

THE EMPLOYEE FREE CHOICE ACT

Will it Lead to Coercion of Workers by Unions?

Opponents of giving workers the freedom to choose a union through a simple process that recognizes the will of the majority allege it will open workers to coercion by unions.

But majority sign-up is not new or untested. It has been legal since the National Labor Relations Act was enacted in 1935, and millions of workers have formed unions by signing union authorization cards under a majority sign-up procedure. So what does the record show?

- A study by the HR Policy Association, a pro-business organization, identified just 113 cases since the inception of the National Labor Relations Act as involving fraud and coercion in connection with card collection. Upon review, however, **only 42** of those cases actually found misconduct in the signing of union authorization cards—since 1935. That’s about one case every two years.
- In fact, it is employers that hold the power over workers—the power to hire and fire and to determine wages and promotions. That’s the power that can lead to coercion.
- And it is corporations that have the record of intimidating workers. In 2007 alone, 29,559 workers received back pay from employers in cases alleging illegal firings and other violations of their federally protected rights, according to the National Labor Relations Board’s annual reports. In 2006, a total of 26,824 workers received back pay; in 2005, the number was 31,358; in 2004, it was 30,784; and in 2003, it was 23,144.
- Further evidence can be found in the NLRB’s database of complaints, which are issued against employers and unions upon a finding of cause by the NLRB’s general counsel. These data do not separate out complaints of coercion related specifically to card signing or even to organizing and first contract campaigns, so these numbers include **all** NLRB complaints against unions or employers that could involve coercion against employees. From Oct. 1, 1999, to April 30, 2007, a total of 37,108 complaints were issued against employers. In that same period, 2,893 complaints were issued against unions—a ratio of 12.83 to 1.
- There is no evidence that the Employee Free Choice Act will generate union coercion, while there is ample evidence that companies routinely inflict endemic coercion on workers in the NLRB representation process.