

# Joining a Union Should be Simple

## A factsheet by UNITE HERE!

The ability to join a union is one of the cornerstones of America's economic prosperity. Exercising this right helped workers win time off to spend with family and friends, decent pay, health care, retirement security, and protections against dangerous or discriminatory working conditions – among other gains.

Unfortunately, this basic right has eroded away over the last generation. In practical terms, federal labor law no longer guarantees workers the ability to join a union without fear of harassment, intimidation, and reprisals. For example, a recent study by the University of Illinois found that in cases where workers used federally-overseen elections to join a union,

- 30% of employers fire pro-union workers
- 49% of employers threaten to close a worksite
- 51% of employers use bribery or favoritism to coerce workers during elections
- 82% of employers hire union-busting consultants to fight workers' efforts to organize.\*

In industry after industry, workers and their communities are forced to endure the results of this broken system. The gap between rich and poor grows, the middle class disappears, and low-paying service sector jobs replace higher-paying, more secure jobs in vanishing industries. Working families lose access to affordable health care, education, and retirement, while communities struggle to shoulder the burden.

### **Labor disputes**

The desperate state of current labor law has not prevented workers from joining unions, but it has made the process longer and more arduous. Without the basic right to organize protected, workers today have to fight, often over many years, to join a union. These labor disputes can have a profoundly damaging effect on local industries and economies. In Northern California's hospitality industry, employers' anti-union campaigns have resulted in long, public disputes. For example, the determination of hotel workers to have a union at the San Francisco Marriott and the Claremont in Berkeley resulted in labor unrest and protracted boycotts at both properties. After years of labor conflict both hotels recognized the basic rights of their employees, but in the meantime, the disputes deterred tens of millions of dollars in tourism business.

\* *Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns* (December 2005) Mehta, Chirag and Nik Theodore  
Published by the Center for Urban Economic Development, University of Illinois at Chicago

### **Labor peace and Card-Check/Neutrality**

Fortunately, a growing number of businesses and municipalities have recognized the need to establish a fairer process and avoid disruptive labor disputes. “Card-check/neutrality agreements” (or CCNAs) lay out ground rules for workers and employers to follow during an organizing drive. CCNAs are negotiated by the employer and the union, and usually contain the following provisions:

- If employees sign cards expressing their desire to join the union, and a neutral third party confirms that a majority of employees have signed such cards, the employer agrees to recognize the workers’ union.
- The union pledges not to strike, picket, or boycott during the organizing process, to ensure an atmosphere of labor peace.
- The employer agrees not to try to influence the worker’s decision whether or not to join the union (through coercion, harassment, or any other means).
- Any disputes go to a mutually agreed-upon arbitrator

CCNAs have become the industry standard in every major hotel market in Northern California. These are just a few of the many workplaces where CCNAs have ensured labor peace and allowed workers to organize: the St. Regis Hotel in San Francisco; Oakland International Airport concessions; the San Jose Marriott; the Sheraton Grand Sacramento; and the Hilton Santa Clara. Many other developments currently under construction or in planning have already agreed to CCNAs, and all the major hotel companies have adopted the CCNA process in San Francisco and San Mateo Counties.

### **Where do governments fit in?**

When local or state governments have a proprietary interest, they may take their own actions to ensure labor peace. Proprietary interest would include leasing city land to a developer, investing in a property, contracting with a company to provide services on public land, and issuing bonds secured by tax-increment revenue. Cities can use Development & Disposition Agreements, ordinances, or project-specific labor policies to ensure labor peace. For example, the City and County of San Francisco has long required a CCNA for hotel and restaurant developments in which the public has a proprietary interest.

Even where local governments do not have a proprietary interest, community leaders should encourage developers to adopt the CCNA process. In these cases, public bodies cannot use their authority to enforce a CCNA. However, labor disputes can disrupt public and private developments alike, and can mar a city’s reputation as a destination. It is in the interests of all Northern California communities to see working people treated fairly and labor peace maintained.