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New Five-Year Study Shows Employers' Anti-Union Behavior Intensifies

Rise in Firings, Intimidation Show Need for Employee Free Choice Act

(Washington, May 20) — A new study by renowned labor expert and Cornell University professor Kate Bronfenbrenner reveals that private sector employer opposition to workers' efforts to form unions has intensified and become more punitive than in the past. Employers are more than twice as likely to use 10 or more tactics – including threats of and actual firings – in their campaigns to thwart workers' organizing efforts. Today's anti-union activities include a greater focus than in the past on more coercive and punitive tactics designed to intensely monitor and punish union activity.

In [*No Holds Barred: The Intensification of Employer Opposition to Organizing*](#), published by the American Rights at Work Education Fund and the Economic Policy Institute, Bronfenbrenner provides a comprehensive, independent analysis of employer behavior in union representation elections supervised by the National Labor Relations Board (NLRB). The report also compares employer behavior data in the study's time period (1999-2003) to previous studies conducted by Bronfenbrenner's research teams over the last 20 years.

For the vast majority of workers who want unions today but do not have them, the right to organize and bargain collectively—free from coercion, intimidation, and retaliation—is at best a promise indefinitely deferred. According to Bronfenbrenner, in NLRB election campaigns, it is standard practice for workers to be subjected by corporations to threats, interrogation, harassment, surveillance, and retaliation for union activity. From the 1999-2003 data:

- 63% **interrogate workers** in one-on-one meetings with their supervisors about support for the union
- 54% **threaten workers** in such meetings
- 57% **threaten to close the worksite**
- 47% **threaten to cut wages and benefits**

34% **fire workers**

Even when workers succeed at forming a union, **52 percent are still without a contract a year after they win the election**, and **37 percent remain without a contract two years after the election**.

At a briefing today to unveil the results, Angel Warner, a worker with Rite Aid in California trying to form a union and get a contract with the International Longshore and Warehouse Union said: "We wanted to form a union so we would be treated with dignity and could speak up without fear of losing our jobs. Now we finally got through the harassment to form a union and we still don't have a contract. It shouldn't be like this. If my coworkers and I want a union, we should have one."

Bronfenbrenner's study documents the increased use by employers of more punitive tactics such as plant closing threats and actual plant closings, discharges, harassment, disciplinary actions, surveillance, and alteration of benefits and working conditions. At the same time, employers are less likely to offer "carrots," such as unscheduled raises, positive personnel changes, bribes, special favors, social events, promises of improvement, and employee involvement programs.

Private sector campaigns differ markedly from public sector ones, where 37 percent of workers belong to unions. Survey data from the public sector describe an atmosphere in which workers may organize relatively free from the kind of coercion, intimidation, and retaliation that so taints the election process in the private sector. Most of the states in the public sector sample have laws allowing workers to choose a union through the majority sign-up process.

According to the report, the failure of the current system to defend workers' rights in a timely manner multiplies the obstacles workers face when seeking union representation, adding further delays that favor employers over workers. Bronfenbrenner finds that employers appeal a high percentage of the cases and in the most egregious cases the employer can count on a final decision being delayed by three to five years.

Of the few cases in the representative sample studied where a penalty was imposed, the heaviest penalty an employer had to pay was backpay, minus the worker's interim wages.

No Holds Barred: The Intensification of Employer Opposition to Organizing is available at the link below.

<http://www.epi.org/publications/entry/bp235/>

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