

## **EXPOSING THE OPPOSITION:** **The Facts on Critics of the Employee Free Choice Act**

While pretending to protect the well-being of U.S. workers, anti-union corporate special interests are tripping over each other and sparing no expense to bully lawmakers, misinform the public, and oppose free choice for workers. Here are a few facts on who's behind the attack on the Employee Free Choice Act. **For more details on the opposition, visit: [www.AntiUnionNetwork.org](http://www.AntiUnionNetwork.org).**

### **Opponents of the Employee Free Choice Act**

#### **Coalition for a Democratic Workplace (CDW)**

The deceptively-titled astroturf group claims a workers' rights agenda and a grassroots base representing "rank-and-file workers from across the country" who are opposed to the Employee Free Choice Act.

- **MEMBERSHIP: Grassroots claim conceals corporate agenda.** CDW masquerades as a workers' rights group, mimicking the rhetoric and even logo of legitimate organizations. Not surprisingly, no workers are named as members on CDW's website, but hundreds of national, deep-pocketed groups and their affiliates are—including the National Association of Manufacturers, the U.S. Chamber of Commerce, and the National Retail Federation.

#### **U.S. Chamber of Commerce**

The nation's most powerful business lobbying organization co-chairs the Coalition for a Democratic Workplace.

- **RESOURCES: The Chamber's war chest.** In 2006, the Chamber spent a record \$72 million on lobbying. VP for labor policy Randel Johnson told *The New York Times*, "We've targeted [The Employee Free Choice Act] as our No. 1 or No. 2 priority to defeat."
- **TACTIC: CDW and Chamber join forces to make "people feel pain."** Operating from the same playbook and talking points, both CDW and the Chamber have launched extensive media campaigns in target states to shame and reprimand House Representatives who voted to pass the Employee Free Choice Act, and intimidate Senators out of following suit. In a *Congress Daily* article about the expensive ad buy, a Chamber spokesperson said, "We're making people feel pain."

#### **Center for Union Facts**

This PR-focused front group creates lavish ads and relentless spin to try to damage the public image of unions and further an anti-union business climate.

- **LEADERSHIP: Alcohol, tobacco, and fast food industry hired gun Rick Berman.** The group is a creation of notorious industry lobbyist and PR flak Richard Berman, who has mounted campaigns for his corporate backers to relax drunken driving laws, discount public health concerns about obesity, and prevent increases in the minimum wage.
- **TACTIC: Over-the-top radio, TV, and print ads.** In August 2006, Montana's Attorney General Mike McGrath called the Center's \$1 million ad campaign attacking public employees "inaccurate" and "demeaning." Similarly, a number of television stations refused to air commercials produced by the Center in 2006.

- **TACTIC: Playing loose and dirty with the facts.** Berman routinely misinterprets data, grossly exaggerates, and offers dubious statistics to further the agenda of his corporate clients. For example, as the Senate launched hearings and introduced the Employee Free Choice Act in March 2007, the Center released misleading figures based on National Labor Relations Board (NLRB) data that minimized the number of illegal firings during union election campaigns. Both Republican and Democratic Senate staff requested clarification on the group's claims from the NLRB. Staff at the NLRB swiftly responded to report Berman's data cannot be substantiated.

## Shutting Down the Opposition's Message Machine

Business special interest groups have launched a massive PR campaign to derail reform of the nation's broken labor law system by cranking out misleading propaganda. Here are the facts to refute the opposition's fiction about the Employee Free Choice Act.

**FICTION:** *The "legislation would end the rights of employees to secret ballot elections."* – Center for Union Facts

**FACT:** **The Employee Free Choice Act does not abolish elections.** Under the proposed legislation, workers get to choose the union formation process—elections or majority sign-up. What the Employee Free Choice Act *does prevent* is an employer manipulating the flawed system to influence the election outcome.

When faced with organizing campaigns: 25 percent of employers illegally fire pro-union workers; 51 percent of employers illegally threaten to close down worksites if the union prevails; and, 34 percent of employers coerce workers into opposing the union with bribes and favoritism.

**FICTION:** *"Legal recognition of a union has traditionally been achieved through secret ballot elections...just like how a person votes for a senator or congressman."* – Center for Union Facts

**FACT:** **Current union elections involving secret ballots bear no resemblance to political elections.** Workers' free speech rights are squelched, employers practice various forms of economic coercion, and labor law allows employers to indefinitely delay recognition through drawn-out appeals. Says University of Oregon political scientist Gordon Lafer, "The presence of secret ballots can't overcome the corrupt nature of NLRB elections."

**FICTION:** *NLRB elections are "the only way to guarantee worker protection from coercion and intimidation."*  
– Coalition for a Democratic Workplace

**FACT:** **Workers are more susceptible to coercion in NLRB elections than majority sign-up.** Workers in NLRB elections are twice as likely (46 percent vs. 23 percent) as those in majority sign-up campaigns to report that management coerced them to oppose the union. Further, less than one in 20 workers (4.6 percent) who signed a card with a union organizer reported that the presence of the organizer made them feel pressured to sign the card.

For additional resources and facts about the Employee Free Choice Act, visit:  
[www.americanrightsatwork.org](http://www.americanrightsatwork.org).