

in this issue:

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The seven unions forming the "Change to Win" labor federation announce a massive, cross-union organizing campaign that will be focus on 10 priority industries and seek to compel "card check" recognition.

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Labor Management

A Littler Mendelson Newsletter

"Change to Win" Announces Action Plan to Organize Millions of Workers

By William J. Emanuel and Debra L. Schroeder

At an organizing convention attended by over 2,000 union organizers in Las Vegas, the "Change to Win" labor federation recently announced the launch of a massive organizing campaign targeting major industries in more than 35 cities. The campaign, operating under the slogan "Make Work Pay," aims to form cooperative, cross-union campaign teams made up of organizers from the seven Change to Win member unions, in order to create a unified effort to organize millions of workers in the target cities.

Background of the Change To Win Federation

Change to Win is a coalition of seven unions: UNITE HERE, UFCW, Teamsters, Laborers, SEIU, Carpenters, and United Farm Workers. The Change to Win Federation was formed when four of those unions broke away from the AFL-CIO in 2005. The Carpenters had left the AFL-CIO in 2001, the Farmworkers pulled out in January 2006, and the Laborers' Union has just severed the remainder of its formal ties. The primary reasons for the Change to Win federation's rift with the AFL-CIO was stated to be over the AFL-CIO's focus on national politics and the desire of the breakaway unions to shift the major focus—and funding—to stemming the decline in union membership through aggressive organizing, primarily in the form of "corporate campaigns."

Federation's Action Plan

The Change to Win action plan adopted at the convention calls for an unprecedented organizing campaign focused on the "core industries" of the member unions. The

Change to Win unions already represent workers in each of these industries, which by their nature are less susceptible to foreign outsourcing than manufacturing and assembly industries. According to the organization's press release, the targeted industries include the following:

- Transportation
- Distribution
- Retail
- Construction
- Leisure and hospitality
- Health care
- Property services
- Laundries
- Food production and processing
- Other services

The Las Vegas organizing convention focused on creating local cross-union campaign teams that will work together as single entities to increase union density in each of these "core" industries on a local or regional basis. As explained by a leader of UNITE HERE, the unions in the federation "have long had our individual campaigns to unite workers who drive school buses, work in hospitals, build our buildings, work in our ports, or drive trucks, but as we run these individual campaigns, we will tie our work together to make it all add up to something bigger."

The Change to Win unions also announced several targeted organizing drives at the convention. According to news reports, these priority campaigns include:

- A company-wide corporate campaign led by the UFCW against a meat

packing company to compel union recognition at a pork processing plant in North Carolina. The union has twice been rejected by the employees at that plant in NLRB-conducted secret ballot elections, and thus the union is reverting this time to the corporate campaign strategy to force “top-down” organizing.

- A global joint effort by the SEIU and the Teamsters to organize bus drivers employed by private companies. This drive will be coordinated with a transport workers union in England, where two of the major companies are based.

- A national campaign led by UNITE HERE to organize nonunion workers at a large U.S. hotel chain, including a massive leafleting effort at the company’s hotels and community rallies in many cities.

Change To Win’s Corporate Campaign Tactics

As union density in the U.S. has plummeted below 8% of the private sector workforce, many unions have concluded that they can no longer rely on winning secret ballot elections conducted by the National Labor Relations Board (NLRB). When employees have a free choice on the question of union representation, exercised in the privacy of a voting booth, they frequently reject unionization. As a result, unions have increasingly turned to a coercive form of organizing known as the “corporate campaign.”

In a corporate campaign, a union targets a corporation and pressures its executives and directors to submit to the union’s demands. It is a form of top-down organizing that seeks to bypass the NLRB’s election procedures with the goal of forcing recognition through a so-called “card check” in lieu of a secret ballot election. One UNITE HERE union official dismissed the democratic process embodied in NLRB-governed elections, stating “there’s no reason to subject the workers to an election.” Another official from a local of the SEIU put it even more succinctly, asserting “we don’t do elections.”

In a “corporate campaign,” unions bring to bear a variety of actions — including economic, political, legal, and regulatory warfare — in an effort to redefine the image and tarnish the reputation of the target company until it yields to union demands. Unions enlist the help of the media, public officials, and religious and community leaders. By tapping into the union movement’s significant influence over public and private sector pension funds, the unions can apply significant shareholder pressure. Unions use shareholder activism as another tool employed to achieve the union objective, including challenging top executives and the board of directors face-to-face at annual shareholder meetings. Legal and regulatory action is also favored.

Specific examples of corporate campaign tactics include:

- Filing charges with the NLRB, Internal Revenue Service, Department of Labor (OSHA and wage-hour complaints), Department of Defense, Department of Health and Human Services, Health Care Finance Administration, Federal Trade Commission, and other agencies that regulate the employer’s business.
- Filing class actions and other lawsuits alleging wage-hour violations, discrimination, health and safety violations, environmental violations, and shareholder derivative actions.
- Pressuring the company’s lenders and others within the financial community with threats of union boycotts against those lenders.
- Obtaining the support of political, religious and community leaders.
- Picketing at the homes, clubs and offices of corporate executives and board members.
- Staging rallies and demonstrations at the company’s corporate headquarters to protest the company’s policies.
- Purchasing stock and attending shareholder meetings to challenge top executives and board members regarding company policies.
- Pressuring union pension funds to take shareholder action against

companies in which they hold stock.

- Discrediting the company in the media by releasing reports attacking its policies, buying advertising time, and speaking to reporters.
- Lobbying federal, state and local legislative bodies and the executive branch in an attempt to pass legislation adverse to the company.
- Disrupting company operations with one and two-day strikes.
- Letter-writing campaigns to employees, their spouses and children, and retirees.
- Calling for a boycott of the company’s products or services.
- Harassing the company’s customers, suppliers, and lenders through picketing, handbilling, and letter-writing.
- Challenging the company’s application for industrial bonds, zoning variances, or tax abatements.
- Attacking company filings with the SEC.

Competing Proposed Federal Legislation Could Determine Viability of Card-Check Recognition

The main objective of many corporate campaigns is to obtain an agreement for a “card check” recognition, forcing the employer to recognize a union upon presentation of authorization cards signed by a majority of employees in the proposed bargaining unit, in lieu of a Board-supervised secret ballot election. Most employers and many employees object to card check recognition on the grounds that employees are subjected to coercion, peer pressure, threats, and misrepresentations by union representatives. The democratic secret ballot election, governed by strict, time-tested NLRB procedures, precludes such interference with employee choice.

Two bills currently pending in Congress seek to legislate diametrically opposing treatment of card-check recognition. The Secret Ballot Protection Act (S. 1173, H.R.

874) mandates an NLRB-supervised secret ballot election in all union organizing campaigns, while a competing bill championed by the AFL-CIO, the Employee Free Choice Act (S. 842, H.R. 1696), would require the Board to certify a union as the bargaining representative through a card-check process. The union-supported anti-election bill also provides for mandatory mediation and arbitration if the union and employer do not agree on terms of a first collective bargaining agreement within 100 days of card check recognition, and further seeks to significantly increase penalties imposed on employers for violations of the National Labor Relations Act during organizing campaigns.

The Secret Ballot Protection Act was introduced by Senator Jim DeMint (SC) and 5 Senate co-sponsors, and by Representative Charlie Norwood (GA) and 91 House co-sponsors, while the anti-election bill was introduced by Senator Edward Kennedy (MA) and 42 Senate co-sponsors, and Representative George Miller (CA) and 215 House co-sponsors. Employers concerned about preserving fair, democratic NLRB election procedures should consider contacting their legislators to express support for the Secret Ballot Protection Act.

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