

# Employers are charged with violating federal law in nearly 40% of union elections

By [Celine McNicholas](#), [Marc Edayadi](#), [Daniel Perez](#), [Margaret Poydock](#), [Ben Zipperer](#)

**Employers regularly employ illegal tactics to suppress unions.** An analysis of the latest government data on unfair labor practice charges and union elections shows that employers were charged with violating federal labor law in nearly 40% of elections – everything from firing to retaliation to changing work terms. The data doesn’t show the extent of employer aggression because missing from the numbers are attempts by management to suppress unionization before workers even get a chance to hold an election.

## Summary

Using National Labor Relations Board (NLRB) election data between 2019 and 2022 and unfair labor practice (ULP) filings from 2018 through 2022, we found that employers were frequently alleged to have engaged in unfair labor practices around the time of elections. Employers were charged with violating federal labor law in four out of every ten union elections (39%). A violation was defined as having at least one ULP charge that was associated with a given election.

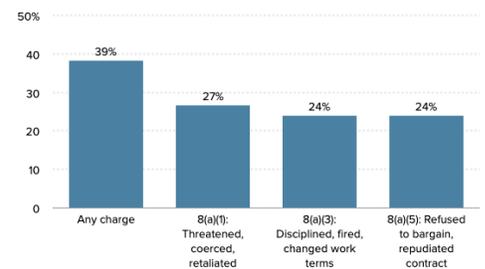
## Charges include:

- **Firings.** Using the most comprehensive measure of firings, employers were charged with illegally firing workers in one in four election filings (24%). A narrower measure of firings suggests 1 in 7 elections (14%) contained an illegal firing charge.
- **Coercion, threats, retaliations.** In a quarter of elections (27%), employers were charged with illegally coercing, threatening, or retaliating against workers for supporting a union.
- **Discipline, firings, changes in work terms.** In one of every four elections (24%) employers were charged with illegally disciplining workers for supporting a union.
- **Employers were more likely to be charged with violating the law when there was a larger bargaining unit.** In completed elections involving 50 or more employees (25% of elections), about half of employers (48%) were charged with labor law violations.

To measure employer interference with union election campaigns, we followed the methodology of [McNicholas et al \(2019\)](#). We matched two separate datasets—NLRB election filings between January 2020 and May 2022 and NLRB data on ULP charges between January 2019 and May 2022—and assumed that ULP charges and NLRB elections were related if they shared the same employer name, city and state.

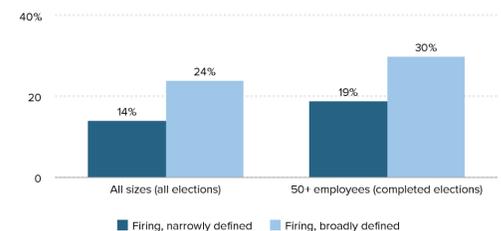
**Figure A**

**Employers are charged with an unfair labor practice (ULP) in four out of 10 union elections**



**Figure B**

**Illegal firings charges occur in up to a quarter of union elections**



**“Labor law in the U.S. fails to prevent private-sector employers from engaging in aggressive tactics that coerce and intimidate workers and prevent them from unionizing.”**

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