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New Data Shows Unions Winning Two of Every Three Elections

66.8 Percent Win Rate in 2008 Elections Contradicts Claims that Current Law Denies Employees a Fair Choice to Form Unions

Washington, DC—A new report by the Bureau of National Affairs (BNA) shows unions winning 66.8 percent of private ballot representation elections conducted by the National Labor Relations Board (NLRB) in the first six months of 2008. This is a substantial increase from the 58.5 percent in the same period of 2007. The data is being released at a time when Congress is preparing to consider the Employee Free Choice Act, which would deprive employees of the private ballot on the premise that the current system deprives employees of a fair mechanism to register their choice.

Under current law, employees vote in a private ballot election where confidentiality and freedom from coercion by either the employer or the union is protected by NLRB supervision of the balloting process. According to NLRB data (available at http://www.nlr.gov/shared_files/Press%20Releases/2008/R-2675.pdf), 95 percent of all elections are conducted within 56 days of the filing of a petition by the union, with a median of 38 days. This period of time gives employees an opportunity to hear from and discuss all sides of the unionization issue with the union, fellow employees and the employer.

The Employee Free Choice Act would replace the current system with a “card check” in which employees would register their choice by signing union authorization cards in the presence of union organizers. The union would be certified if 51 percent of the employees sign the cards, with no notice required to be given to the other 49 percent that the process is underway. Thus, employees would be denied confidentiality, protections against coercion, and a reasonable time frame in which to hear all sides of the question. Moreover, once the union is certified, if the employer and the union failed to agree on a collective bargaining agreement, the agreement would be dictated by a government-appointed arbitrator who would decide wages, benefits and all other work rules with no right of review.

“This new data clearly demonstrates that the current system, if anything, is working to the unions’ advantage. It shows that, when allowed to hear both sides of the issue and register their choice in a confidential, uncoerced manner, employees are frequently willing to side with the union,” said Daniel V. Yager, Chief Policy Officer and General Counsel of the HR Policy Association, a public policy advocacy organization representing the senior human resource executives of more than 240 leading employers doing business in the United States. Collectively, its members employ over 12 percent of the U.S. private sector workforce.

The BNA data shows unions won 518 of 776 private sector elections (66.8 percent) held in the first half of 2008, up from 454 wins (58.5 percent) in the same period of 2007. The full report may be purchased from BNA Plus at bnaplus@bna.com or 800-372-1033 (Option 5, then Option 3).

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