

WebMemo



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The Workplace Democracy and Fairness Act

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What Does the Workplace Democracy and Fairness Act (W DFA) Do?

- The Workplace Democracy and Fairness Act would set clear guidelines for union organizing elections. The legislation would:
 - Require the National Labor Relations Board (NLRB) to wait at least five weeks before holding a union organizing election;
 - Require the NLRB to give business owners at least two weeks to prepare their case before any board hearings and allow them to raise additional concerns later in the process;
 - Reinstate the traditional standard for determining union collective bargaining units; and
 - Allow workers to decide which contact information (phone number, e-mail, or home address) their employers will provide to union organizers.

Policy Concerns

- Large majorities of non-union workers say they are satisfied with their jobs and that they do not want to unionize. Unionized companies also invest less and create fewer jobs than non-union companies. As a result, private-sector unionization rates have fallen to below 7 percent.
- Instead of reforming to become more appealing to 21st-century workers, the union movement has turned to the political process to reverse its decline. Unions lobbied Congress to replace

secret-ballot unionizing elections with publicly signed cards. However, Congress refused to pass the bill.

- President Obama appointed union lawyers to the NLRB, and they have attempted to accomplish through regulation what they could not achieve through legislation.
- The NLRB has dramatically shortened the time for union elections, reducing the minimum election period to as little as two weeks. These “snap” elections would give employers little time to tell their side of the story or inform workers of facts that the union organizers omitted.
- The NLRB has also allowed unions to cherry-pick which groups of workers will and will not get to vote in a union election. This allows unions to create gerrymandered bargaining units that consist primarily of their supporters. Unionizing brings risks, such as strikes and bankruptcy, to the entire workplace. The NLRB now allows unions to disenfranchise workers who do not want to take that risk.

This paper, in its entirety, can be found at:
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- Current law requires employers to give unions the home addresses of their employees. Workers may not want union officials to know where they and their families live.
- Economic Effects**
- The NLRB is making it more difficult for workers to stay non-union. Allowing unions to cherry-pick bargaining units and giving workers little time to hear the other side will greatly facilitate union organizing—whether or not unionizing is in workers’ best interests.
 - Unionized businesses invest approximately 15 percent less than comparable non-union firms. Employment expands three to four percentage points more slowly at unionized companies.¹
 - Workers who believe they need union representation in the workplace have that right. Management gets the union it deserves. However, the government pushing satisfied workers into unions will hurt the economy by reducing investment and job creation at their companies.
 - The WDFA would ensure a level playing field in union organizing elections. Workers would have the chance to hear both sides, and all affected workers would have the opportunity to vote. This would make it difficult for unions to organize employees to whom unions have little to offer, increasing investment and job creation.
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1. James Sherk, “What Unions Do: How Labor Unions Affect Jobs and the Economy,” Heritage Foundation *Backgrounder* No. 2275, May 21, 2009, at <http://www.heritage.org/research/reports/2009/05/what-unions-do-how-labor-unions-affect-jobs-and-the-economy>.