

WebMemo

No. 1363

February 16, 2007

Revised and updated March 6, 2009



Published by The Heritage Foundation

Workers Reject Card Checks, Favor Private Ballots in Union Organizing

James Sherk

Both sides in the card-check debate say they seek to protect workers' freedom to decide whether to join a union. Card check supporters argue that union organizing elections are "intensely coercive" and that Congress should replace private ballots with publicly signed cards to protect workers' choice.¹ Opponents argue that a worker's free choice is best protected by the privacy of the voting booth. Siding with the card check opponents, a large majority of workers want to keep their choice of whether to join a union private and believe that the current organizing elections system is fair. Most Americans, and most union members, oppose replacing private-ballot elections with card checks.

Union Members Say the Current System is Fair. Labor activists often argue that the private-ballot elections that the National Labor Relations Board (NLRB) oversees are unfair. In the words of one union activist, the elections "look more like the discredited practices of rogue regimes abroad than like anything we would call American."² But the vast majority of union members disagree. According to a Zogby poll, 71 percent of union members believe that the current private-ballot process is fair, versus only 13 percent who disagree.³ A recent poll conducted by McLaughlin & Associates found that fully 74 percent of union members favor keeping the current system in place over replacing it with one that provides less privacy.⁴

Union members simply disagree with activists' claims of widespread employer abuse during organizing drives. They are supported by the results of government investigations into these allegations. The

NLRB found that employers illegally fired workers for supporting a union in 2.7 percent of organizing campaigns.⁵ Employer abuses are the rare exception, not the norm, in organizing election campaigns. The facts and the knowledge of union members themselves demonstrate the fairness of private balloting.

Most Non-Union Workers Do Not Want To Join. Labor activists also frequently argue that tens of millions of American workers would join a union if not for employer intimidation.⁶ They contend that the low level of unionization in the United States proves that elections do not reflect workers' free choice. But polls of workers show that the vast majority of non-union workers want to stay that way. By more than a 6-to-1 margin—82 to 13 percent—non-union workers say that they do not want to belong to a labor union.⁷ Because a union must win the support of a majority of workers in a company to win recognition, the fact that relatively few workers belong to a union is thus unsurprising.

Workers Value Their Privacy. Not only do workers disagree with claims of employer abuses, but they believe that they should have the right to keep their decision to join or not join a union private. While some workers gladly express their opinion on unionization, others want to avoid pressure from co-work-

This paper, in its entirety, can be found at:
www.heritage.org/research/labor/wm1363.cfm

Produced by the Center for Data Analysis

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

ers, union organizers, and supervisors and do not want to reveal their choice. The vast majority of Americans also believe that workers should have the choice to keep their opinions on unionizations private. Fully 86 percent of Americans believe that a worker's ultimate choice should be kept private and not made public information.⁸

Workers and Union Members Oppose Card Check. Since workers believe that the current private balloting system is fair and value their privacy, it is not surprising that a large majority of workers also opposes any effort to replace organizing elections with publicly signed cards. A recent McLaughlin poll indicates that 74 percent of Americans oppose card check legislation that would end private-ballot elections.⁹ Union members agree just as strongly: 74 percent also oppose card-check legislation.¹⁰ The very employees that union activists

claim to speak for oppose replacing private-ballot elections with card check.

Conclusion. Labor activists argue that card check is needed to protect workers' free choice as to whether to join a union. But workers themselves disagree. Overwhelming majorities of both union and non-union workers oppose the card-check system. Contrary to anecdotal stories of employer abuses, most union members believe the current election system is fair. Workers do not want the government to force them to reveal their choices to anyone and want the right to keep their votes private. Unrepresentative anecdotes from labor activists are not enough to counter the fact that workers choose private-ballot organizing elections, not card check.

—James Sherk is Bradley Fellow in Labor Policy in the Center for Data Analysis at The Heritage Foundation.

1. Testimony of Nancy Schiffer, AFL-CIO Associate General Counsel, before the Subcommittee on Health, Employment, Labor, and Pensions, House Committee on Education and Labor, U.S. House of Representatives, February 8, 2007, at www.aflcio.org/joinaunion/voiceatwork/efca/upload/EFCA_Schiffer_20070208.pdf.
2. Testimony of Dr. Gordon Lafer before the Subcommittee on Health, Employment, Labor, and Pensions, Committee on Education and Labor, U.S. House of Representatives, February 8, 2007, at www.aflcio.org/joinaunion/voiceatwork/efca/upload/EFCA_Lafer_20070208.pdf.
3. These data come from a Zogby International poll of 703 union members conducted in June 2004 for the Mackinac Center for Public Policy, with a margin of error of plus or minus 3.8 percent. Joseph Lehman, "Union Members' Attitudes Towards Their Unions' Performance," Mackinac Center for Public Policy, *Policy Brief S2004-05*, September 1, 2004, at www.mackinac.org/archives/2004/s2004-05.pdf.
4. McLaughlin & Associates, "American Voters Reject the Employee Free Choice Act," at http://myprivateballot.com/fs/resource/id/x1wr5np68dwc8g/xq4zyrssrp99gm?_c=xs3xwoi63ehbt3 (March 6, 2009).
5. J. Justin Wilson, "Union Math, Union Myths," Center for Union Facts, June 2007, at www.unionfacts.com/downloads/Union_Math_Union_Myths.pdf.
6. Testimony of Nancy Schiffer, AFL-CIO Associate General Counsel.
7. Center for Union Facts, "Americans Overwhelmingly Reject Unionization," February 4, 2009, at <http://server1.laborpains.org/wp-content/uploads/2009/02/pensionunionfactspolltopline.pdf> (March 6, 2009).
8. See McLaughlin and Associates, "American Voters Reject the Employee Free Choice Act," at http://myprivateballot.com/fs/resource/id/x1wr5np68dwc8g/xq4zyrssrp99gm?_c=xs3xwoi63ehbt3 (March 6, 2009).
9. *Ibid.*
10. Joseph Lehman, "Union Members' Attitudes Towards Their Unions' Performance."