,000 in legal fees, whereas an 'all out' campaign with several attorneys and all the latest campaign tools (e.g., slick videotapes, visits by prominent politicians or civil rights leaders) can easily exceed $100,000. Campaigns in a large, multi-union facility firm may involve a dozen or more attorneys and cost in excess of $1 million." (P. 443) The authors also cite other sources on the cost of management consultants used in anti-union campaigns, including a "leading management consultant" who "estimated that in 1976 consultant fees averaged $500 per bargaining unit employee," and another industrial relations scholar, John Lawler, who "reported that in 1983 a local government body spent $760 per employee." (P. 451)
U.S./ Canada Comparison	Peter G.Bruce, "On the Status of Workers Rights to Organize in the United States and Canada," in Sheldon Friedman, et. al. (eds.), Restoring the Promise of American Labor Law, ILR Press, 1994, pp. 273-282	Bruce compared the administration of labor law with respect to unfair labor practices by the NLRB and the comparable agency in Canada's most populous and industrialized province, the Ontario Labor Relations Board. He finds that the incidence of employer unfair labor practices is between four and ten times higher in the U.S. than in Ontario. Case processing times also differ markedly: "In the mid-1980s, the NLRB took approximately four to five times as long to process ULP cases that went to a hearing as the OLRB--that is, approximately two years

		versus four to six months." (P. 281) Remedies available to workers and their unions are also far weaker under U.S. law than in Ontario.