

The Freedom to Join a Union

WORKERS DESERVE A REAL RIGHT TO ORGANIZE



California Labor Federation

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Current Law Fails to Protect Workers Who Want a Union

When workers have a union, they have a voice on the job. Working together, they negotiate good wages and working conditions so they can provide a better life for their families. Union members have higher wages, greater job stability, retirement security, and access to quality healthcare for their families.

It is no wonder that 57 million Americans who are not union members say they want to be part of one. Sadly, workers are routinely denied that basic right. While the federal National Labor Relations Act (NLRA) establishes that workers have the right to join unions, it provides for a union election that is unlike any real democratic election – because one side has all the power.

In a NLRA election, the employer can prohibit workers from talking about the union, harass workers who support the union, and intimidate workers with few, if any, repercussions. **One out of four employers actually fire workers for trying to form a union.** Many employers hire expensive lawyers and anti-union consultants to delay any union election, sometimes for years. In this climate, workers often feel powerless. They fear employer reprisals if they support the union and they lose faith in the process when they see how easy it is for the employer to abuse the rules.

“I have worked here for seven years. When we decided to organize our union, management retaliated by forcing us to sign anti-union petitions. I believe that with a card check system in place we would not be forced to act against our will.”

—Jesus Lopez, Super Mercado Mexico Market, San Jose, CA

Workers Deserve a Real Right to Organize

The right to join a union is a basic human right. All workers should be able to exercise this right freely, without employer interference or intimidation. Majority sign-up, or “card check,” is a better way for workers to choose whether or not to join a union. Under majority sign-up, workers have the chance to talk to each other about the union without facing the same kind of employer harassment. Instead of waiting months or even years for an election while the employer runs an anti-union campaign, workers who want a union simply sign cards asking the union to represent them in collective bargaining. This is a fair and democratic process that respects the will of the majority.

Did you know?

Numerous reports have documented the harassment, intimidation, and illegal firings faced by workers who try to organize a union. The statistics are staggering: **25% of employers faced with an organizing drive fire at least one worker for supporting the union. More than half of all companies tell workers they will close down if workers vote for the union. For American workers, the right to organize exists only on paper.**



Majority Sign-Up



Why do workers need a real right to organize?

Under current law, there is no level playing field when it comes to joining a union. Big corporations hire expensive lawyers to run sophisticated anti-union campaigns. An entire industry of anti-union consultants prey on small employers, convincing them that they should use any means necessary to fight a union organizing drive. Workers are intimidated, threatened, harassed, and even fired for supporting a union. These illegal acts often succeed in discouraging workers from supporting the union, so without real penalties for violators, retaliating against workers is a cost-effective business strategy. Workers deserve the fundamental right to join a union without fear of losing their jobs.

Only majority sign-up allows workers to freely choose whether or not to join a union.

QUESTIONS & ANSWERS



How does majority sign-up work?

We need labor law reform to protect workers who want to join a union. Majority sign-up, or “card check,” allows workers who want to join a union to sign a card authorizing the union to represent them in collective bargaining. If a majority of workers sign cards, the cards are submitted to the National Labor Relations Board (private sector) or the Public Employment Relations Board (public sector). If the Board finds that the majority of workers want a union, the union is entitled to recognition. In California, public sector employees already have the right to majority sign-up; all workers should be able to organize under this fair and democratic system.

“In the four years that I’ve been a union cook my pay has increased over sixty percent. My union contract also guarantees affordable family healthcare for my two children and me. Good wages and health benefits are important, since I’m a widow and can’t count on a spouse to help pay the bills.”

—Sandra Leon, Cashe Creek Casino, Brooks, CA



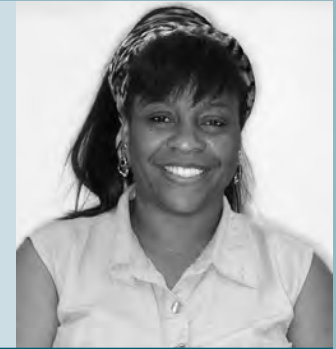
What are workers doing to win a real right to organize?

States across the country are expanding majority sign-up rights to public employees, while cities and counties regularly incorporate majority sign-up provisions for private sector workers into local development agreements. In the past ten years, eighty percent of new organizing has been done outside of the ineffective and outdated NLR process. But a piecemeal approach is not enough – we need reform at the national level. The Employee Free Choice Act (EFCA), which would provide a majority sign-up option and provide real penalties for employers who break the law, was introduced in Congress with bipartisan sponsorship in 2007. As we fight to pass EFCA at the federal level, we must continue to protect and strengthen the right to organize here in California, so that all workers have the opportunity to gain a voice at work.

“At my hotel, we had to clean up to 16 suites a day, with kitchens and bathrooms. At the end of the day, we were exhausted and in pain. We were never paid the wages we were supposed to get and when we complained they threatened our jobs. We want our managers to respect our rights, but they have shown that they’ll never do it on their own. We just want a better life for our families.”

–Maria Martinez, Woodfin Suites, Emeryville, CA

A Majority Sign-Up Organizing Campaign



STEP-BY-STEP

STEP 1

Workers want a voice on the job, so they decide to form a union in their workplace.

STEP 2

Workers talk to co-workers about the union and ask co-workers to sign cards if they want a union.

STEP 3

The signed cards are submitted to the state or national labor board to determine if there is valid majority support.

STEP 4

If the board finds that the majority of workers want a union, the union is entitled to recognition.

What really happens during union elections?

→ **92%** of employers whose workers try to organize force workers to attend anti-union meetings and workers are disciplined or fired for leaving.

→ **78%** of employers force employees to meet with their supervisor to be interrogated about whether they want a union and asked to reveal which co-workers are union supporters.

→ **75%** of employers hire union-busting consultants to advise them on how to run an effective anti-union campaign.

→ **52%** of employers who have undocumented workers threaten to call immigration authorities to deport workers who are trying to organize.

→ **51%** of employers threaten to close the plant if workers vote for the union.

→ **25%** of employers actually FIRE at least one worker for supporting the union, even though it is against the law.



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