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Uneasy Terrain: The Impact of Capital
Mobility on Workers, Wages, and Union
Organizing. Part II: First Contract
Supplement

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UNEASY TERRAIN: THE IMPACT OF CAPITAL MOBILITY ON WORKERS, WAGES, AND UNION ORGANIZING

PART II: FIRST CONTRACT SUPPLEMENT

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EXECUTIVE SUMMARY

In September 2000 we submitted our research report, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing," to the U.S. Trade Deficit Review Commission. The findings from our study were then incorporated in their final report, *The U.S. Trade Deficit: Causes, Consequences and Recommendations for Action*. Our original study examined, in depth, the relationship between capital mobility and threats of capital mobility on the union organizing process and outcomes. In the spring of 2000 the Commission contracted with us to complete a follow-up study to further examine plant closings and capital mobility in the aftermath of union organizing victories and the impact of capital mobility threats on the first contract process and outcomes. Through surveys, personal interviews, documentary evidence, and the use of electronic databases, our Cornell University research team was able to collect detailed data on the extent, nature, and impact of plant closings and plant closing threats for 156 of the 193 elections won by the union in our original random sample of more than 400 NLRB certification election campaigns that took place between January 1, 1998 and December 31, 1999. By further examining the relationship between capital mobility and the first contract process, this study adds further corroboration of our earlier findings on the devastating impact that capital mobility and the threat of capital mobility have had on the ability of American workers to exercise their rights to freedom of association and collective bargaining.

Highlights of the first contract portion of our study include:

- As a result of the pervasive and effective nature of plant closing threats during the certification election process, the majority of certification election victories and subsequent first contract campaigns are concentrated in less mobile industries such as health care, passenger transportation, education, retail, and other services. Only 39 percent of first contract campaigns occur in more mobile industries such as manufacturing, wholesale distribution, and freight transportation.
- Despite the shift to less mobile industries and the higher win rate in those industries, capital mobility and threats of capital mobility continue to have a significant impact on the first contract process and outcomes. Twenty-five percent of employers in mobile industries continue to make plant closing threats after the certification election is won, both at the bargaining table and in written and verbal communication with individual workers in the bargaining units being organized. In 14 percent of campaigns in mobile units the employer made direct threats to shut down and move to another country, most often Mexico. First contract rates average only 50 percent in mobile industries where the employer made post-election plant closing threats compared to an overall first contract rate of 65 percent.
- Twelve percent of the employers in the first contract sample did shut down all or part of their facilities after the election. Of those shutdowns, 67 percent had made threats to shut down the facility during the organizing campaign. In 9 percent of the campaigns in our first contract sample post-election plant closings occurred before the union was able to

bargain a first agreement. In another 3 percent of the cases, plant closings occurred shortly after the first contract was settled.

- Plant closing threats during the first contract campaign do not appear to be in any way related to the financial condition of the company. Instead they are highly associated with employer anti-union animus. Sixty-six percent of the employers who made plant closing threats during the first contract process had run aggressive anti-union campaigns before the certification election and at least 73 percent ran aggressive anti-union campaigns after the union won the election including a combination of discharges, harassment, interrogation, promises, threats, and unilateral changes in wages, benefits and working conditions. Plant closing threats during the first contract campaign were also linked with more aggressive employer opposition at the table, including engaging in surface bargaining and delaying tactics and bargaining hard over union security issues.
- First contract rates dropped precipitously when plant closing threats occurred in the context of aggressive employer opposition. The first contract rate averaged as high as 86 percent in the 14 percent of contract campaigns where the employer did not use any anti-union tactics after the certification election. First contract rates, however, dropped to 63 percent in all campaigns with threats and 46 percent in campaigns in mobile industries where the employer used five or more anti-union tactics after the election. In campaigns in mobile industries where the employer used ten or more anti-union tactics, including plant closing threats, the first contract rate dropped even lower to 20 percent.
- Unions were able to win only 44 percent of the elections and achieve first contracts in 66 percent of all elections won. This means that, of the 79,277 voters who participated in the elections in our organizing sample, only 36,706 (46 percent) were in units where the union won the election and only 29,075 (36 percent) gained coverage under a collective bargaining agreement. Thus fewer than 40 percent of all workers who participate in NLRB certification elections are able to gain coverage under a collective bargaining agreement.
- For those workers who succeed in winning the certification election and first contract, the gains in rights, benefits, wages, and protections are both fundamental and significant, if not in many cases transformative. For the overwhelming majority of the first contracts in our sample these gains include wage increases averaging 17 percent over the life of the agreement, basic union rights such as grievance and arbitration, just cause for discipline, and paid release time for union activity, the right to refuse work and grievable anti-discrimination language, and improvements in holidays, sick leave, vacation and health and pension benefits.

Introduction

In May 2000, Cornell University was asked by the U.S. Trade Deficit Review Commission (USTDRC) to conduct an in-depth study examining the relationship between capital mobility, worker insecurity, union organizing, and wages. The first phase of that study, an analysis of the impact of capital mobility on private sector union certification election campaigns in the U.S., was completed in September 2000, and findings from our report “Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing,” were incorporated in the USTDRC’s November 2000 report to Congress and President Clinton, *The U.S. Trade Deficit: Causes, Consequences and Recommendations for Action* (Bronfenbrenner 2000).

This report presents findings from the second phase of our study, an analysis of the impact of capital mobility on private sector first contract campaigns.¹ This study also follows up on earlier research on first contract campaigns conducted by Bronfenbrenner in the late 1980s and mid-1990s, which permits us to track changes in the nature and process of first contract campaigns since 1986 (Bronfenbrenner 1994; 1997).

As we documented in our report submitted to the USTDRC this fall, throughout the last decade the increasingly rapid pace of global capital mobility, and the job dislocation and corporate restructuring that follows in its wake, has fostered a climate of intense economic insecurity among U.S. workers. This rising sense of economic insecurity has effectively served to hold down wage demands and wage increases even during a period of economic expansion,

¹Cornell research assistants who worked on the first contract study include Anne Sieverding, Robert Hickey, Tim Murch, Hilary Rhodes, Elizabeth Chimienti, and Kate Rubin.

low unemployment, and tight labor markets. As stated in our earlier report, “not only are individual workers afraid to ask for significant wage increases in the uneasy terrain of America’s ‘shifting workplaces,’ that same specter of capital mobility haunts the union organizing process for unorganized workers” (Bronfenbrenner 2000: 8). Overall, more than half of all employers made threats to close all or part of their facilities during the organizing drive. The threat rate was significantly higher, 68 percent, in mobile industries such as manufacturing, communication, and wholesale/distribution than the 36 percent threat rate in relatively immobile industries such as construction, health care, education, retail, and other services.

This high rate of plant closing threats during organizing campaigns occurred despite the fact that in recent years unions have shifted the focus of their organizing activity away from the industries most impacted by trade deficits and capital flight, such as apparel and textile, electronics components, food processing, and metal fabrication, where plant closing threats average more than 70 percent. Instead, unions are concentrating their resources in less mobile sectors of the economy such as health care and social services, where plant closing threats average less than 30 percent.

Our organizing study found that not only are threats of plant closing an extremely pervasive component of employer campaigns, they are also very effective. The 32 percent election win rate associated with campaigns in mobile industries where the employer made plant closing threats is significantly lower than the overall win rate of 51 percent in units where no threats occurred. Our study also found that threats of plant closing were unrelated to the financial condition of the employer, but rather were a function of the extreme atmosphere of anti-

union animus that permeates private sector organizing in the U.S. today. More than three quarters of the campaigns where threats occurred also involved aggressive legal and illegal employer behavior such as discharges for union activity, electronic surveillance, illegal unilateral changes in wages or benefits, bribes, threats to refer undocumented workers to INS, promises of improvement, and promotion of union activists out of the unit (Bronfenbrenner 2000).

From our previous research on first contract campaigns, we know that plant closing threats and other aggressive anti-union behavior do not stop when the union wins the certification election campaign. In fact, the majority of private-sector employers continue to resist union efforts to bargain a first contract by using a broad range of legal and illegal tactics. These include captive audience meetings, discharges for union activity, threats, and surveillance, as well as an absolute refusal to bargain, surface bargaining, or extremely hard bargaining on issues vital to the union. In our 1993-1995 study we found that 18 percent of all employers made plant closing threats after the election was won and that 12 percent of employers followed through on threats made during the organizing campaign and shut down their operations before a first contract was reached. Another 5 percent shut down the plant after the first contract was settled (Bronfenbrenner 1994; 1997).

Our intent in this study is to assess how the impact of capital mobility on the organizing and first contract processes has evolved over time by determining how many of the employers in our original organizing sample went on to close the facility in the aftermath of a union organizing victory and how capital mobility and threats of capital mobility impact the first contract process today. With this information we can then examine capital mobility and capital mobility threats

during the first contract process in the context of company structure and characteristics, bargaining unit demographics, and employer behavior before and after the organizing campaign, as well as the broader implications of these findings on U.S. worker insecurity and wages in the global economy.

Research Method

The first contract study is a follow-up to our original surveys of lead organizers from a random sample of 600 NLRB certification elections.² The sample was derived from data compiled by the Bureau of National Affairs (BNA) of all NLRB single-union certification election campaigns in units with 50 or more eligible voters that took place in 1998-1999. Lead organizers in these campaigns were mailed surveys asking them a series of questions about plant closings and threats of plant closings, along with questions on election background, organizing environment, bargaining unit demographics, company characteristics and tactics, labor board charges and determinations, union characteristics and tactics, and election and first contract outcomes. Surveys were completed either by mail or by phone. In-depth follow-up phone interviews were also conducted for all cases where plant closings or threats of plant closings were reported by the organizers to have played a role in the organizing process.

By the time the organizing phase of the study was completed in September 2000, we had received completed surveys for 407 certification election campaigns out of our total random

²Our organizing study focused solely on those campaigns that actually went through to an NLRB certification election. This means that these data do not include either those units where plant closings or plant closing threats caused the union to withdraw their petitions before the election was held or units where the plant closings or plant closing threats resulted in organizing campaigns never getting off the ground.

sample of 600 campaigns. In the weeks after our report on the organizing study was submitted to the USTDRC we received six additional completed surveys bringing our total responses for the organizing sample to 413, which is a 69 percent response rate. The first contract sample was based on the 193 campaigns in the election sample where the union won the election or a follow-up second election. In addition to the data on company and union characteristics, bargaining unit demographics, and employer behavior during the organizing campaign already collected in the organizing study, follow-up surveys were sent to the union representative responsible for the first contract campaign to collect additional data on union and employer behavior, bargaining process, and bargaining outcomes during the first contract campaign. Of the 193 cases in the first contract sample we received completed surveys in 156 cases for a response rate of 80 percent.

Follow-up phone interviews were conducted for all cases where plant closings or threats of plant closings were reported by the union representatives to have played a role in the first contract process. In these interviews organizers were asked detailed questions about the nature of the plant closing threats, how the threats were carried out, the frequency of the threats, and the availability of any documentary evidence. Supporting documentation was collected from lead organizers, whenever possible, in cases where plant closing threats took place.

As part of the original organizing study, we had already conducted computerized database searches for each case in the sample to determine the parent corporation, any foreign sites or locations, the countries in which the firm's customers and suppliers are located, and the firm's global and U.S. employment totals. In addition, we used the AFL-CIO UNICORE database, financial filings, newspaper and trade journal reports, and reports from union organizers to

identify whether or not there is a current collective bargaining agreement in another unit or units at the location where the representation election took place and any other units or sites of the parent corporation.

To gauge the financial condition of the publicly-held firms in the sample, we used annual and quarterly Securities and Exchange Commission reports to identify key financial indicators such as annual revenue, net income, earnings per share, and changes in these measures over the past several years. For privately-owned firms, we relied on computerized corporate and periodical databases such as Lexis-Nexis and Dun and Bradstreet to acquire similar information on the company's financial condition. For comparable financial data for the non-profits in the sample, we utilized data from 990 forms that we had requested from the Internal Revenue Service for each of the non-profit companies in our sample. For all cases, we utilized financial statements, credit reports, and news articles to identify recent events and trends that had impacted the firms in the sample to understand more fully the current challenges, opportunities, and difficulties facing the company at the time of the election, such as bankruptcy, massive layoffs, or corporate mergers, acquisitions, or takeovers.

A comparison of the first contract campaigns where we have survey responses with the total sample indicates no bias in terms of industry, unit, union, or geographical distribution when compared to the total population of single union certification election wins in units with more than 50 eligible voters for petitions filed in 1993-1995. As with the total population, the first contract campaigns in our sample are concentrated in service and maintenance and nonprofessional units in non-profit and service-sector industries where union certification

election win rates are highest. The overall first contract rate for all elections in the original organizing sample is 66 percent and for the first contract sample is 65 percent. However, since fewer than two years have gone by for more than a quarter of the elections in the organizing sample and the union and employer are still bargaining for the first agreement in 16 percent of the campaigns where the union won the election, the 74 percent first contract rate for elections held in 1998 is a more reliable predictor of the actual first contract rate and is consistent with previous research on first contract rates in units with more than 50 eligible voters (Cooke 1985; Bronfenbrenner 1994; 1997).

Industrial Sector, Plant Closing Rates, and First Contract Outcome

As shown in Table 2, there are significant differences between the economic sectors and industries where union organizing activity is concentrated and the economic sectors and industries where most first contract campaigns take place. As we learned in our earlier research, 47 percent of all organizing activity is concentrated in more mobile industries such as manufacturing, wholesale distribution, and communications. However, because the election win rate averages only 34 percent in those industries, we find that only 39 percent of all first contract campaigns in our sample are in mobile industries, including manufacturing (22 percent), wholesale distribution (6 percent), and freight transport (1 percent). None of the cases in our first contract sample are the most mobile manufacturing industries such as electronics, fuel and chemical processing, and garment and textiles. Not only are these the industries where union election win rates are the lowest, these are also the industries which have endured the greatest

trade deficits with countries such as China and Mexico, and which have suffered the greatest number of plant closings and production shifts out of the U.S. to China, Mexico, and other countries in Asia and Latin America (Braunstein, Burke, and Epstein 2001; Bronfenbrenner 2001).

Sixty-two percent of all first contract campaigns were in immobile industries such as health care (31 percent), passenger transport (6 percent), social services (5 percent), hospitality (4 percent), education (3 percent), and retail, entertainment, and building services (all 2 percent). First contract rates averaged 70 percent in these less mobile industries compared to 58 percent in mobile industries.

Although election win rates and first contract settlements have always been higher in less mobile industries, we find that in the last eight years there has been a significant shift in the industries where union organizing and first contract gains are concentrated. Thus, where in 1993-1995 54 percent of NLRB certification election campaigns, 37 percent of election wins and, 36 percent of first contract gains were in mobile industries, by 1998-1999 only 47 percent of NLRB election campaigns, 37 percent of election wins and 35 percent of first contract gains were in mobile industries. This means that of 42,558 workers in mobile industries in our sample who participate in an NLRB certification election in their industries (of which 66 percent signed cards or petitions saying they wanted union representation in their workplace), only 31 percent are able to achieve the union representation they went through such a struggle to achieve.

In our 1993-1995 study of plant closing threats during first contract campaigns we found that 18 percent of all employers made threats of full or partial plant shutdowns after the union

won the certification election. Given the shift away from organizing in more mobile industries such as apparel and textile, it should be no surprise that overall threats of plant closing during first contract campaigns dropped to 14 percent. However, as we can see in Table 2, employers made plant closing threats in nearly a quarter of first contract campaigns in mobile industries. The first contract rate in those campaigns averages only 50 percent compared to 75 percent first contract rate in immobile industries where plant closing threats were made during the first contract campaign.

The Extent and Nature of Plant Closing Threats During First Contract Campaigns

Table 3 summarizes our findings on the nature of plant closing threats during first contract campaigns. Unlike during the organizing process, where the majority of plant closing threats are veiled verbal threats expressed by supervisors and top management in captive-audience meetings and supervisor one-on-ones, a significant percentage of plant closing threats during the first contract process are made directly to the union bargaining committee at the bargaining table. Of the 14 percent of all campaigns where employers made plant closing threats during the first contract campaign, 27 percent include specific unambiguous threats at the bargaining table and 41 percent include veiled verbal threats at the bargaining table. Nine percent involve specific unambiguous threats in writing and 23 percent involve specific unambiguous verbal threats made during captive-audience meetings and supervisor one-on-ones. Forty-one percent of the threats are veiled verbal threats during captive audience meetings and supervisor on-one-ones. In 9 percent of all elections with threats, and 14 percent of elections

with threats in mobile units, the employer made direct threats to move to another country, most often Mexico.

First contract rates average only 50 percent in campaigns in mobile industries where the employer made plant closing threats compared to overall first contract rate of 65 percent. First contract rates are lowest (50 percent) in units where the employer made clear unambiguous threats in writing or at the bargaining table.

Consistent with the findings from our 1993-1995 first contract study, follow-up interviews with the lead negotiators for the first contract campaign reveal that these threats are of a slightly different tone than threats during the organizing campaign. This reflects the fact that the first contract process is much more complex, with possible outcomes ranging from no contract, to a weak contract, to a strong contract. In the organizing process, where the union and the employer struggle for the hearts, minds, and votes of individual workers, threats of plant closing are an extremely effective way to individually and collectively convince workers to vote against the union even if they sincerely want union representation. In the first contract process the employer can undermine workers' support for the union by threatening to close the plant, but the union can go beyond the individual voter to pressure the employer to reach an agreement. At the same time, plant closing threats can weaken bargaining unit resolve to hold out for a strong agreement.

Several of the union representatives we interviewed report that employers simply followed through on their original threat during the organizing drive that they would refuse to operate in a union environment. For some employers this meant filing election objections and

absolutely refusing to bargain with the union, reiterating that they would shut down rather than be forced to sign a union agreement. Others focused on how, now that the union had won the election, the company was re-evaluating operations and considering transferring work to non-union facilities or contracting out bargaining unit work. For example, during the original UNITE organizing drive at Goya Foods of Florida, the workers were told by Mary Ann Unahue, president of the Goya Warehouse, “she would never allow a union into her office or into the company” and that she would not recognize the union and “would not negotiate with the union even if it won the election” (Cullen 2001: 5-7). Workers were also told by Unahue that if the union won the election their work would be contracted out to private subcontractors or the company “could close and leave the state” (Cullen 2001: 9).

Despite these threats the majority of the employees in the warehouse and drivers unit voted for the union in October 1998, followed by another election victory in the sales and merchandising employees unit in November 1998. As promised, after the election was won Goya refused to recognize the union and bargain an agreement. The threats to shut down or contract out bargaining unit work also continued after the election when Frank Unahue (President of Goya Foods of Puerto Rico and one of three shareholders in the Goya Florida warehouse) told sales employees that if they continued rallies and protests in support of the union Goya could lose its account with Winn-Dixie supermarkets and “employees could suffer because they would lose their jobs” (Cullen 2001: 13). These threats were coupled with numerous other labor law violations including harassment, interrogation, and discipline of union activists, refusal

to recognize union representatives and bargain with the union, and withdrawal of recognition of the union.

In February 2001, NLRB Administrative Law Judge Lawrence W. Cullen issued a decision finding Goya Foods to be guilty of numerous egregious unfair labor practice violations including “threatening employees with the elimination of their jobs, or the subcontracting of their work, if they engage in union activities” (Cullen 2001: 33). Today bargaining at Goya Foods remains at impasse and there is little hope that a first contract will be settled anytime soon.

Similarly, in early 1998, eighty-five drivers at Sygma Network in Georgia began organizing with the Teamsters union. Sygma Network is a subsidiary of Sysco Food Corporation, the largest marketer and distributor of food service products in North America. By a narrow margin, the drivers voted to certify the union and, in June 1998, began bargaining for the first agreement. During negotiations, the employer threatened that, if the union did not back off and let the company run things the way they wanted, the company would shut down. Sygma subsequently closed the unionized facility in December 1999 and shifted the work to another, non-union location (Plant Closing Threat Appendix: Case 217).

Equally common was the threat that the employer might go out of business if the union succeeded in bargaining the kind of agreement it was attempting to reach. For example, during the UNITE organizing campaign at Dreison International, an electric motor manufacturer in Cleveland, Ohio, the employer made repeated threats during captive-audience meetings and supervisor one-on-ones that the business was very competitive and could be done anywhere. After the union won the election, Dreison continued to make veiled verbal threats in captive-

audience meetings, individual conversations, and at the bargaining table, that it could move work to Mexico and that the work could be done anywhere. The employer also threatened that the union campaign could put the company out of business and it did not have the resources for a contract (Plant Closing Report Appendix: Case 608).

As we found in the organizing study, in the most mobile multinational companies, just the existence of sites and operations in other countries acted as an unspoken threat both at the bargaining table and in individual conversations with workers. While in many of these cases the possible threat of moving operations out of the country was never clearly articulated, the possibility of plant closings and production shifts to Mexico and overseas overshadowed the entire first contract negotiation process. In still other cases, such as the USWA campaign at Tower Automotive, the threat of moving out of the country was clear and unambiguous. Tower, an auto parts manufacture in Milan, Tennessee with sites and operations all over the world, including Mexico, began to make plant closing threats during the first stages of the organizing campaign and continued to make veiled verbal threats at the bargaining table. Specifically, the employer's attorney made vague threats about "looking south" at the beginning of the bargaining process. As the parties began to discuss economic issues in bargaining, the employer made more specific threats about looking for plants in Mexico (Plant Closing Threat Appendix: Case 578).

These threats of plant closing were not limited to factories and other more mobile industries. They occurred in non-profit and service-sector companies as well. For example, workers at Riverside Nursing Home, a Massachusetts subsidiary of LFA Management, were subjected to routine threats of plant closing during the organizing campaign and the first four

months of bargaining. Both in individual one-on-one conversations with supervisors and in discussions at the bargaining table the employer told the workers that it couldn't "afford a union. We're not making any money. We'll have to shut down and ship all the patients out of the nursing home" (Plant Closing Threat Appendix: Case 378).

In the most extreme cases, the plant closing threats during the first contract campaign led to the union withdrawing from the unit or losing a decertification election, as bargaining unit members began to question the ability of the union to reach a first agreement without severely risking their job security. For example, during the original UFCW organizing campaign at Rainbow Foods in Rochester, Minnesota, the employer ran a fairly moderate anti-union campaign during the organizing drive which did not include any plant closing threats. After the election, however, the employer made repeated veiled threats at the bargaining table stating that the company was losing money and would have to close if the union continued with its demands. Unable to make much headway at the bargaining table, the union took a settlement back to the members, only to have it voted down. Eventually the union withdrew and no first contract was ever reached (Plant Closing Threat Appendix: Case 499).

Unions only filed unfair labor practice charges on the plant closing threats in 9 percent of the units where threats were made during the first contract campaign. More than a quarter of those who decided not to file charges against the employer felt it was not necessary to file since the union was going to achieve a first contract anyway. Forty-seven percent felt that they did not have a strong enough case to win an unfair labor practice charge before the NLRB. Five percent did not file charges because they felt that they would lose the unit anyway because of a plant

closing, decertification, or inability to get the employer to the bargaining table. None of the cases where the union filed charges resulted in a final Board determination in the union's favor, once again reinforcing why union representatives are so hesitant to file charges regarding plant closing threats. Even in cases such as Goya Foods, where the NLRB found the employer guilty of multiple egregious unfair labor practice charges during both the organizing and first contract campaigns, once the election had been certified the only available NLRB remedies were reinstatement and back pay for workers discharged for union activity and a posted order to "recognize, and upon request, meet and bargain in good faith with the union" (Cullen 2001: 35). There is no first contract arbitration and there are no financial penalties, criminal penalties, or punitive damages, even for employers who repeatedly and flagrantly ignore bargaining orders and continue to absolutely refuse to recognize and bargain with the union.

Plant Closings During First Contract Campaigns

Even though the majority of first contract campaigns are concentrated in immobile industries where actual plant shutdowns would seem less likely to occur, we found that in 12 percent of the units where the union won the certification election there was a full or partial plant closing after the election. In 9 percent of the cases in our sample post election plant closings occurred before the union was able to achieve a first agreement and another 3 percent occurred less than two years after the first contract was settled.

The plant closings are spread across a diverse set of industries and bargaining units. Four cases are in warehouse and wholesale distribution, two are in manufacturing, one is in health

care, three are in business and other services, and one is in retail. Three quarters of the plant closings are in mobile industries and 25 percent are in immobile industries.

In 67 percent of units where the plant closed after the election, the employer had directly threatened during the organizing campaign to shut the plant down if the union won and then proceeded to actually follow through on its threat after the election was won. For example, during the UAW organizing campaign at Libralter Plastics, owners, managers, and supervisors made repeated threats that the plant would close and the work would be moved to a sister plant in Wixom, Michigan. After the election, the owner refused to recognize or bargain with the union, even after repeated bargaining orders were issued by the NLRB. Eventually the owner told the employees that he “would close before he would deal with a union” and then he sold the contract for the work to the new owner, keeping the building, property, and equipment in his own hands but not being responsible for the work. The contractor, O.E.M. Erie, Westland Division, did agree to bargain with the union and a first contract was reached in January 2000. Less than a year later, in December 2000, the new owner shut down operations and the company reverted back to the original owner of Libralter Plastics (UAW 2001; Plant Closing Appendix: Case 430).

Corporate Structure and Company Characteristics

Tables 4 and 5 provide insight into the corporate structure and company characteristics of the workplaces where private-sector first contract campaigns are concentrated. These data reveal that, although the majority of union election victories are in service- sector units with fewer than 200 eligible voters, the companies where these units are concentrated are neither small nor

localized. Seventy-eight percent are subsidiaries of larger parent companies, 38 percent are multinational corporations with foreign sites and operations, and more than a third of the companies in the first contract sample report annual revenue in excess of \$1 billion.

First contract campaigns in mobile industries are particularly concentrated in large multinational companies. Ninety percent of campaigns in mobile industries involve subsidiaries of larger parent companies and more than 60 percent of the companies in our sample have sites and locations in other countries.

Notably, 55 percent of these “mobile” companies are privately-held corporations, making it much more difficult for unions to obtain strategic information about company finances and operations. First contract rates are considerably lower in privately held companies in mobile industries (49 percent) than in publicly-held (73) percent, particularly in campaigns where the employer made plant closing threats (44 percent).

However, in contrast to our findings regarding certification election win rates, first contract rates are higher in large multinational corporations than in smaller companies with all sites and locations in the U.S. This may be because many of the larger publicly-held multinationals are much more likely to have unionized sites and locations in the U.S. and other countries, and thus are less committed to an absolute “union free” policy.

Bargaining Unit Demographics

Given the much higher certification election win rates in units with a majority of women and/or workers of color, it is no surprise that women and people of color are highly represented in our first contract sample. As shown in Table 6, only 12 percent of all first contract campaigns in our sample had no women in the unit and only 8 percent had no workers of color in the unit. Fifty-eight percent of the first contract campaigns had at least 50 percent women and 38 percent had at least 75 percent women, while 42 percent had a majority of workers of color and 28 percent had at least 75 percent workers of color.

As would be expected, the proportion of women in the unit is significantly lower in more mobile industries such as manufacturing, freight transport, and wholesale distribution. In these industries more than a quarter of the first contract campaigns had no women in the unit and more than three-quarters had a majority of men in the unit.

However, the proportion of workers of color and non-English speaking workers remains quite high in mobile units. Thirty-seven percent of first contract campaigns in mobile industries had a majority of workers of color and 25 percent had more than 75 percent workers of color -- most of whom were men. Nineteen percent of workers in first contract campaigns in mobile industries had a language other than English as their primary language.

The workplace demographics data summarized in Table 6 also reveal that a very high percentage of workers organizing today have irregular work schedules. This is particularly true for those workers employed in mobile industries. Eighty-six percent of the overall first contract sample and 95 percent of first contract campaigns in mobile units have at least some workers in the unit with irregular work schedules. On average, 18 percent of workers in mobile units work

ten to twelve hour shifts, 30 percent work evening and night shifts, 15 percent work rotating shifts, and 30 percent work weekends. Twenty-six percent of workers in all first contract campaigns and 34 percent of workers in mobile units average more than five hours a week overtime.

Employer Practices Prior to and During the First Contract Campaign

Table 7 presents data on company practices before and after the election and the impact of those practices on first contract outcomes. Although the employer had run aggressive anti-union campaigns (using more than five anti-union tactics) before the election in 51 percent of the units and had made threats of plant closings before the election in 40 percent of the units in the overall first contract sample, the percentage who used more than five anti-union tactics during the organizing campaign increased to 66 percent in first contract campaigns with post-election plant closing threats. This reflects the fact that over two-thirds of the employers who aggressively opposed the union after the election had been equally aggressive during the organizing campaign. Similarly, employers who threatened to close the plant after the election were much more likely to engage in hard bargaining (41 percent), refusing to reach agreement on any major issues, than those who did not threaten to close the plant during the first contract campaign.

As expected, employer resistance to recognizing and bargaining with the union was even greater in more mobile units. Two-thirds of the employers in mobile industries used more than five anti-union tactics before the election and 17 percent used more than ten. After the election,

20 percent made changes in ownership or structure, 23 percent made major cutbacks in staff, 13 percent increased their use of temporary and contract workers, 12 percent contracted out bargaining unit work, and 8 percent shut down the unit. A third of employers in mobile campaigns engaged in hard bargaining and 10 percent absolutely refuse to start bargaining even after the union had been certified by the NLRB.

Employer Anti-Union Tactics During the First Contract Campaign

As we have learned through our research on first contract campaigns over the last decade, employer opposition does not stop with the election victory. The overwhelming majority of employers continue their anti-union campaign after the election is won. In fact, if we compare our findings for employer behavior in 1998-1999 with our findings from our 1993-1995 study, we find that in the last decade employer anti-union activity during first contract campaigns has increased in intensity (Bronfenbrenner 1997). Union first contract rates may have remained steady at 65 to 70 percent, but rather than being a reflection of reduced employer opposition it appears to be a function of more sophisticated and aggressive union campaigns.

As shown in Table 8, employers today are much more likely to use management consultants, refuse requests to start bargaining, conduct captive-audience meetings and supervisor one-on-ones, discharge workers for union activity, assist the anti-union committee and help organize a decertification campaign than they were in 1993-1995. While in 1993-1995 only 9 percent of all employers used five or more anti-union tactics during the first contract campaign,

in 1998-1999 36 percent used five or more anti-union tactics and 11 percent used ten or more anti-union tactics.

Similar to what we found in the organizing study, most of the employer threats during the first contract campaign occurred in the context of other aggressive anti-union tactics (Table 8). In campaigns with threats, 68 percent hired an outside union consultant, 23 percent refused requests to start bargaining, 36 percent continued mandatory captive-audience meetings, 59 percent continued supervisor one-on-ones, 46 percent proposed major concessions, 46 percent made unilateral changes in wages, benefits and working conditions, 50 percent discharged union activists, 59 percent assisted the anti-union committee, and 32 percent organized a decertification effort. In 73 percent of the first contract campaigns with threats, the employer used more than five anti-union tactics and in 36 percent the employer used more than ten anti-union tactics. The threat rate is 47 percent in units where the employer ran an aggressive anti-union campaign using more than ten anti-union tactics.

Plant closing threats during the first contract campaign were even more closely associated with aggressive employer opposition in mobile industries. Employers used five or more anti-union tactics in 71 percent of campaigns with threats in mobile industries and ten or more anti-union tactics in 36 percent of the campaigns. Workers were discharged for union activity in 64 percent of the campaigns with threats in mobile industries and the employer helped organize a decertification campaign in 43 percent.

Plant closing threats were also linked with more aggressive employer opposition at the table, including engaging in surface bargaining and delaying tactics (50 percent of all campaigns

with threats), and bargaining hard over union security issues (68 percent of all campaigns with threats and 86 percent of campaigns with threats in mobile industries).

As would be expected, first contract rates dropped precipitously when plant closing threats occurred in the context of aggressive employer opposition. The first contract rate averaged 86 percent in the 14 percent of all first contract campaigns and the 12 percent of first contract campaigns in mobile industries where the employer did not use any anti-union tactics. First contract rates, however, dropped to 63 percent in all campaigns with threats and 46 percent in campaigns in mobile industries with threats where the employer used five or more anti-union tactics during the campaign. In those campaigns where the employer used ten or more anti-union tactics, including plant closing threats, the first contract rate dropped even lower to 55 percent in all campaigns and 20 percent in campaigns in mobile industries.

Unions filed unfair labor practice complaints regarding the employer tactics listed in Table 8 in 36 percent of all first contract campaigns and 62 percent of campaigns with threats. Complaints were issued in 36 percent of all campaigns where unfair labor practices were filed, and in 39 percent of campaigns with threats and 71 percent of campaigns in mobile industries with threats.

The final Board ruling was in the union's favor in only 18 percent of all cases where the union filed charges. However, it increased to 31 percent in campaigns with threats and 43 percent in campaigns with threats in mobile industries. Given that it is extremely difficult for the union to win a favorable Board decision except in the most egregious cases of employer

violations, these data reveal the extreme degree of employer opposition faced by workers attempting to bargain for their first agreement in more mobile industries.

Final Status of Units in the Organizing and First Contract Studies

Tables 9 and 10 outline the final status of the organizing and first contract campaigns included in the first and second phases of our study. As shown in Table 9, a total of 79,277 voters participated in the 413 elections in the original organizing sample, of which, on average, 66 percent signed petitions or cards before the election expressing their desire to be represented by a union. However, in the context of aggressive employer opposition including frequent threats of job loss and plant closure, unions won only 44 percent of the elections and achieved first contracts in 66 percent of all elections won. Thus of the 79,277 voters who participated in the election, only 36,706 (46 percent) were in units where the union won the election and only 29,075 (36 percent) gained coverage under a collective bargaining agreement. This means that fewer than 40 percent of all workers who participate in NLRB certification elections are able to gain union representation within two years of the election taking place. Nor is it a short process. We found, that on average, it took just under three months (82 days) between the petition and the election and more than 351 days between the election and when the first contract was settled.

For the units where the union lost the election, unions filed election objections in 21 percent of the campaigns. Objections were upheld and reruns scheduled in 28 percent of the cases where the objections were upheld. However, the union win rate in rerun elections averages less than one-third. Unions also went back for a second election in 32 percent of the elections

lost but were able to win the second election in fewer than 40 percent of the second elections in the sample.

Unions were able to bargain a first agreement in 30 percent of all the elections in the original organizing sample and 66 percent of elections won. For those units where a first contract still has not been reached, election objections are still pending in 2 percent of the campaigns and the employer is refusing to bargain and/or has declared impasse in 12 percent of the campaigns. In 15 percent of the campaigns where a first contract has still not been reached the union lost certification because the employer shut down or contracted out the work force, in 3 percent the union is out on strike, in 10 percent the union withdrew, in 8 percent the union was decertified, and in 5 percent the union lost certification after the NLRB determined that the union had lost majority status. The union is still bargaining in 16 percent of all elections won and in 46 percent of campaigns where they have yet to achieve a first agreement. Thus the final first contract rate should increase by several percentage points once unions are able to achieve a contract settlement in some of the units where they are still in negotiations.

For those units where the union was able to achieve a first contract, the gains negotiated by the union were quite significant. Twelve percent of negotiators surveyed reported that the first contract they bargained was one of the best in the industry, 42 percent reported the contract was better than most in the industry, 33 percent reported that the first contract was typical for the industry, and only 13 percent reported the contract was somewhat below average for the industry.

As described in Table 10, unions were able to bargain a wage increase in 94 percent of all first contract campaigns with a 17 percent increase in the average wage over the life of the

agreement and a 15 percent increase in the median wage. In 44 percent of the units the union was able to eliminate the merit system and in 41 percent the union was able to bargain the establishment of a step system to determine wages, as well as longevity increases. Forty percent included improvements in sick leave, 43 percent improvements in holidays, and 30 percent improvements in paid vacation benefits.

Close to 100 percent of all the first contracts in the sample included a grievance and arbitration procedure, 90 percent had just cause for discipline, and 60 percent included paid release time for stewards to process grievances. Despite the significant proportion of cases in right-to-work states, 63 percent of the contracts have a union shop provision and 12 percent have an agency shop, leaving fewer than only 25 percent with full or partial open shop provisions.

Unions also made significant gains in arbitrable language to enforce or expand on protective legislation. Seventy-one percent of the first contracts had grievable anti-discrimination language, 43 percent included the right to refuse unsafe work, and 51 percent had guaranteed parental leave. Thirty-six percent were able to achieve limits on subcontracting, 48 percent achieved successorship language, and, perhaps most significant of all, 10 percent successfully bargained for neutrality and/or card check protection for unorganized units of the same employer.

On the whole, first contract gains in mobile industries were very similar to the overall first contract gains summarized above. Yet, with the exception of the right to refuse work, paid release time for stewards, and improvements in vacations and holidays, the percentages for each of the contract gains were 1 to 10 percent lower in mobile industries, reflecting the greater

challenge of bargaining in industries where the threat of capital mobility, whether directly expressed or merely understood, haunts the negotiation process.

Conclusion

The findings from our first contract follow-up study provide important insight into the enormous challenges facing private-sector workers who attempt to exercise their legal rights to freedom of association and collective bargaining in the U.S. In particular, the findings reveal the pivotal role played by capital mobility and the threat of capital mobility in the organizing and first contract process. Although at the start of campaigns 66 percent of the workers participating in union elections express clear interest in union representation through the signing of petitions or cards, only 36 percent actually gain coverage under a collective bargaining agreement.

For those who succeed in winning the certification election and first contract, the gains in rights, benefits, wages, and protections are both fundamental and significant, if not in many cases, transformative. Thus it should be no surprise that private-sector decertification rates are extremely low, and that polling consistently reveals that 90 percent of unionized workers desire to remain unionized (BNA Plus 2000; Freeman and Rogers 1999).

Yet, as our research has found, the road to winning a private-sector certification election and bargaining a first agreement is so fraught with fear, harassment, threats, coercion, and intimidation it is as if workers must enter a war zone simply to exercise their legal and moral rights to union representation. Most powerful of all is the fear of job loss, plant closing, or corporate restructuring that, thanks to a combination of employer threats and a general climate of

constantly shifting capital and investment, permeates the union organizing and bargaining process. Not only do the majority of all employers, and as many as 68 percent of employers in mobile industries, threaten to close all or part of their facilities if workers attempt to organize a union, 14 percent continue the threats after the election is won, and 12 percent actually follow through on the threats and shut down after the union has been certified. Employers make these threats in conjunction with a broad range of extremely effective legal and illegal anti-union tactics including discharges, harassment, unilateral changes, promises, interrogation, surveillance, and bribes during both the original certification election campaign and the first contract campaign that follows.

As our findings show, the majority of employers make these threats with no intention of following through and actually shutting down if the union wins the election or bargains a first agreement. Otherwise the actual plant closing rate would be significantly higher than 12 percent of all elections won. Instead, employers make threats during the organizing and first contract campaign because they have found them to be an extremely effective mechanism, particularly when coupled with other aggressive anti-union tactics, to undermine worker support for the union and to weaken union bargaining power.

The costs of capital mobility and threats of capital mobility during the organizing and first contract process go well beyond the individual certification elections or first contracts lost. We have watched unions give up on organizing entire sectors of the economy, such as electronics, garment and textile, and many other light manufacturing facilities, both because they are so much more difficult to organize and because, once organized, it is all too likely that they

will be shut down and moved out of the country. We have also seen hundreds of thousands of workers give up on trying to organize a union in their workplace, despite their desire for union representation, simply because the risks of job loss are too great. And we have seen how the economic insecurity that haunts the organizing and first contract process permeates the entire workforce, holding down wages and restraining workers from demanding safer and more human work schedules and working conditions.

Nowhere is this more true than in the nation's most mobile industries such as apparel and textile, auto parts, electronics, telecommunications, steel fabrication, food processing, and certain business services. For many workers in those industries, any organizing is quickly stifled, with the first veiled threat from the employer that the plant might close or work might be shifted out of the country if the unions come in.

In a climate of escalating capital mobility, it is only natural that many unions are turning toward less mobile sectors of the economy. But what of the millions of workers employed in the nation's most mobile industries? A half a century ago these were the workers that helped create the industrial labor movement that brought tens of millions of American workers and their families out of poverty and into the middle class. Included in this group were large numbers of new immigrants from Southern and Eastern Europe and also many African-Americans.

Despite all the talk about the "new economy," America still has, and always will have, millions of workers employed in the manufacturing sector. Today, whether they work in garment shops in the nation's largest cities, textile and food processing plants in the rural South, electronics component plants in Southern California, or metal fabrication plants in the Midwest,

these are the American workers hardest hit by globalization. These are also the workers that have shared least in the economic boom of the last decade, but instead have found themselves working longer and harder, in more and more dangerous jobs, with declining pay, few benefits, and little security. Many are recent immigrants from Latin America and Asia, or women, or both, and few have the skills or education needed to transfer to better jobs in the “new economy.” These are the workers who would benefit most from the kinds of economic and non-economic benefits that our research has shown first contracts provide. Yet, in a climate where capital mobility and the threat of capital mobility are driving unions to seek targets in less mobile industries and forcing workers to choose between asking for improvements in wages and benefits or holding on to the only source of income they have, these are the workers most likely left behind.

It is a high price for U.S. workers, their families, and communities to pay. Globalization cannot and should not be stopped. However, through a combination of labor law reform and labor side agreements in trade and investment treaties, the right to organize and collectively bargain can be shielded from the worst effects of global capital mobility. This can be done both by restraining employer campaigns through legislating card check neutrality protections and providing punitive and criminal penalties for flagrant employer interference with the organizing and bargaining process, and by requiring first contract arbitration for all cases where the employer refuses to bargain in good faith with the union and reach an agreement. It can also be accomplished by trade and investment policies which provide sanctions for those corporations

who use foreign trade and the threat of capital mobility to interfere with the legal right to freedom of association and collective bargaining in the U.S. and around the globe.

The stakes for our nation are high. Absent these changes in labor law and trade and investment policy, the benefits of the global economy will accrue to a select group of investors, owners, and managers at the expense of workers, their families, and their communities. Particularly as we face the possibility of a serious economic downturn, it becomes all the more important that we seek economic, trade, and labor policies that work to the benefit of workers and the unemployed in all countries, not just the investors, owners, and shareholders in the world's most powerful and wealthy multinational corporations.

Works Cited

- BNA Plus. 2000. "NLRB Representation and Decertification Election Statistics: Year End Report, May 2000." Washington, DC: Bureau of National Affairs.
- Braunstein, Erica, James Burke, and Gerald Epstein. "The U.S.-China Trade and Foreign Direct Investment Relationship: A Report for the U.S.-China Security Commission." April 1, 2001.
- Bronfenbrenner, Kate. 1994. "Employer Behavior in Certification Elections and First-Contract Campaigns: Implications for Labor Law Reform." In Friedman, Sheldon et al. (eds.), *Restoring the Promise of American Labor Law*. Ithaca, NY: ILR Press, pp. 75-89.
- Bronfenbrenner, Kate. 1997. "The Effect of Plant Closings and the Threat of Plant Closings on Worker Rights to Organize." Supplement to *Plant Closings and Workers Rights: A Report to the Council of Ministers by the Secretariat of the Commission for Labor Cooperation*. Dallas, TX: Bernan Press.
- Bronfenbrenner, Kate. 2000. "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing" Commissioned Research Paper and Supplement to *The U.S. Trade Deficit: Causes, Consequences and Recommendations for Action*, Washington, D.C.: U.S. Trade Deficit Review Commission.
- Bronfenbrenner, Kate. 2001. "Testimony before the Technical Briefing on Business, Trade and Economic Issues of the U.S.-China Security Review Commission." Washington, DC, May 9, 2001.
- Cooke, William N. 1983. "Determinants of the Outcomes of Union Certification Elections." *Industrial and Labor Relations Review*. Vol. 36, pp. 402-413.
- Cullen, Lawrence W. 2001. National Labor Relations Board Division of Judges, Atlanta Branch Office Decision. *Goya Foods of Florida vs. UNITE*. JD (ATL)-6-01. February 22, 2001.
- Freeman, Richard and Joel Rogers. 1999. *What Workers Want*. Ithaca, N.Y.:ILR Press/Cornell University Press.
- UAW. 2001. Complaint and Jury Demand Filed with United States District Court, Eastern District of Michigan, Southern Division in *United Automobile, Aerospace, and Agricultural Implement Workers of America vs. OEM/Erie Westland Division and Libralter Plastics*. January 16, 2001.

TABLE 1: SURVEYS RECEIVED BY FIRST CONTRACT RATE, MOBILITY, AND UNION

	Total Surveys Received		Returned Surveys With Plant Closing Threats		Returned Surveys Without Plant Closing Threats		Returned Surveys With Plant Closings	
	#	%	#	%	#	%	#	%
All First Contract Campaigns	156	1.00	22	.14	134	.86	12	.08
<i>Elections held 1998</i>	73	.47	14	.64	59	.44	6	.50
<i>Elections held 1999</i>	83	.53	8	.36	75	.56	6	.50
First Contract not Achieved	54	.35	9	.41	45	.34	10	.83
First Contract Achieved	102	.65	13	.59	89	.66	2	.17
<i>Elections held 1998</i>	49	.67	8	.57	41	.70	2	.33
<i>Elections held 1999</i>	53	.64	5	.63	48	.64	0	.00
Mobile Industries	60	.39	14	.66	46	.34	9	.75
Immobile Industries	96	.67	8	.36	88	.66	3	.25
Union								
AFSCME	6	.04	0	.00	7	.05	0	.00
AFT	2	.05	0	.00	2	.02	0	.00
CWA	1	.01	0	.00	1	.01	0	.00
HERE	4	.03	0	.00	4	.03	0	.00
IAM	3	.02	0	.00	3	.02	0	.00
IBEW	5	.03	3	.14	2	.02	0	.00
IBT	28	.18	2	.09	26	.19	4	.33
IUOE	3	.02	0	.00	3	.02	1	.08
LIUNA	3	.02	0	.00	3	.02	0	.00
PACE	5	.03	2	.09	3	.02	0	.00
SEIU	30	.19	3	.14	27	.20	2	.17
UAW	12	.08	2	.09	10	.08	2	.17
UBC	1	.01	1	.05	0	.06	0	.00
UFCW	9	.06	1	.05	8	.00	0	.00
UNITE	4	.03	4	.18	0	.00	0	.00
USWA	17	.11	2	.09	15	.11	2	.17
Other AFL-CIO	8	.05	0	.00	8	.06	0	.00
National Independents	6	.04	1	.05	5	.04	0	.00
Local Independents	2	.01	1	.05	1	.01	0	.00

TABLE 2: INDUSTRIAL SECTOR, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Industrial Sector										
Manufacturing	.22	.74	.27	.83	.18	.57	.74	.43	.83	.18
<i>Aerospace</i>	.00	--	--	--	--	.00	--	--	--	--
<i>Auto and auto parts</i>	.04	1.00	.09	1.00	.33	.10	1.00	.14	1.00	.33
<i>Building materials</i>	.01	1.00	.00	--	.00	.02	1.00	.00	--	.00
<i>Electronics and electrical products</i>	.00	--	--	--	--	.00	--	--	--	--
<i>Food processing</i>	.01	1.00	.00	--	.00	.03	1.00	.00	--	.00
<i>Fuel and chemical processing</i>	.00	--	--	--	--	.00	--	--	--	--
<i>Garment and textiles</i>	.00	--	--	--	--	.00	--	--	--	--
<i>Household and recreational products</i>	.01	.50	.00	--	.00	.03	.50	.00	--	.00
<i>Industrial equipment and machinery</i>	.03	.75	.09	1.00	.50	.07	.75	.14	1.00	.50
<i>Metal production and fabrication</i>	.05	.50	.00	--	.00	.13	.50	.00	--	.00
<i>Plastics products</i>	.00	--	--	--	--	.00	--	--	--	--
<i>Printing</i>	.01	1.00	.00	--	.00	.02	1.00	.00	--	.00
<i>Rubber products</i>	.01	.00	.00	--	.00	.02	.00	.00	--	.00
<i>Wood and paper products</i>	.04	.83	.05	1.00	.17	.10	.83	.07	1.00	.17
<i>Other manufacturing</i>	.02	.67	.05	.00	.33	.05	.67	.07	.00	.33
Mining	.00	--	--	--	--	.00	--	--	--	--
Construction	.01	1.00	.00	--	.00	.02	1.00	.00	--	--
Warehouse and wholesale distribution	.10	.27	.18	.00	.27	.25	.27	.29	.00	.27
<i>Warehouse</i>	.04	.33	.05	.00	.17	.10	.33	.21	.00	.17
<i>Wholesale</i>	.06	.22	.14	.00	.33	.15	.22	.07	.00	.33
Retail	.02	.33	.09	.50	.67	.02	.00	.07	.00	1.00
Transportation	.10	.69	.09	1.00	.13	.02	1.00	.07	1.00	1.00
<i>Freight transport</i>	.01	1.00	.09	1.00	1.00	.02	1.00	.07	1.00	1.00
<i>Passenger transport</i>	.06	.89	.00	--	.00	.00	--	--	--	--
<i>Waste disposal</i>	.03	.20	.00	--	.00	.00	--	--	--	--

TABLE 2: INDUSTRIAL SECTOR, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Communications	.00	--	--	--	--	.00	--	--	--	--
Utilities	.01	1.00	.05	1.00	.50	.03	1.00	.07	1.00	.50
Services	.54	.68	.32	.57	.08	.10	.33	.07	.00	.17
<i>Building services</i>	.02	1.00	.00	--	.00	.00	--	--	--	--
<i>Business services</i>	.05	.71	.05	.00	.14	.05	.67	.07	.00	.33
<i>Education</i>	.03	.60	.05	1.00	.20	.00	--	--	--	--
<i>Entertainment</i>	.02	1.00	.05	1.00	.33	.00	--	--	--	--
<i>Health care</i>	.31	.69	.14	.33	.06	.00	--	--	--	--
<i>Hospitality</i>	.04	.50	.00	--	.00	.02	.00	.00	--	.00
<i>Laundries</i>	.01	1.00	.05	1.00	.50	.00	--	--	--	--
<i>Social services</i>	.05	.63	.00	--	.00	.00	--	--	--	--
<i>Other services</i>	.01	.00	.00	--	.00	.03	.00	.00	--	.00
Mobility of Industry										
Mobile	.39	.58	.64	.50	.23	1.00	.58	1.00	.50	.23
Immobile	.62	.70	.36	.75	.08	.00	--	.00	--	--

TABLE 3: NATURE OF PLANT CLOSING THREATS DURING THE FIRST CONTRACT CAMPAIGN

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Plant Closing Threats	.14	.59	1.00	.59	1.00	.23	.50	1.00	.50	1.00
Specific unambiguous written threats	.01	.50	.09	.50	1.00	.02	.00	.07	.00	1.00
Specific unambiguous verbal threats in meetings	.03	.60	.23	.60	1.00	.05	.67	.21	.67	1.00
Specific unambiguous verbal threats at bargaining table	.04	.50	.27	.50	1.00	.05	.00	.21	.00	1.00
Veiled verbal threats in captive audience meetings	.06	.67	.41	.67	1.00	.08	.60	.36	.60	1.00
Veiled verbal threats at bargaining table	.06	.67	.41	.67	1.00	.10	.50	.43	.50	1.00
Threats to move to another country	.01	1.00	.09	1.00	1.00	.03	1.00	.14	1.00	1.00
<i>Mexico</i>	.01	1.00	.09	1.00	1.00	.03	1.00	.14	1.00	1.00
Union Filed ULP Charges on Threats	.05	.38	.09	.50	1.00	.08	.20	.07	1.00	1.00
<i>Disposition:*</i>										
Union withdrew charges before	.01 (.13)	.00	.00 (.00)	--	--	.02 (.20)	.00	.00 (.00)	--	--
Charges dismissed/no complaint issued	.00 (.00)	--	.00 (.00)	--	--	.00 (.00)	--	.00 (.00)	--	--
Charges settled before complaint	.01 (.13)	.00	.00 (.00)	--	--	.02 (.20)	.00	.00 (.00)	--	--
Complaint issued on at least some	.03 (.50)	.50	.05 (.50)	.00	1.00	.05 (.60)	.33	.07 (1.00)	.00	1.00
Charges settled after complaint	.03 (.50)	.50	.05 (.50)	1.00	1.00	.02 (.20)	.00	.00 (.00)	--	--
Final determination in union's favor	.01 (.13)	.00	.00 (.00)	--	--	.00 (.00)	--	.00 (.00)	--	--
Final determination not in union's favor	.00 (.00)	--	.00 (.00)	--	--	.00 (.00)	--	.00 (.00)	--	--
Why Charges Were Not Filed**										
Confident going to settle a contract	.03 (.26)	.80	.23 (.26)	.80	1.00	.03 (.15)	.50	.14 (.15)	.50	1.00
Felt the case was not strong enough	.06 (.47)	.67	.41 (.47)	.67	1.00	.13 (.62)	.63	.57 (.62)	.63	1.00
Not worth the effort – going to lose	.01 (.05)	.00	.05 (.05)	.00	1.00	.00 (.00)	.00	.00 (.00)	--	--
Other	.03 (.21)	.25	.18 (.21)	.25	1.00	.05 (.23)	.33	.21 (.23)	.33	1.00

*Proportions in parenthesis are based on cases where ULPs were filed

**Proportions in parenthesis are based on cases where no ULPs were filed

TABLE 4: CORPORATE STRUCTURE, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Corporate History										
Years company has been in operation	35.50	--	25.29	--	--	27.50	--	18.00	--	--
Years under current ownership	20.84	--	15.25	--	--	13.55	--	10.58	--	--
Years at present site	28.42	--	21.09	--	--	21.97	--	18.14	--	--
Ownership structure										
Subsidiary of larger parent	.78	.65	.73	.56	.13	.90	.61	.79	.55	.20
Not subsidiary	.22	.68	.27	.67	.18	.10	.33	.21	.33	.50
Non-profit	.29	.73	.09	.50	.04	.02	.00	.00	--	.00
For-profit	.71	.62	.91	.60	.18	.98	.59	1.00	.50	.24
<i>Publicly-held</i>	.39	.67	.27	.67	.12	.43	.73	.36	.60	.19
<i>Privately-held</i>	.33	.58	.64	.57	.23	.55	.49	.64	.44	.27
Global Structure										
U.S.-based, all sites U.S.	.34	.53 (.72)	.50	.55 (.64)	.21	.37	.36 (.71)	.43	.33 (.63)	.27
U.S.-based multinational	.30	.63 (.66)	.41	.67 (.54)	.20	.48	.66 (.52)	.57	.63 (.33)	.28
Foreign-based multinational	.08	1.00 (.63)	.00	-- (.59)	.00	.13	1.00 (.52)	.00	--	.00
<i>Canada</i>	.03	1.00	.03	1.00	.00	.00	--	.00	--	--
<i>Latin America/Caribbean</i>	.00	--	--	--	--	.00	--	.00	--	--
<i>Asia</i>	.00	--	--	--	--	.00	--	.00	--	--
<i>Europe/Mediterranean</i>	.04	1.00	.05	1.00	.00	.10	1.00	.00	--	.00
<i>Australia/New Zealand</i>	.01	1.00	.01	1.00	.00	.02	1.00	.00	--	.00
Foreign sites and locations	.41	.70 (.62)	.50	.73 (.46)	.17	.63	.74 (.32)	.64	.67 (.20)	.24
<i>Canada</i>	.05	.63	.09	.50	.25	.03	.00	.07	.00	.50
<i>Latin America/Caribbean</i>	.02	1.00	.05	1.00	.33	.02	1.00	.00	--	.00
<i>Asia</i>	.02	.33	.00	--	.00	.02	.00	.00	--	.00
<i>Africa</i>	.01	1.00	.00	--	.00	.00	--	.00	--	--
<i>Europe/Mediterranean</i>	.03	.80	.05	1.00	.20	.03	1.00	.07	1.00	.50
<i>Australia/New Zealand</i>	.01	.00	.00	--	.00	.00	--	.00	--	--
<i>Mixed Europe/N. America/Australia</i>	.03	.75	.05	1.00	.25	.07	.75	.07	1.00	.25
<i>Mixed North and South America</i>	.03	.75	.00	.00	.00	.02	.00	.00	--	.00
<i>Mixed/Global</i>	.22	.71	.27	.67	.17	.45	.82	.43	.67	.22

TABLE 4: CORPORATE STRUCTURE, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Foreign customers	.43	.69 (.63)	.50	.73 (.46)	.16	.70	.71 (.28)	.64	.67 (.20)	.21
<i>Canada</i>	.05	.63	.05	.00	.13	.05	.33	.07	.00	.33
<i>Latin America/Caribbean</i>	.03	.50	.14	.33	.75	.03	.00	.14	.00	1.00
<i>Asia</i>	.01	.00	.00	.00	.00	.02	.00	.00	--	.00
<i>Africa</i>	.01	1.00	.00	.00	.00	.00	--	.00	--	--
<i>Europe/Mediterranean</i>	.02	.67	.00	1.00	.00	.00	--	.00	--	--
<i>Australia/New Zealand</i>	.01	.00	.00	.00	.00	.00	--	.00	--	--
<i>Mixed Europe/N. America/Australia</i>	.03	1.00	.05	1.00	.20	.08	1.00	.07	1.00	.20
<i>Mixed North and South America</i>	.03	.80	.05	1.00	.20	.03	.50	.07	1.00	.50
<i>Mixed/Global</i>	.25	.69	.23	1.00	.13	.48	.79	.29	1.00	.14
Foreign suppliers	.41	.67 (.64)	.46	.60 (.58)	.16	.68	.66 (.42)	.57	.50 (.50)	.20
<i>Canada</i>	.04	.67	.05	.00	.17	.02	.00	.07	.00	1.00
<i>Latin America/Caribbean</i>	.03	.50	.09	.00	.50	.05	.33	.14	.00	.67
<i>Asia</i>	.01	.00	.00	--	.00	.02	.00	.00	--	.00
<i>Africa</i>	.01	1.00	.00	--	.00	.00	--	.00	--	--
<i>Europe/Mediterranean</i>	.02	1.00	.00	--	.00	.02	1.00	.00	--	.00
<i>Australia/New Zealand</i>	.01	.00	.00	--	.00	.00	--	.00	--	--
<i>Mixed Europe/N. America/Australia</i>	.02	.67	.05	1.00	.33	.05	.67	.07	1.00	.33
<i>Mixed North and South America</i>	.03	.75	.00	--	.00	.02	.00	.00	--	.00
<i>Mixed/Global</i>	.26	.68	.27	.83	.15	.52	.74	.29	.75	.13
Any foreign sites, suppliers, or customers	.50	.68 (.63)	.62	.69	.17	.81	.68	.79	.64 (.00)	.23

* Number in parenthesis reports the percent win rate where the characteristic did not occur.

TABLE 5: COMPANY CHARACTERISTICS, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Employment										
Number of eligible voters in the unit	178.52	--	142.55	--	--	183.62	--	119.14	--	--
<i>50-99 eligible voters</i>	.40	.52	.59	.46	.21	.45	.52	.64	.44	.33
<i>100-249 eligible voters</i>	.42	.73	.27	.83	.09	.30	.61	.21	.67	.17
<i>250-499 eligible voters</i>	.11	.71	.09	.50	.12	.18	.64	.14	.50	.18
<i>500 or more eligible voters</i>	.06	.90	.05	1.00	.10	.07	.75	.00	--	.00
Total number of employees at parent	21,886.36	--	19,474.05	--	--	21,585.40	--	9,512.00	--	--
Total number of U.S.-based employees	12,844.31	--	6,552.47	--	--	12,366.86	--	8,713.10	--	--
Financial condition										
Excellent	.21	.53	.18	.25	.13	.25	.40	.29	.25	.27
Good	.43	.71	.46	.70	.15	.42	.60	.36	.60	.20
Fair	.32	.66	.36	.63	.16	.27	.81	.36	.60	.31
Poor	.05	.57	.00	--	.00	.05	.00	.00	--	.00
Annual revenue of parent company	\$2,721.89	--	\$3,660.48	--	--	\$3,864.11	--	\$2,984.15	--	--
Less than \$25 million	.26	.56	.32	.57	.18	.19	.27	.29	.25	.36
\$25-249.9 million	.25	.58	.18	.75	.11	.24	.50	.14	1.00	.14
\$250-999.9 million	.13	.85	.14	.33	.15	.14	.63	.14	.00	.25
\$1-4.9 billion	.22	.79	.23	.80	.15	.26	.87	.29	1.00	.27
\$5 billion or more	.13	.45	.14	.33	.15	.17	.50	.14	.00	.20
Net income	\$37.30	--	\$52.30	--	--	\$178.32	--	\$41.88	--	--
Negative net income	.32	.64	.40	.33	.15	.18	.38	.30	.33	.38
\$0 - .9 million	.14	.59	.00	--	.00	.07	.67	.00	--	.00
\$1 - 24.9 million	.26	.75	.13	1.00	.06	.32	.86	.10	1.00	.07
\$25 - 99.9 million	.13	.75	.20	.33	.19	.18	.63	.30	.33	.38
\$100 million or more	.15	.61	.27	.75	.22	.25	.64	.30	.67	.27
Percent change in net income in the last year	-.12	--	-.01	--	--	.05	--	-.00	--	--

TABLE 5: COMPANY CHARACTERISTICS, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Region										
Northeast	.30	.72	.23	.80	.11	.15	.67	.21	.67	.33
Midwest	.23	.78	.27	.67	.17	.32	.74	.29	.75	.21
Southeast	.20	.48	.27	.33	.19	.33	.50	.43	.33	.30
Southwest	.04	1.00	.05	1.00	.17	.05	1.00	.00	--	.00
West Coast and Mountain States	.22	.50	.18	.50	.12	.15	.22	.07	.00	.11
Territories	.01	1.00	.00	--	.00	.00	--	.00	--	--
Unionization										
Other organized units at the same site	.21	.79	.27	.33	.18	.13	.75	.29	.50	.50
Other organized units at other sites	.64	.72	.50	.46	.11	.67	.68	.57	.50	.20

TABLE 6: UNIT CHARACTERISTICS, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Wages										
Hourly workers	.94	--	.91	--	--	.99	--	1.00	--	--
<i>Average wage of hourly workers</i>	\$10.53	--	\$11.30	--	--	\$10.59	--	\$10.43	--	--
<i>Minimum hourly wage</i>	\$8.17	--	\$7.88	--	--	\$8.17	--	\$7.61	--	--
<i>Maximum hourly wage</i>	\$13.89	--	\$14.08	--	--	\$14.08	--	\$13.61	--	--
Salaried workers	.06	--	.09	--	--	.01	--	.00	--	--
<i>Average yearly salary</i>	\$25,971.34	--	\$17,003.35	--	--	\$26,000.00	--	\$32,000.00	--	--
<i>Minimum yearly salary</i>	\$25,388.20	--	\$13,760.00	--	--	\$22,000.00	--	\$29,000.00	--	--
<i>Maximum yearly salary</i>	\$50,475.15	--	\$36,866.67	--	--	\$31,166.67	--	\$33,500.00	--	--
Hourly and Salaried Combined	1.00	--	1.00	--	--	1.00	--	1.00	--	--
<i>Average wage</i>	\$10.86	--	\$11.16	--	--	\$10.60	--	\$10.46	--	--
<i>Average wage more than \$12/hour</i>	.33	.69 (.65)	.36	.75 (.50)	.16	.37	.64 (.55)	.29	.75 (.40)	.18
<i>Average wage \$8 - \$11/hour</i>	.42	.66 (.67)	.45	.60 (.58)	.16	.43	.69 (.50)	.50	.57 (.43)	.27
<i>Average wage less than \$8/hour</i>	.25	.64 (.67)	.18	.25 (.67)	.10	.20	.25 (.67)	.21	.00 (.64)	.25
Gender										
Percent women in unit	.51	--	.43	--	--	.23	--	.26	--	--
<i>No women in unit</i>	.12	.47 (.68)	.18	.50 (.61)	.21	.25	.53 (.60)	.29	.50 (.50)	.27
<i>1- 49 percent women</i>	.30	.62 (.67)	.36	.63 (.57)	.17	.57	.62 (.54)	.43	.50 (.50)	.18
<i>50-74 percent women</i>	.20	.81 (.62)	.18	.50 (.61)	.13	.12	.57 (.59)	.21	.67 (.46)	.43
<i>75 percent or more women</i>	.38	.66 (.65)	.27	.67 (.56)	.10	.07	.50 (.59)	.07	.00 (.54)	.25
Race and Ethnic Background										
Percent workers of color in unit	.43	--	.47	--	--	.40	--	.46	--	--
<i>Percent African-American</i>	.25	--	.22	--	--	.20	--	.22	--	--
<i>Percent Hispanic</i>	.14	--	.23	--	--	.17	--	.21	--	--
<i>Percent Asian</i>	.03	--	.02	--	--	.01	--	.03	--	--
<i>Percent Native American</i>	.00	--	.00	--	--	.01	--	.00	--	--
<i>No workers of color in unit</i>	.08	.62 (.66)	.05	.00 (.62)	.08	.08	.60 (.58)	.07	.00 (.54)	.20
<i>1-49 percent workers of color</i>	.50	.69 (.62)	.46	.70 (.50)	.13	.55	.73 (.41)	.43	.83 (.25)	.18
<i>50-74 percent workers of color</i>	.14	.62 (.66)	.14	.67 (.58)	.14	.12	.43 (.60)	.14	.50 (.50)	.29
<i>75 percent or more workers of color</i>	.28	.61 (.67)	.36	.50 (.64)	.18	.25	.33 (.67)	.36	.20 (.67)	.33

TABLE 6: UNIT CHARACTERISTICS, PLANT CLOSING THREATS, AND CAMPAIGN OUTCOME

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Percent women of color	.24	--	.23	--	--	.12	--	.14	--	--
<i>No women workers of color in unit</i>	.23	.47 (.71)	.27	.50 (.63)	.17	.35	.48 (.64)	.43	.50 (.50)	.29
<i>1-49 percent women workers of color</i>	.54	.73 (.57)	.50	.55 (.64)	.13	.55	.70 (.44)	.43	.50 (.50)	.18
<i>50-74 percent women workers of color</i>	.15	.63 (.66)	.09	.50 (.60)	.08	.08	.40 (.60)	.14	.50 (.50)	.40
<i>75 percent plus women workers of color</i>	.08	.75 (.65)	.14	1.00 (.53)	.25	.02	.00 (.59)	.00	.00 (.50)	.00
Percent recent immigrants	.05	--	.09	--	--	.03	--	.04	--	--
Percent undocumented	.01	--	.04	--	--	.01	--	.00	--	--
Percent non-English speaking	.15	--	.24	--	--	.19	--	.24	--	--
Hours of work										
Percent part-time	.12	--	.04	--	--	.02	--	.01	--	--
Percent on call, temporary, per diem	.08	--	.11	--	--	.07	--	.15	--	--
Percent average more than 5 hrs/wk	.26	--	.34	--	--	.34	--	.42	--	--
Irregular work schedules	.86	.62 (.86)	.82	.56 (.75)	.13	.95	.60 (.33)	.93	.54 (.00)	.23
Percent work 10-12 hour shifts	.14	--	.29	--	--	.18	--	.36	--	--
Percent work evening/night shifts	.27	--	.30	--	--	.30	--	.32	--	--
Percent work rotating shifts	.12	--	.17	--	--	.15	--	.21	--	--
Percent work weekend shifts	.36	--	.46	--	--	.30	--	.56	--	--
Unit Type										
Craft	.01	1.00	.05	1.00	1.00	.02	1.00	.07	1.00	1.00
Drivers	.10	.33	.09	.00	.13	.10	.00	.14	.00	.33
Guards	.01	.00	.00	--	.00	.00	--	.00	--	--
Non-professional	.09	.86	.05	1.00	.07	.02	.00	.00	--	.00
Production and Maintenance	.33	.69	.41	.78	.18	.73	.75	.57	.75	.18
Professional/Technical	.14	.73	.09	.50	.09	.02	.00	.00	--	.00
Service and Maintenance	.21	.66	.14	1.00	.09	.02	.00	.00	--	.00
Wall-to-Wall/Cross Departments	.10	.53	.14	.00	.20	.07	.00	.14	.00	.50
Clerical/White Collar	.03	.75	.05	.00	.25	.03	1.00	.07	.00	.50
Final unit different from petitioned unit	.26	.68 (.65)	.23	.80 (.53)	.13	.15	.67 (.57)	.29	.75 (.40)	.44

* Number in parenthesis reports the percent win rate where the characteristic did not occur.

TABLE 7: COMPANY PRACTICES BEFORE AND AFTER THE ELECTION

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Practice before election										
<i>Threatened to close plant</i>	.40	.60 (.69)	.64	.71 (.38)	.22	.62	.57 (.61)	.64	.67 (.20)	.24
<i>Number of anti-union tactics</i>	6.21	--	7.77	--	--	7.02	--	6.64	--	--
<i>No anti-union tactics</i>	.06	.78 (.65)	.05	.00 (.62)	.11	.02	.00 (.59)	.07	.00 (.54)	1.00
<i>More than five anti-union tactics</i>	.51	.63 (.68)	.64	.64 (.50)	.18	.65	.56 (.62)	.64	.56 (.40)	.23
<i>More than ten anti-union tactics</i>	.15	.63 (.66)	.23	.80 (.53)	.21	.17	.40 (.62)	.14	.50 (.50)	.20
Practice after election										
<i>Changed ownership or structure</i>	.14	.64 (.66)	.27	.83 (.50)	.27	.20	.75 (.54)	.29	1.00 (.30)	.33
<i>Made major cutbacks in staffing</i>	.14	.36 (.70)	.18	.50 (.61)	.18	.23	.36 (.65)	.21	.33 (.55)	.21
<i>Changes in new hire demographics</i>	.03	.00 (.67)	.05	.00 (.62)	.25	.02	.00 (.59)	.07	.00 (.54)	1.00
<i>Made positive changes in management</i>	.23	.75 (.63)	.36	.88 (.43)	.22	.33	.80 (.48)	.43	.83 (.25)	.30
<i>Increased use of temporary workers</i>	.11	.47 (.68)	.23	.20 (.71)	.29	.13	.38 (.62)	.29	.25 (.60)	.50
<i>Contracted out work</i>	.07	.55 (.66)	.23	.40 (.65)	.46	.12	.43 (.60)	.29	.25 (.60)	.57
<i>Transferred work out of the unit</i>	.04	.33 (.67)	.09	.50 (.60)	.33	.07	.25 (.61)	.14	.50 (.50)	.50
<i>Shut down all or part of the plant</i>	.05	.13 (.68)	.00	--	.00	.08	.20 (.62)	.00	-- (.50)	.00
<i>Bargaining never started</i>	.11	.00 (.72)	.05	.00 (.62)	.06	.10	.00 (.65)	.07	.00 (.54)	.17
Attitudes towards bargaining										
<i>Absolute refusal to bargain</i>	.10	.13	.05	.00	.06	.10	.00	.07	.00	.17
<i>Hard bargaining</i>	.25	.54	.41	.44	.23	.33	.45	.36	.20	.25
<i>Business like confrontation</i>	.19	.73	.23	.60	.17	.15	.67	.29	.50	.44
<i>Good-faith bargaining</i>	.25	.87	.00	--	.00	.22	.85	.00	--	.00
<i>Combination</i>	.19	.77	.32	.86	.23	.20	.75	.29	1.00	.33
<i>Bargaining has not yet begun</i>	.01	.00	.00	--	.00	.00	--	.00	--	--

TABLE 8: EMPLOYER BEHAVIOR AND PLANT CLOSING THREATS DURING THE CAMPAIGN

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Campaign Tactics										
Filed election objections	.18	.68 (.65)	.18	.75 (.56)	.14	.13	.63 (.58)	.14	.50 (.50)	.25
Hired management consultant	.58	.60 (.73)	.68	.60 (.57)	.17	.57	.47 (.73)	.64	.44 (.60)	.27
Refused information requests	.20	.42 (.71)	.50	.64 (.55)	.36	.22	.31 (.66)	.43	.33 (.63)	.46
Refused requests to start bargaining	.17	.44 (.70)	.23	.60 (.59)	.19	.17	.30 (.64)	.14	.50 (.50)	.20
Refused union representatives workplace access	.22	.41 (.72)	.27	.33 (.69)	.18	.22	.23 (.68)	.36	.20 (.67)	.39
Refused paid release time to unit members	.44	.62 (.68)	.59	.62 (.56)	.19	.38	.57 (.60)	.50	.57 (.43)	.30
Refused unpaid release time to unit members	.07	.46 (.67)	.09	1.00 (.55)	.18	.05	.67 (.58)	.07	1.00 (.46)	.33
Proposed major concessions on wages and benefits	.19	.55 (.68)	.46	.30 (.83)	.35	.22	.39 (.64)	.50	.14 (.86)	.54
Continued captive audience meetings after election	.12	.42 (.69)	.36	.38 (.71)	.42	.15	.44 (.61)	.43	.33 (.63)	.67
<i>Number of meetings</i>	10.89	--	14.43	--	--	14.56	--	16.50	--	--
Mailed anti-union letters	.14	.48 (.68)	.23	.80 (.53)	.24	.12	.43 (.60)	.14	.50 (.50)	.29
<i>Number of letters</i>	2.70	--	2.50	--	--	2.57	--	2.50	--	--
Distributed anti-union leaflets	.15	.54 (.67)	.36	.50 (.64)	.33	.15	.44 (.61)	.43	.33 (.63)	.67
<i>Number of leaflets</i>	5.81	--	3.17	--	--	7.00	--	3.20	--	--
Held supervisor one-on-ones	.21	.55 (.68)	.59	.54 (.67)	.39	.30	.39 (.67)	.57	.38 (.67)	.44
Established Employee Involvement	.03	.80 (.65)	.00	-- (.59)	.00	.02	1.00 (.58)	.00	-- (.50)	.00
Made unilateral changes	.30	.50 (.72)	.46	.50 (.67)	.22	.30	.44 (.64)	.36	.40 (.56)	.28
Discharged union activists	.23	.50 (.70)	.50	.64 (.55)	.31	.27	.50 (.61)	.64	.56 (.40)	.56
<i>Number discharged</i>	3.94	--	4.64	--	--	5.19	--	4.89	--	--
<i>Number not reinstated</i>	3.31	--	3.82	--	--	4.50	--	3.89	--	--
<i>Fired workers not reinstated</i>	.22	.51 (.69)	.50	.64 (.55)	.31	.27	.50 (.61)	.64	.56 (.40)	.56
Promoted pro-union activists	.07	.46 (.67)	.09	.50 (.60)	.18	.05	.33 (.60)	.14	.50 (.50)	.67
Used bribes or special favors	.03	.60 (.66)	.00	-- (.59)	.00	.02	1.00 (.58)	.00	-- (.50)	.00

TABLE 8: EMPLOYER BEHAVIOR AND PLANT CLOSING THREATS DURING THE CAMPAIGN

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Used electronic surveillance	.05	.43 (.66)	.00	-- (.59)	.00	.07	.25 (.61)	.00	-- (.50)	.00
Held social events outside work with anti-union message	.03	.75 (.65)	.09	1.00 (.55)	.50	.05	.67 (.58)	.07	1.00 (.46)	.33
Assisted anti-union committee	.26	.56 (.69)	.59	.62 (.56)	.32	.32	.42 (.66)	.64	.56 (.40)	.47
Used free mass media	.02	.67 (.65)	.05	1.00 (.57)	.33	.00	--	.00	-- (.50)	--
Bought paid time on mass media	.01	.50 (.66)	.00	-- (.59)	.00	.02	1.00 (.58)	.00	-- (.50)	.00
Showed anti-union videos	.01	1.00 (.65)	.05	1.00 (.57)	1.00	.00	--	.00	-- (.50)	--
Made threats to refer workers to INS	.02	.33 (.66)	.09	.50 (.66)	.67	.02	.00 (.59)	.07	.00 (.54)	1.00
Involved elected officials	.03	.50 (.66)	.00	-- (.59)	.00	.02	.00 (.59)	.00	-- (.50)	.00
Involved clergy	.03	.25 (.66)	.00	-- (.59)	.00	.00	--	.00	-- (.50)	--
Involved community groups	.01	.00 (.66)	.00	-- (.59)	.00	.00	--	.00	-- (.50)	--
Helped organize decertification campaign	.15	.35 (.71)	.32	.43 (.67)	.30	.18	.46 (.61)	.43	.50 (.50)	.55
Threatened to close the plant	.14	.59 (.66)	1.00	.59 (.66)	1.00	.23	.50 (.61)	1.00	.50 (.61)	1.00
Filed unfair labor practice charges against union	.03	.00 (.68)	.05	.00 (.62)	.20	.03	.00 (.60)	.07	.00 (.54)	.50
Number of tactics used	4.13	--	7.95	--	--	4.25	--	7.79	--	--
<i>No tactics used</i>	.14	.86 (.62)	.00	-- (.59)	.00	.12	.86 (.55)	.00	-- (.50)	.00
<i>Five or more tactics used</i>	.36	.54 (.72)	.73	.63 (.50)	.29	.37	.46 (.66)	.71	.50 (.50)	.46
<i>Ten or more tactics used</i>	.11	.29 (.70)	.36	.38 (.71)	.47	.13	.13 (.65)	.36	.20 (.67)	.63
Bargaining Tactics										
Absolutely refused to bargain	.10	.13 (.71)	.05	.00 (.62)	.06	.10	.00 (.65)	.07	.00 (.53)	.17
Played one sector of unit off the other	.22	.53 (.69)	.41	.67 (.54)	.26	.25	.60 (.58)	.29	.75 (.40)	.27
Engaged in surface bargaining	.29	.53 (.70)	.50	.55 (.64)	.24	.33	.45 (.65)	.50	.43 (.57)	.35
Bargained hard over union security issues	.52	.62 (.69)	.68	.53 (.71)	.19	.57	.62 (.54)	.86	.50 (.50)	.35
Repeated used of delaying tactics	.34	.60 (.68)	.50	.55 (.64)	.21	.38	.57 (.60)	.57	.50 (.50)	.35

TABLE 8: EMPLOYER BEHAVIOR AND PLANT CLOSING THREATS DURING THE CAMPAIGN

	All First Contract Campaigns					Campaigns in Mobile Industries				
	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate	Proportion or Mean of Campaigns	Percent Contract Rate	Proportion or Mean with Threats	Contract Rate with Threats	Percent Threat Rate
Granted better wages to workers outside unit	.08	.75 (.65)	.00	– (.59)	.00	.05	1.00 (.56)	.00	– (.50)	.00
Declared impasse and implemented final offer	.03	.40 (.66)	.00	– (.59)	.00	.05	.33 (.60)	.00	– (.50)	.00
Locked-out bargaining unit workers	.00	– (.65)	.00	– (.59)	--	.00	--	.00	– (.50)	--
Filed charges for bad faith bargaining	.03	.20 (.67)	.05	.00 (.62)	.20	.07	.25 (.61)	.07	.00 (.54)	.25
Forced union to strike by holding to concessions	.04	.33 (.67)	.05	1.00 (.57)	.17	.05	.33 (.60)	.00	– (.50)	.00
ULP's filed on Employer Tactics	.36	.53 (.73)	.62	.62 (.63)	.24	.36	.52 (.63)	.54	.57 (.50)	.33
<i>Disposition**</i>										
Union withdrew the charges	.06 (.16)	.78	.18 (.31)	1.00	.44	.03 (.10)	1.00	.14 (.29)	1.00	1.00
Charges dismissed without complaint issued	.03 (.09)	.40	.00 (.00)	–	.00	.05 (.14)	.67	.00 (.00)	–	.00
Union and employer settled before complaint	.08 (.22)	.83	.09 (.15)	.50	.17	.03 (.10)	1.00	.00 (.00)	–	.00
Board issued complaint	.13 (.36)	.45	.23 (.39)	.40	.25	.17 (.48)	.50	.36 (.71)	.40	.50
Board dismissed union charges	.00 (.00)	--	.00 (.00)	–	.00	.00 (.00)	--	.00 (.00)	–	--
Union and employer settled after complaint	.07 (.20)	.64	.14 (.23)	1.00	.27	.07 (.19)	.50	.07 (.14)	1.00	.25
Fired workers reinstated before contract settled	.03 (.07)	.50	.05 (.08)	.00	.25	.05 (.14)	.67	.07 (.14)	.00	.33
Final board determination in union's favor	.06 (.18)	.20	.18 (.31)	.25	.40	.08 (.24)	.40	.21 (.43)	.33	.60
Final board determination not in union's favor	.01 (.04)	1.00	.05 (.08)	1.00	.50	.03 (.10)	1.00	.07 (.14)	1.00	.50

*Number in parenthesis reports the percent win rate where the characteristic did not occur.

** Proportion in parentheses is based on cases where ULPs were filed.

TABLE 9: FINAL STATUS OF UNITS IN ORGANIZING AND FIRST CONTRACT SURVEYS

	Proportion or Mean of Elections	Proportion or Mean of Elections Won	Proportion or Mean of Elections Lost	Proportion or Mean of Elections with Threats	Proportion or Mean of Elections without Threats	Proportion or Mean of Elections Won with Threats	Proportion or Mean of Elections Lost with Threats	Proportion or Mean of First Contracts Won	Proportion or Mean of First Contracts Lost
Number of eligible voters									
Average number of voters	191.95	200.58	185.09	208.33	174.68	230.88	194.39	234.48	130.46
Total number of voters	79,277	36,706	42,571	44,166	35,111	18,701	25,465	29,075	8,871
Percent signed cards before petition filed	.66	.71	.62	.66	.65	.71	.63	.69	.62
70 percent or more signed cards	.45	.61	.32	.43	.47	.62	.32	.57	.67
Percent union vote	.49	.65	.35	.46	.51	.66	.34	.65	.34
0-25 percent	.11	.00	.19	.13	.09	.00	.21	.02	.19
26-45 percent	.37	.00	.64	.39	.34	.00	.63	.03	.65
46-50 percent	.10	.06	.13	.10	.09	.04	.14	.07	.13
51-55 percent	.09	.20	.00	.10	.08	.25	.00	.16	.01
56-75 percent	.23	.51	.00	.20	.26	.52	.00	.50	.02
More than 75 percent	.11	.23	.00	.08	.13	.19	.00	.23	.01
Delay									
Days from petition to election	81.79	85.68	78.71	83.83	79.65	107.28	90.88	76.06	134.09
Days from election to first contract	351.43	343.93	570.75	345.80	355.26	345.80	--	351.43	--
Union lost election	.56	.00	1.00	.63	.49	.00	1.00	.04	.07
Union filed election objections*	.12	.00	.21	.13	.10	.00	.21	.00	.00
<i>Objections upheld and union certified</i>	.00	.00	.00 (.02)	.01	.00	.00	.01 (.04)	.00	.00
<i>Objections upheld and rerun scheduled</i>	.03	.00	.06 (.28)	.01	.05	.00	.02 (.11)	.00	.00
Union won rerun election**	.01	.00	.01 (.23)	.01	.02	.00	.00 (.00)	.00	.00
Union lost rerun election**	.02	.00	.04 (.62)	.01	.03	.00	.02 (.67)	.00	.00
Rerun not yet scheduled**	.01	.00	.01 (.15)	.01	.01	.00	.01 (.33)	.00	.00
<i>Objections dismissed</i>	.05	.00	.09 (.45)	.07	.04	.00	.11 (.52)	.00	.00
<i>Objections settled</i>	.01	.00	.01 (.06)	.01	.00	.00	.02 (.11)	.00	.00
<i>Objections withdrawn</i>	.01	.00	.02 (.09)	.01	.01	.00	.02 (.07)	.00	.00
<i>Objections pending</i>	.01	.00	.01 (.06)	.01	.01	.00	.02 (.07)	.00	.00
<i>Issued posting but no rerun</i>	.01	.00	.01 (.04)	.01	.00	.00	.02 (.07)	.00	.00
Union went back for second election***	.17	.00	.32	.20	.14	.00	.33	.02	.07
<i>Second election won</i>	.02	.00	.03 (.10)	.01	.02	.00	.02 (.07)	.02	.04
<i>Second election lost</i>	.03	.00	.04 (.15)	.02	.03	.00	.04 (.12)	.00	.00

TABLE 9: FINAL STATUS OF UNITS IN ORGANIZING AND FIRST CONTRACT SURVEYS

	Proportion or Mean of Elections	Proportion or Mean of Elections Won	Proportion or Mean of Elections Lost	Proportion or Mean of Elections with Threats	Proportion or Mean of Elections without Threats	Proportion or Mean of Elections Won with Threats	Proportion or Mean of Elections Lost with Threats	Proportion or Mean of First Contracts Won	Proportion or Mean of First Contracts Lost
<i>Second election still not scheduled</i>	.09	.00	.15 (.49)	.11	.06	.00	.17 (.54)	.00	.03
<i>Union withdrew from second election</i>	.03	.00	.05 (.16)	.03	.03	.00	.05 (.15)	.00	.00
<i>Union won voluntary recognition</i>	.01	.00	.01 (.03)	.01	.01	.00	.01 (.02)	.01	.00
<i>Plant closed before election</i>	.01	.00	.02 (.06)	.02	.00	.00	.04 (.10)	.00	.00
<i>Other union won election</i>	.00	.00	.00 (.01)	.00	.01	.00	.00 (.00)	.00	.00
Union won the election	.44	1.00	.00	.38	.51	1.00	.00	.96	.93
Election certified	.44	.98	.00	.37	.51	.99	.00	.97	.88
Union won first or second election	.47	1.00	.04	.39	.55	1.00	.02	1.00	1.00
Union won first contract	.30	.66	.02	.23	.37	.61	.00	1.00	.00
Election held 1998	.31	.74	.01	.20	.42	.65	.00	1.00	.00
Election held 1999	.29	.59	.03	.26	.33	.58	.00	1.00	.00
First contract not reached	.70	.34	.98	.77	.63	.39	1.00	.00	1.00
Election objections still pending	.00	.01	.00	.00	.01	.00	.00	.00	.02
Union still bargaining	.08	.16	.01	.08	.08	.21	.00	.00	.46
Employer refusing to bargain/ impasse	.02	.04	.00	.02	.02	.06	.00	.00	.12
Union out on strike	.01	.01	.00	.00	.01	.00	.00	.00	.03
Full or partial plant shutdown	.02	.05	.00	.03	.02	.07	.00	.00	.15
Union withdrew	.02	.03	.00	.01	.03	.02	.01	.00	.10
Union decertified	.01	.03	.00	.01	.01	.04	.00	.00	.08
Union lost majority status	.01	.02	.00	.00	.02	.00	.00	.00	.05
Average wage increase from first contract	.17	.18	.08	.17	.18	.17	--	.17	--
Negotiator view of first contract quality									
One of the best in the industry	.03	.07	.00	.04	.02	.10	.00	.12	--
Better than most in the industry	.11	.21	.01	.05	.15	.14	.00	.42	--
Typical of the industry	.08	.18	.00	.06	.10	.15	.00	.33	--
Somewhat below average for industry	.03	.07	.00	.03	.04	.07	.00	.13	--

*Numbers in parenthesis are based on cases where the union filed objections after the election was lost.

**Numbers in parenthesis are based on cases where a rerun was ordered by the NLRB after the election was lost.

***Numbers in parenthesis are based on cases where the union went back for a second election campaign after the election was lost.

TABLE 10: FIRST CONTRACT GAINS

	All First Contract Campaigns			Campaigns in Mobile Industries		
	Proportion or Mean of All First Contracts	Proportion or Mean of First Contracts with Threats	Percent Threat Rate	Proportion or Mean of All First Contracts	Proportion or Mean of First Contracts with Threats	Percent Threat Rate
Contract Gains						
Wage Increase	.94	1.00	.14	.91	1.00	.22
<i>Percent increase in average wage</i>	.17	.15	--	.16	.19	--
<i>Percent increase in median wage</i>	.15	.16	--	.17	.23	--
Elimination of merit	.44	.39	.11	.40	.43	.21
Establishment of step system	.41	.39	.12	.40	.57	.29
Dues checkoff	.93	1.00	.14	.91	1.00	.22
Pro-rated benefits for part-timers	.39	.08	.03	.06	.00	.00
Grievance procedure	.98	1.00	.13	.97	1.00	.21
Arbitration procedure	.97	1.00	.13	.94	1.00	.21
Paid release time for stewards	.60	.46	.10	.66	.43	.13
Improvements in sick leave	.40	.39	.12	.29	.43	.30
Improvements in holidays	.43	.46	.14	.49	.57	.24
Improvements in vacation	.30	.15	.07	.31	.29	.18
Just cause discipline	.90	.92	.13	.80	.86	.21
Defined benefit pension plan	.20	.08	.05	.17	.14	.17
Defined contribution pension plan	.24	.39	.21	.26	.43	.33
Individual health insurance	.62	.69	.14	.60	.57	.19
Dependent health insurance	.47	.39	.10	.51	.43	.17
Union shop	.63	.69	.14	.63	.71	.23
Agency shop	.12	.00	.00	.09	.00	.00
Right to refuse unsafe work	.43	.46	.14	.49	.57	.24
Seniority determining factor for promotions	.78	.77	.13	.74	.86	.23
Seniority determining factor for layoffs	.87	.85	.12	.83	1.00	.24
Parental leave	.51	.39	.10	.31	.14	.09
Career ladder/job training program	.24	.39	.21	.20	.57	.57
Minimum staffing	.09	.08	.11	.00	.00	.00

TABLE 10: FIRST CONTRACT GAINS

	All First Contract Campaigns			Campaigns in Mobile Industries		
	Proportion or Mean of All First Contracts	Proportion or Mean of First Contracts with Threats	Percent Threat Rate	Proportion or Mean of All First Contracts	Proportion or Mean of First Contracts with Threats	Percent Threat Rate
Sub-contracting limits	.36	.15	.05	.26	.29	.22
Grievable anti-discrimination language	.71	.77	.14	.69	.86	.25
Successorship language	.48	.54	.14	.37	.57	.31
Neutrality or card check for other units	.10	.08	.10	.09	.14	.33
Negotiator view of first contract quality						
One of the best in the industry	.12	.12	.17	.12	.14	.25
Better than most in the industry	.42	.45	.07	.38	.43	.23
Typical of the industry	.33	.31	.18	.27	.29	.22
Somewhat below average for industry	.13	.13	.15	.24	.14	.13