

M E M O R A N D U M

TO: SUPPORTERS OF THE EMPLOYEE FREE CHOICE ACT
FROM: GUY MOLYNEUX AND GEOFF GARIN, HART RESEARCH ASSOCIATES
DATE: AUGUST 22, 2008
RE: RESPONDING TO ATTACKS ON THE EMPLOYEE FREE CHOICE ACT

On behalf of American Rights at Work, Hart Research Associates conducted six focus groups among nonunion respondents on the Employee Free Choice Act. Sessions were held in Denver, Minneapolis, and Richmond, Virginia. This memo provides message recommendations for responding to attacks on the legislation and its supporters for "abolishing secret ballot elections."

Supporters of the Employee Free Choice Act have powerful arguments available for responding to the "secret ballot election" attack. In general, the strongest response for public officials who are attacked for supporting the Employee Free Choice Act is simply to reaffirm a commitment to the legislation and articulate a positive case for it on economic grounds. This is highest rated response tested in our focus groups:

I pride myself on standing up for working people, which is why I support the Employee Free Choice Act. This is one of many steps we can take to strengthen our middle class. The law will allow working men and women to join together and negotiate with their employers for health care, fair wages, child care benefits, and retirement security.

For many people, the "secret ballot" attacks made by opponents of the legislation prove to be confusing. (We first showed focus group participants CDW and EFAC ads attacking the legislation and public officials who support it, to put these responses in context.) Having limited knowledge about the process for establishing union representation, they don't understand what type of "secret ballot elections" are being eliminated. For these participants, the process issues can be sidestepped, and reaffirming the central economic case for the Employee Free Choice Act is the best response.

In some contexts, a more explicit case in favor of the provisions of the Employee Free Choice Act will be needed. In the focus groups, this response informing explaining the current law "allows corporations to intimidate workers" and explaining the common-sense changes made by the Employee Free Choice Act proves very persuasive:

I'm proud of my support for the Employee Free Choice Act. Today the law allows corporations to intimidate workers and deny them the freedom to choose a union. The Employee Free Choice Act makes it easier for a majority of workers to form a union, provides for mediation and arbitration to settle disputes, and sets stronger penalties for labor law violations. These common-sense changes will give workers true freedom of choice.

Peter D. Hart Research Associates, Inc.

The strongest case for majority-signup is that workers – not companies – should determine when elections are needed to establish majority union support. When pressed to respond specifically to opponents' charges that we are abolishing secret ballot elections, and to explain the need for majority-signup, the strongest message rests on the powerful idea of workers' freedom of choice. Americans believe it is wrong that, under current law, employers alone get to decide whether an election is necessary after a majority of workers have signed authorization cards. And it makes sense to them that workers – not the company – should make this decision. The following response to the secret ballot attack proves very convincing to a large majority of our focus group participants:

The current company-dominated system allows corporations to demand a vote and delay the process, even after a majority of employees sign cards saying they want a union. Independent university studies show that most employers use the election period to intimidate and even fire pro-union employees. This legislation would change the system so that if a majority of employees want a union, it would be up to them—not the employer—to decide whether an election is needed.

Using this response, and then pivoting quickly back to the affirmative economic case for the Employee Free Choice Act, will usually be the most effective message when dealing with the "secret ballot" attack.