

Rigged Elections in the Workplace



New report uncovers how employers exploit weakness in U.S. labor law during union recognition elections

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WASHINGTON, DC - American Rights at Work today releases "**Neither Free Nor Fair: The Subversion of Democracy Under National Labor Relations Board Elections.**" The report by University of Oregon political scientist Gordon Lafer, Ph.D., lays bare the realities of how unscrupulous employers undermine workers' rights to freedom of association during government-administered union representation elections. "Anti-union employers are making a mockery of the principles governing American elections," says Lafer. "Weak labor laws allow anti-union employers to manipulate the outcome of union elections in a manner that is inherently unfair and undemocratic."

"**Neither Free Nor Fair**" details the strategies - both legal and illegal - that typically comprise employers' efforts to deny their workers' rights to form unions and collectively bargain. Says Lafer, "Unionbusting activity in the weeks leading up to the union election resembles practices that our government routinely denounces when performed by rogue regimes abroad." Workers routinely face:

- Denial of free speech: Management consultants typically advise employers to maximize legally-permitted one-sided advantages, such as plastering the workplace with anti-union material. Pro-union employees are prohibited from doing likewise, and union organizers are banned from entering the workplace.
- Economic coercion and intimidation: It is common practice in anti-union campaigns for supervisors, who have the most immediate control over hiring and firing, to communicate to workers that their jobs may be at risk if they form a union.
- Ostracism and defamation of union supporters: Security guards with walkie-talkies followed one worker featured in the report to restaurants on her days off. A member of management was assigned to work with her eight hours a day, five days a week, solely to change her ideas about unions.
- Intrusion into workers' decisions on how to vote: "Union avoidance" consultants typically train supervisors to have repeated, intimidating one-on-one conversations with their employees to

make them reveal their feelings about the union long before election day.

"Under the current system, employers easily exploit the law's weaknesses and get away with it," says American Rights at Work Executive Director Mary Beth Maxwell. "When workers attempt to exercise their democratic rights, they deserve protection."

American Rights at Work endorses the Employee Free Choice Act, legislation that gained incredible momentum in both the House and Senate in the 110th Congress, as a fix for the broken system. In March, a majority in the House passed the bill (H.R. 800). Two weeks ago, industry-backed conservative policymakers in the Senate stopped the bill from moving forward-although the procedural vote indicated strong support.

"The dialogue continues," says Maxwell, "And Dr. Lafer's work will inform the discourse." This study follows Lafer's 2005 report, "Free and Fair: How Labor Law Fails U.S. Democratic Election Standards." The groundbreaking study measured the union representation election process against democratic election standards established by the political philosophy and published works of the Founding Fathers, the historical development of electoral law and jurisprudence, and current statutes and regulations that define "free and fair" elections. Both reports are part of a series commissioned by American Rights at Work to examine deficiencies of existing U.S. labor policy.

For a copy of the complete report please visit www.americanrightsatwork.org, or contact Kim Freeman at 202-679-3330 or kfreeman@americanrightsatwork.org.