



**Ten Rules for Talking to Union Members
About the Employee Free Choice Act**

2008

This memo is meant to advise unions on how to best educate, motivate, and mobilize union members in our collective effort to win passage of the Employee Free Choice Act for all of America's workers. The advice is based on findings from two stages of opinion research among union members. The first stage was a national telephone survey among 382 union members conducted by Hart Research Associates for the AFL-CIO in December 2006. Stage two consisted of seven focus groups among union members convened in February 2008 by Hart Research Associates and Lake Research Partners on behalf of American Rights at Work, Change to Win, and the AFL-CIO.

For more information and resources on the Employee Free Choice Act, visit:

American Rights at Work

www.americanrightsatwork.org

AFL-CIO

www.aflcio.org

Change to Win

www.changetowin.org

Ten Rules for Talking to Union Members

About the Employee Free Choice Act

1. Unions must substantially expand the effort to educate members about the urgent need for the Employee Free Choice Act. Most members—even activists—do not know about the legislation, and many even remain unaware of employer opposition to unions.

Few rank-and-file union members today know what the Employee Free Choice Act is, or that it is the highest legislative priority for America's unions. That is perhaps not surprising, given the limited media attention the issue has received to date. However, focus group discussions reveal that this lack of awareness extends even to stewards and other members actively involved in their unions. Moreover, it is not just this specific legislation with which members are unfamiliar: they demonstrate little awareness that organizing workers, or changing the law to facilitate that organizing, are priorities for their unions. While issues such as health care reform and fair trade are recognized as union concerns, and members understand and can recite important contributions that unions make, this issue simply is not on their radar screens.

Union members also have limited knowledge about the underlying policy and legal issues, especially those in the public sector as most became members as a condition of employment and have never experienced an organizing campaign or representation election. Indeed, only 54% of members know that companies routinely resist unionization efforts by their employees, and even fewer are aware of how frequently that opposition becomes coercion and intimidation.

Many union members will ultimately support the Employee Free Choice Act, if only because their unions support it and corporate opposition voices are not credible to them. However, such passive approval is not the same thing as the engaged support that would motivate union members to become active and help apply pressure on policymakers. That's what will be required, and much education will be needed before members have that kind of deeper commitment.

2. Our strongest message frame places the Employee Free Choice Act in the larger context of working people's economic struggles and unions' agenda for improving workers' lives. This is about the survival of the middle class and the American Dream, not labor law.

The survey and focus group results both demonstrate that the most effective message frame promotes the Employee Free Choice Act as part of the solution to the economic challenges facing working people. Such a framing heightens the perceived importance of the legislation by linking it to broadly held concerns of all workers. In contrast, a more narrow appeal focused on the problem of employer coercion, while also somewhat effective, does not give the issue the same kind of urgency for most workers.

Core Message Frame

Working people are struggling to make ends meet today, and we are in danger of seeing the American Dream disappear. Too often, corporations and their CEOs aren't treating workers fairly. They cut back on health care benefits and give raises that don't even keep up with the cost of living, while CEO salaries and profits go higher and higher. They coerce and intimidate employees who want a union voice and a contract, but these CEOs wouldn't work one day without a written contract that protected their perks. As a result, working people are losing ground—losing health care coverage, retirement security, and jobs.

An important way to help average people get their fair share is to remove unfair barriers to union representation and collective bargaining. Workers in unions earn 28% higher wages on average, are 62% more likely to have employer health coverage, and four times as likely to have a pension. That is why we need to pass the Employee Free Choice Act, which protects workers' freedom to choose a union.

Tapping into members' anger at corporate CEOs, who enrich themselves while working to lower the standard of living for union members and other workers, strengthens the message considerably. Pointing out corporations' double standard—providing written contracts to top managers while fighting to prevent rank-and-file workers from enjoying the same protection—is a particularly strong formulation. When describing the economic impact of more workers having unions, emphasize unions' role in providing health care coverage and retirement security. Also note that the frame speaks to members' values as well as their economic interests: their commitment to fairness and to the idea that all working people should have the opportunity to pursue and achieve the American Dream.

3. Communicate the reality of employer anti-union campaigns, so that members can see the need to reform a company-dominated system.

Most union members believe that management should not interfere when employees try to form a union, and fully 80% oppose anti-union campaigns in the workplace. However, recall that only 54% are aware that companies routinely undertake such campaigns, and still fewer are familiar with the intimidating tactics routinely employed by companies. We need to tell that story so that members understand the need for reform.

Union members object strongly to several common anti-union tactics, especially firing pro-union workers (97% say this is “unacceptable”), one-on-one meetings between supervisors and those they supervise (89%), warnings of cuts in pay or benefits if workers vote for the union (91%), and warnings of layoffs or shutdowns (82%). One-on-one meetings with supervisors are an especially powerful example of a *legal* method that employers use to create a coercive environment that undermines workers’ freedom to choose a union. Union members strongly agree that pressure from someone who conducts your job evaluations, sets your compensation, and even determines whether you keep your job is coercive.

As we tell our stories about the current company-dominated system, we should focus on corporations’ campaigns of intimidation—and the economic consequences for workers—more than highlighting the harm to “victims” of coercion. By over-emphasizing the plight of a worker who was fired for union activity and still hasn’t gotten his job back, we make the story about a single victimized worker. While that may elicit some sympathy, it doesn’t seem like a large problem or one that affects most union members. In contrast, by focusing on the hundreds of workers at that company who wanted a union so they could obtain health insurance (for example), but were denied that opportunity by employer coercion, we tell a larger and more relevant story.

4. Make this about workers and union members, more than unions.

As always, we want workers—union and non-union—to be the messengers for this campaign. It is essential that union members (and the public) understand that this is about workers seeking unions, and not unions seeking members. While 67% of members agree that a reason to support the Employee Free Choice Act is that it will result “in more workers belonging to unions,” the figure rises to 88% when we say the bill will “result in more workers being able to bargain with their employers for better wages, benefits, and working conditions.”

This is not to suggest that unions have to be hidden from view in any way. However, it’s important always to remember that, for most members, unions are the means to larger goals, such as health coverage or retirement security, and not an end in themselves.

5. The Employee Free Choice Act will help *current* union members, as well as workers who want to join unions, to improve their standard of living. There is strength in numbers.

Union members support the Employee Free Choice Act, but often voice an important caveat: “Don’t forget about us.” They assume that the purpose of the legislation is to benefit non-union workers, by giving them a union voice and a chance to bargain with their employers. Yet they do not quickly perceive any benefit for themselves as current union members. So union communicators need to spell out how this will help raise the living standards of today’s union members, as well as workers who become members in the future.

When members consider the possibility that unions want to pass the Employee Free Choice Act on their behalf—not only to increase dues revenue or benefit non-union workers—they consistently use one phrase to describe the possible benefits: “strength in numbers.” While they may not be familiar with the concept of union density in an industry, they intuitively understand that as more workers come together in unions their strength and leverage increase. They also recognize that non-union employers work to lower living standards, and put competitive pressure on unionized employers to reduce labor costs. If union communicators use messages like this, it will give members a clearer sense of their own personal stake in this battle.

If our unions can grow and bring together more workers, they will have the strength to improve our wages and protect our benefits. There is strength in numbers, and if more workers are free to join unions then union members will be able to bargain more effectively with employers. Changing the law so more workers can join unions will benefit today’s union members, as well as those who join us in the future.

6. It’s the Employee Free Choice Act, not “EFCA.”

The research findings confirm that “Employee Free Choice Act” is a very strong name for the legislation in message terms. The fact that opponents often feel compelled to call the title “misleading” or even “Orwellian” is strong evidence of its effectiveness. However, the bill’s own supporters too often abandon this advantage by calling it by its acronym, the unappetizing “ef-kah.” We must discipline ourselves to use the name, which reinforces a key part of our message.

More generally, the language of “freedom” and “freedom to choose” (or “freedom of choice”) is extremely compelling and speaks to core American values. The highest rated message in the survey said “Employees should have the freedom to make their own choice without interference from management.”

7. Give members compelling facts and information, not over-the-top rhetoric.

Union members, like all Americans, are very good at detecting and resisting “spin” these days. When we test over-the-top (or “hot”) rhetoric in the focus groups, members often push back and challenge its credibility. For example, members had a negative reaction to these particular statements in one tested frame: “Today, our unions are **under assault**. If we don’t take steps now to protect workers’ right to join unions, our unions will keep getting weaker **and could even disappear**, and that will hurt all workers.

What members want to get from their unions on this issue are facts and information. Many focus group participants singled out for praise this statement from the message frame, as the kind of information that best makes the case for the Employee Free Choice Act: “Workers in unions earn 28% higher wages on average, are 62% more likely to have employer health coverage, and four times as likely to have a pension.”

To be clear, rhetoric has its place, particularly in forms of communications such as e-mail appeals and direct mail. However, extreme language often will be counter-productive. Our core recommendation is that compelling messages bolstered by supporting facts and a sense of urgency can and should be a part of our communications effort for the Employee Free Choice Act to successfully educate and engage members.

8. It’s “majority sign-up,” not “card check.”

The phrase “card check” has no real meaning to union members or other workers. However, the phrase “majority sign-up”—while also a new concept—invokes members’ belief in the principle of *majority rule*. The name itself reinforces the democratic legitimacy of the procedure, which strengthens our message considerably.

While union members see majority sign-up as a legitimate way to determine whether workers at a firm want union representation, it is not immediately obvious to them how this reform protects employees from coercion. So you need to explain that majority sign-up makes it much more difficult for companies to wage long, expensive, and intimidating anti-union campaigns. It also makes it harder for companies to frustrate the will of the majority by endlessly delaying the process.

We don’t need to be defensive about majority sign-up -- we can confidently embrace it as a mainstream, valid method for determining the will of the majority. Emphasize that majority sign-up is already a legal procedure that has been tested and works. One of the most convincing messages in the focus groups highlighted how national, successful, brand-name companies have agreed to this procedure, with win-win results. This message worked because of the legitimacy and effectiveness that it conveyed about the procedure: “Some responsible employers, such as AT&T and

Kroger, have agreed to recognize a union when a majority of employees sign up. In these cases, the result has been a free choice for workers and less conflict between employers and employees.”

9. The Employee Free Choice Act reforms a *company-dominated system*, which allows corporations to intimidate workers and deny them a free choice.

The corporate attack on the Employee Free Choice Act will focus almost exclusively on the idea that it eliminates “secret-ballot elections.” While this message is not persuasive with most union members, some are concerned—or at least perplexed—by unions’ embrace of an alternative to elections. A secret-ballot election is of course a familiar system for American voters and seems well designed for protecting the very freedom from employer coercion that unions want. So union communicators and activists must be prepared to pivot off these issues and reframe the debate.

For starters, we should never describe the current system as a “secret-ballot election” system. That is but one component in the current system and serves mainly to obscure the larger context of ferocious anti-union campaigns by companies. So we should always describe the status quo as **a company-dominated system** that denies workers a true free choice. We want to reframe the question at hand, which is not “should we keep or abolish secret-ballot elections?” but rather “should we keep or reform a company-dominated system that allows workers to be coerced and intimidated?” Put opponents on the defensive by equating opposition to the Employee Free Choice Act with defense of the *status quo* that is hurting workers and taking away their voice.

The research also reveals that union members see the current system as very unfair to the extent that the employer alone makes the decision, after a majority of employees sign cards, whether an election is then required. This was the single strongest message tested in the focus groups in favor of moving to a majority sign-up system: “Under the current law, the company gets to decide whether there will be an election even after a majority of workers have signed union authorization cards. It should not be up to the company whether or not an election is required.”

10. Don’t get bogged down in process details or spend time and energy trying to discredit secret-ballot elections.

Whenever you can, keep the policy discussion simple: “The Employee Free Choice Act makes it easier for workers to join a union, and protects their freedom to choose without employer interference.” Fully 84% of members are more likely to support the bill when it is described simply as “making it much easier for workers to gain union representation in their workplace.” Some audiences will want or need more details on how the law would change procedures for determining union representation. However, this short

summary of the law's purpose, together with highlighting the broader economic benefits it will bring, often will do the job.

While there was a desire to find a silver-bullet message to counter the opposition's strongest arguments around the secret-ballot elections, our research confirms that it is a mistake to spend too much time and energy attacking the legitimacy of secret-ballot elections head-on. Such elections are viewed as a democratic form of decision-making, and in fact it's the anti-union campaign that precedes the election—not the balloting system *per se*—that creates the coercive environment. Members do not respond well when we label the current system as “sham elections” or “phony elections.” And the following message proved to be one of the *weakest* in favor of the Employee Free Choice Act: “The current system is not a real election and isn't democratic. Companies prevent union supporters from talking about the union at work, force workers to attend anti-union meetings, and even threaten to eliminate their jobs if they vote for the union. When one political party has that much power, we call it a dictatorship.”