

Forced-Unionism Abuses Exposed

The facts Big Labor bosses would rather you didn't hear about.

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Compulsory unionism breeds corruption. In each issue of "Exposed," the National Right to Work Committee will highlight yet another example of union-boss abuse spawned and perpetuated by Big Labor's government-granted privilege to force workers to pay union dues, or be fired.

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Workers Excluded From Labor-Law Equation

Howard D. Neidig Jr., a career officer with the National Labor Relations Board (NLRB), has just given a big raspberry to all who still naively believe federal labor law is supposed to protect employees' free choice.

In an order issued July 8, Mr. Neidig, an acting NLRB regional director, broke new ground when he ruled that, while unions and employers may routinely file motions to overturn unionization election results if they have evidence serious irregularities occurred, employees may do so "only in very unusual circumstances."

It's still an open question whether the Bush Administration's NLRB appointees in Washington, D.C., will endorse Mr. Neidig's view. Right to Work supporters, including the National Right to Work Legal Defense Foundation attorneys who are representing the four employees whose case Mr. Neidig refused to consider on the merits, are cautiously optimistic they won't. But Mr. Neidig is correct that American labor policy tends to grant rights to union officials and employers that it denies to employees.

Federal law generally denigrates employees' ability to make decisions as individuals. If the NLRB makes a finding that a union is supported by a majority of the workers in a so-called "bargaining unit," then it is authorized to act as the "exclusive" (monopoly) bargaining agent of *all* unit employees. That means the union's officers have the legal power to speak for all employees, union members and nonmembers alike, in negotiations with the employer. Nonmembers are barred from bargaining with their employer.

As pro-forced unionism law professor Charles Morris tacitly acknowledges in a recent book, monopoly bargaining is a one-way street. Individual employees can legally be forced either to accept union representation, like it or not, or quit their jobs, but unions are free to refuse monopoly privileges and seek to bargain with the employer on behalf of union members only.

Neidig's order pertains to the United Auto Workers (UAW) union's ongoing efforts to win certification as the monopoly-bargaining agent of production employees at the Thomas Built Buses (TBB) facility in High Point, N.C. TBB is a subsidiary of Freightliner LLC and,

ultimately, Daimler-Chrysler. About two years ago, Freightliner struck a deal to win concessions from the UAW brass – in return for its being “neutral” as union organizers tried to get the UAW installed at TBB.

Less than a year ago, TBB/Freightliner reached a settlement with the NLRB to keep from being prosecuted on unfair labor practice charges it had illegally assisted UAW organizers. Now employees allege the company broke the law to bail out the UAW in a June 29 election at the plant.

Just two days before the vote, a Freightliner executive issued a memo to “all TBB hourly-paid employees” indicating the health insurance costs of “non-represented shop employees” would go up substantially as of September 1, 2005. Union boosters then circulated copies with the following added: “DID YOU SEE THIS? THE COST OF BEING NON-UNION JUST WENT UP!” With this big boost, despite the fact that over 500 workers voted against the union, the UAW captured a majority in the election.

But as the Foundation-assisted employees noted in their motion to the NLRB, federal labor law bars supervisors from announcing to workers that their benefit costs will rise or fall based on the outcome of a union election. The NLRB views such “coercive” announcements as violations of the “laboratory conditions” it normally demands for unionization elections.

If a supervisor had issued a last-minute memo designed to scare employees into voting *against* the UAW, union officials would have had an excellent chance of persuading Neidig to nullify the election results. But things are much harder for employees.

Unbelievably, employees cannot automatically file an objection to a flawed election, as a union or a company can. Instead, employees being forced under UAW bosses’ monopoly control had to request status as “intervenors” because employees are not considered “parties” in NLRB elections! Unfortunately, Neidig refused to allow employees to participate in the election challenge proceedings. Only TBB/Freightliner and the UAW were allowed to file objections. Predictably, they didn’t.

As indicated above, Right to Work attorneys and their clients believe Neidig has imagined the law in this case to be even more anti-employee than it really is, and they are battling to overturn him. Nevertheless, his order illustrates beautifully how monopolistic labor laws that are supposedly designed to protect workers can actually cut workers out of the picture altogether.

To fashion a genuinely pro-employee system, federal labor law must be stripped of all its pro-union monopoly underpinnings. Our system needs simple rules that uphold the individual employee’s freedom to accept or refuse union affiliation. In the final analysis, federal promotion of union monopoly bargaining is just as crazy as the notion that union bosses and employers, but not employees, are entitled to challenge union election results.

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