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Successful Union Strategies for Winning Certification Elections and First Contracts: Report to Union Participants (Part 1: Organizing Survey Results)

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Successful Union Strategies for Winning Certification Elections and First Contracts: Report to Union Participants (Part 1: Organizing Survey Results)

Abstract

Summary of results from 1986-1988 survey of 261 lead organizers conducted by Kate Bronfenbrenner in cooperation with the Organizing Department of the AFL-CIO.

Keywords

labor movement, unions, certification, contracts

Comments

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**SUCCESSFUL UNION STRATEGIES FOR WINNING
CERTIFICATION ELECTIONS AND FIRST CONTRACTS:
REPORT TO UNION PARTICIPANTS**

PART I: ORGANIZING SURVEY RESULTS

Summary of results from 1986-1988 survey of 261 lead organizers conducted by
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Introduction

Most union organizers are only too aware of the combination of external political, economic, and social forces which make it increasingly difficult for them to carry out successful organizing and first contract campaigns. Most also have a fairly good understanding of the arsenal of legal and illegal tactics which employers have used to successfully thwart union organizing efforts. Yet there is a great deal that union organizers and negotiators can still learn from each other regarding the most effective union strategies for winning certification elections and first contracts in the hostile labor environment in which we operate today. For despite labor law, despite politicians, despite a declining economy and despite aggressive union busting, there still are unions and organizers who are doing an excellent job of organizing new members and bargaining first agreements. We need to learn everything we can from those campaigns if we are to make any headway in reversing the dramatic decline in union density and power.

Towards this end, in 1988, this author, in cooperation with the Organizing Department of the AFL-CIO, launched a study specifically designed to give unions greater insight into the organizing and first contract process. The study built upon the AFL-CIO's earlier survey of 189 union election campaigns in units of over 50 eligible voters which took place between July 1986 and June 1987. Unfortunately, the AFL-CIO sample excluded or under-represented several major unions, especially those organizing in the service sector. The final sample corrects for these problems by adding a random sample of 72 HERE, SEIU, Teamster, ACTWU, and HHCE 1199 campaigns to the AFL sample, making the combined sample representative across

union, industry, region and job classification. The study is limited to single union elections in units of 50 or more eligible voters. Lead organizers for each of the campaigns completed a lengthy survey regarding organizer background, bargaining unit demographics, company characteristics and tactics and union tactics.

Because certification election wins are meaningless without the successful bargaining of a first agreement, the second part of this study examines factors contributing to union success or failure in winning first contracts. A follow-up survey was conducted with the union representative in charge of contract negotiations for 100 of the bargaining units in the organizing sample where the union won the election or subsequent second election. The first contract survey included questions regarding bargaining climate, the negotiations process, employer and union tactics during the contract campaign, as well as the actual bargaining outcome. The results from the first contract study are summarized in Part II of this report.

What follows is a brief summary of the organizing survey results. The results are broken down by Election Background, Unit Characteristics, Union Tactics, Organizer Background, Company Background and Management Tactics. In addition I include a section on the complete organizing model which summarizes the most important factors contributing to union organizing success or failure as measured by tests for statistical significance. A more in-depth report on the results can be obtained by writing or calling the author at the address listed on the cover of this report.

Election Background

1. Win rates

Of the 261 elections in the sample, 111, or **43.5% were won by the union**. Another eight units where the union had originally lost the election, were later able to attain certification through recognition actions, re-run elections or second election campaigns.

2. Unit Size

As would be expected, **union win rates declined as unit size increased**, with unions having the most success in units with less than 100 eligible voters (49% win rate). Unions won only 24% of the units with 200-500 eligible voters and no elections at all in units of more than 500 voters. Thus although unions won 43% of the elections, less than a third of the total eligible voters in these elections were covered in units where the union won the election.

3. Election Type

Unions did best in consent elections (46% win rate) and worst in stipulated or board ordered elections where the final unit was different than the unit the union originally petitioned for (23% win rate). This was especially true for those campaigns where the final unit included other work sites or divisions of the corporation that the union had had no contact with before the unit determination decision was made. This means that it is essential that unions prepare themselves for the worst possible unit determination scenario by signing up a majority of the workers for the largest foreseeable unit.

4. Election Delay

The results for election delay are somewhat contradictory. Unions do appear to have higher win rates (40%) when the election occurred less than 60 days after the petition was filed, with the win rate dropping down to 31% for elections with a two to six month delay. However, union won 60% of the elections in units with more than 6 months between the petition and the election. Clearly delay gives employers a greater opportunity to aggressively campaign against the union. But when you closely examine the campaigns which lasted more than a year, it appears that **unions can overcome the negative impact of employer stalling tactics by running a more aggressive rank-and-file intensive campaign** that keeps the union support intact despite turnover, despite threats, promises and intimidation and despite the delay. Unions which were unable to maintain bargaining unit support after lengthy delays may have withdrawn from the campaign rather than going ahead with an election they were certain to lose. Since only campaigns which actually went to an election are included in

the sample, the negative impact of employer stalling tactics may be underestimated in these results.

Unit Characteristics

1. Race and Gender

Organizers choosing targets should take special note of the fact that **unions do best in units with a majority of women and/or minority workers**. The results are even stronger for minorities than women, with units with more than 75% minority workers having an average win rate of 66% as opposed to a 37% average win rate for all-white units. In units with a substantial majority of women the win rate is 59% compared to 47% in units with no women, and 33% in units where women comprise less than half of the unit. Thus gender homogeneity appears to be important with unions doing better in majority female units and in all male units than in units with a minority of women. Race homogeneity does not appear to play the same role. Consistently union win rates decline as percent minority declines and increase as percent minority increases.

2. Wage rates

Unions have their greatest success in units where the average wage is less than \$5.00 an hour (56% win rate). The win rate goes down to 32% in units where the average wage goes above \$5.00, and declines even further to 29% when the rate goes above \$10.00. This holds true even when we control for other variables such as industry, race, gender and employer profitability, which means unions should seriously consider average wage when making targeting decisions.

3. Age

Union win rates decline significantly as average bargaining unit age increases. This contradicts commonly held perceptions that younger workers are harder to organize. According to these results, unions did best in units where the average age was less than 24 years old.

4. Part-time Status

Contrary to longstanding prejudices held by many organizers, **part-time employees do not appear to be any more difficult to organize than full-time workers**. This may be due to the fact that part-time employees are much more likely to be female or minority, and also have a great deal to gain from union protection.

5. Unit Type

Unions have their **greatest success in service and maintenance units**, which have a 60% win rate compared to a 40% win rate for blue-collar manufacturing workers, and a 37% win rate for white-collar clerical, professional and technical workers. Unfortunately, given the small number of private sector white collar units being organized by unions, (only 5% of the elections in the sample) it is difficult to tell how much of the low win rate for white collar workers is due to the lack of effort and initiative by unions and how much is due to the workers themselves, especially given the success unions have had with public sector white-collar workers.

6. Union experience

Unions are **more likely to win elections where there are other unionized workers at the same site or different sites of the employer's operations**. However unions appear **less likely to win in those units where there was a previous union campaign** where the union either failed to win the election, or failed to even get to an election.

Union tactics

1. Overall Union Strategy

What the results clearly show is that **unions have the greatest organizing success when they run rank-and-file intensive campaigns including housecalls, small group meetings, and active and representative committees from the very beginning of the campaign**. In contrast, unions which run very traditional top-down campaigns with a focus on gate leafletting, mass mailings, phone-calls and videos, rather than personal contact and rank-and-file leadership, are likely to fare poorly in certification campaigns. This is exemplified by the fact that **the probability that the union will win the election decreases as the number of union mass mailings increases**. Those unions who rely primarily on mass mailings are most likely using them as a substitute for the difficult but essential work of one-on-one organizing. Not only are glossy union mailings less effective than personal contact, but many workers also see numerous and frequent mass mailings as an extravagant waste of dues money.

2. Organizing committee

Perhaps the **most critical ingredient to a successful union campaign is an active representative committee that is established early on in the campaign**. The need for the committee to play an active role is evidenced by the fact that **unions are less likely to win in campaigns where cards are filled before the committee is established**. The committee must not only be

developed early on in the campaign but it needs to be **representative of at least 10% of the overall unit as well as representative by gender, race, age, job classification, and by department.** Units with representative committees were associated with a 62% win rate compared to the 43% win rate over all. The committee must be active as well as representative, with committees which distributed literature one-on-one in the work place being associated with a 46% win rate compared to a 33% win rate for those who did not.

3. Cards

The probability that the union will win the election dramatically increases as the percent of the unit signed up on cards increases. The results show that the union win rate increases to 62% if at least 70% of the unit has signed cards before the petition, while it goes down to 14% for units where less than 50% of the unit is signed up on cards when the petition is filed. **The win rate is also higher in units where the majority of the cards were collected by the committee (44%) than those units where the majority of the cards were collected by the paid organizing staff (25%).**

4. Housecalls and union meetings

One of the most important characteristics of a rank-and-file intensive campaign is one-on-one housecalls to the majority of the unit to educate workers about the union, develop leadership, sign cards, learn about issues and prepare workers for managements anti-union campaign (inoculation). **Unions are most successful (61% win rate) when they visit the majority of the eligible voters in their homes, at least once before the election.** In contrast the win rate went down to 37% in campaigns where the union did not use housecalls as a tactic. **Using rank-and-file volunteers from other organized units to make housecalls also improves the unions chances of winning the election.** Small group meetings at the union hall, in workers homes or in parks and restaurants, are another effective tactic, with the **probability of a union win increasing as the number of small group meetings increased. Union win rates also increase as the percentage of the bargaining unit attending mass meetings increases.**

5. Demonstrations of solidarity and job actions

Demonstrations of solidarity in the work place such as wearing union buttons or t-shirts are also associated with significantly higher win rates (53%) and play an important role in building membership commitment and security. On the other hand other tactics such as picketing, rallies, corporate pressure tactics and community coalitions, although associated with slightly higher win rates, do not appear to have a statistically significant positive impact on election outcome. This may be due to the small number of organizing campaigns in the sample where these tactics were used but it also may be

because unions only use these tactics in those cases where the employer is mounting an especially aggressive anti-union campaign. In those cases the union would be less likely to win, regardless of the tactics used.

6. Building for the first contract

Building for the first contract during the organizing campaign does appear to be an important determinant of organizing success. According to the survey results, **unions appear to have greater success in campaigns where the majority of the workers are surveyed during the organizing campaign regarding what they want in their first contract (44% win rate), where workers are involved in developing specific contract proposals before the election (62% win rate), and where the bargaining committee is selected before the election (64% win rate).** These actions not only help develop a sense of participation in a democratic process, but also provide workers a concrete sense of how their concerns and needs will be addressed under a union contract. Equally important, building for the first contract during the organizing campaign, provides workers with a sense of confidence that the union will win the election, and is there for the long haul.

7. Union issues

Union organizing campaigns which focus on issues such as respect and dignity, discrimination, and service and product quality were much more effective (56% win rate) than campaigns focusing only on wages, hours and job security (27% win rate). Unions which focus on broader community concerns such as health care, environment and education also were more effective than those who just focused on work place issues. When the impact of all other organizer, unit, employer and union tactic variables are controlled for, the union issue variables become one of the most significant determinants of election outcome. This shows how important it is for unions to go beyond simple bread and butter issues in their organizing campaigns. That is not to say that wages, benefits and working conditions are not important issues for union campaigns, but rather that these issues also cannot sustain a campaign when faced with the onslaught of employer threats and promises.

Organizer Background

1. Race and gender

Although only 12% of the organizers were women and 15% were minority, **women and minority organizers had significantly higher win rates** than their white male counterparts. Women organizers won 60% of their elections and minority organizers won 58% compared to a 38% win rate for white male organizers. Given that unions are increasingly organizing units with a majority of

women or minority workers, it is clear that unions need to do a much better job of recruiting more women and minority staff.

2. Organizer Training and Experience

International organizers appear to do better than local or district staff.

Partially, this may be because international organizers often represent a financial as well as staff commitment on the part of the international union. But more importantly, international organizers are more likely to be experienced, full-time organizers. A very high percentage of the losing elections were run by local officers and staff, who were also busy servicing other units, and who had little or no previous training or experience in organizing. That does not mean that organizers with servicing experience do worse than those who have only done organizing but rather that the more campaigns lead organizers work on the better they do, and that unions should hesitate to send out relatively green organizers to lead campaigns.

3. Organizer class, education and rank-and-file background

Based on the statistical results, **it does not appear that organizer class background, rank-and-file experience or college education play a significant role in explaining election outcome.** Good and bad organizers come from a variety of backgrounds. Certain unions may be more likely to hire certain types of organizers, yet the differences between union win rates may be better explained by differences between unions and the tactics they use, than by differences in organizer background. Win rates do decline for organizers with more than 20 years rank-and-file experience, and/or who are over 50 years old. This may be explained by the fact that most of organizers fulfilled those specifications were full time officers and business agents rather than full-time organizers.

4. Ratio of organizers to eligible voters

The total number of organizers working on a campaign is important, with the mean number of eligible voters per organizer much lower (91.56) for winning campaigns than for losses (130.98). **Unions with the highest win rates tend to average less than 100 workers per full-time organizer** in the majority of their campaigns, while unions with low election win rates tend to average twice that many workers per full-time organizer.

Company Background

1. Company financial condition

Profitable companies are more difficult to organize than unprofitable companies, most likely because they are better able to finance improvements

in wages and benefits to offset interest in unionization. In contrast, employers who are in bad financial shape are more likely to be cutting back on wages and benefits as well as threatening layoffs, contributing to the kind of anger and insecurity that often leads workers to turn to unions. However, while firms on the verge of bankruptcy may be easier to organize, they also may be more likely to shut down before a first contract is achieved. **Union success rates are also lower in firms with better than average benefit programs, or active worker participation programs.** It is worth noting that only 7% of the units surveyed had any kind of participation program in effect.

2. Location

Regional location appears to be less important in determining election outcome than other company background variables. Unions have their highest win rates in the Southeast (47%) and West Coast (52%) and their lowest win rates in the Southwest/Rocky Mountain region (30%) and the Northeast (37%). The elections were equally divided between urban and rural areas with the win rates slightly higher in rural units (44% as opposed to 40%). Union win rates are also increase as local union density and unemployment rates increase. These results seem somewhat contradictory with unions doing better in the largely rural, low-density deep south than in the Northeast region, which is more urban and has higher union density. In fact what these results tell us, is that unions can and do successfully organize in every region of the country. Pre-conceived about right-to work state and the deep south, should be put aside, for unions are having some of their greatest successes in these areas. Instead unions should concentrate more on bargaining demographics and union experience in making their targeting decisions.

3. Industry

Unions do much better in service sector industries such as health care (52% win rate) than in more traditional blue collar industries such as transportation (20%) and manufacturing (40%). Yet when you control for differences in union tactics, as well as bargaining unit demographic variables such as race and gender, industrial sector variables no longer appear to play a significant role in determining election outcome. It appears therefore that unions are winning more elections in the service sector because the unions doing most of the organizing in the service sector are doing a better job of organizing and because the low-wage women and minority workers who dominate service sector employment are much more likely to vote for unions than their white male counterparts in manufacturing or transportation industries.

4. Traditional Jurisdiction

Overall unions do fairly well when organizing outside their jurisdiction, winning 49% of the elections compared to 40% when they organize within their jurisdiction. However **manufacturing unions attempting to organizer service**

sector units, especially in health care, do have a lower win rates (45%) than service sector unions organizing in the service sector (52%). This does not mean that manufacturing unions should feel compelled to stay within their jurisdiction. They still do better in service sector units than when they stay within their manufacturing jurisdiction. However it is clear that if they are going to improve their organizing record they will need to learn from their service sector counterparts by recruiting more women and minority organizers and by adjusting their organizing strategies to better address the needs and concerns of service sector workers.

Management Tactics

1. Management consultant

More than 70% of the employers utilized a management consultant for their campaigns. Another 15% used an outside law firm, many of whom acted as management consultants in practice, though not in name. Unlike past studies, the use of a management consultant did not appear to significantly increase the likelihood of employer success in defeating the union. This may represent a growing trend among larger corporations to hire their own in house labor relations specialists, who play the same role as management consultants, but do not have to register under the LMRDA. This is especially true of the many nationwide chains in the sample, such as Beverly Incorporated, who have in-house labor relations specialists running by-the-book aggressive anti-union campaigns, complete with numerous unfair labor practices.

2. Anti-union tactics

More than 75% of the employers in the sample engaged in active anti-union campaigns including some combination of discharges, captive audience meetings, supervisor one-on-ones, wage increases, promises of improvements, promotions of union leaders, anti-union committees, small group meetings, letters and leaflets. Except for discharges, lower union win rates appear to be associated with each of these tactics. The high win rates associated with discharges may be explained by the fact that employers only resort to illegal firings when they determine that the union has a good chance of winning the election. The firings seem to have their greatest negative impact when the union is unable to get the worker reinstated before the election.

3. Company issues

When lead organizers were asked to identify the three most effective company issues, the answers were overwhelmingly **strikes, dues and fines and plant closings**. Corruption was also thought to be a very effective issue, with unions only winning 22% of the campaigns where corruption was one of the main issues. However employers focused on corruption in less than 15% of the

campaigns, which means it is probably only an effective issue for employers when the union involved in the drive has some vulnerability to corruption charges.

Results for the Complete Organizing Model

In addition to comparing the percent win rates associated with each individual union tactic, employer tactic, unit demographic and election background variable we also used statistical regression techniques to determine which variables have a statistically significant impact on election outcome when we control for the influence of all of the other variables in the certification election model. This kind of statistical testing is very important to better understand the first election process, because there may be other factors that distort or exaggerate the impact of any specific variable. The results from the statistical analysis are summarized in the table on the following pages, which shows how each variable in the organizing modal effects percent union vote and actual election outcome. The table lists the strongest result found for each variable in any of the models tested.

As the table shows, the variables demonstrating the strongest positive impact on election outcome include firms with other organized units, units with a majority of low wage, women and/or minority workers, representative organizing committees, percent signed up on cards, house calling the majority of the unit, using small group meetings and solidarity days, the percent of the unit surveyed before the election, choosing a bargaining committee before the election and the union focusing on new issues such as dignity, respect, discrimination and service and product quality. Those variables showing the strongest negative impact include number of eligible voters, average age of unit, company profitability, the existence of a pre-campaign QWL plan, number of union letters mailed and company use of wage increases, promises, anti-union committees, captive audience meetings and mailings.

In addition the model was tested to see which group of variables played the greatest role in explaining election outcome. Other organizing researchers have found management tactics and election and unit background variables to have the strongest influence on election outcome. In contrast, the results from this study clearly show that union tactics, taken as a group, play a greater role in explaining the election

outcome than any of the other groups of variables in the modal, including employer tactics, organizer background and unit demographics. This is extremely good news for unions, for unlike employer tactics, labor law decisions and the economic climate, unions can control the tactics they use.

TABLE 1:IMPACT OF ORGANIZING SURVEY VARIABLES ON ELECTION OUTCOME

Variables showing strongest positive impact on election outcome

1. Number of days between election and petition
2. Other units of the employer unionized
3. Percent minority in unit
4. Lead organizer on international staff
5. Union had representative organizing committee
6. Percent of unit sign up on cards when petition was filed
7. Majority of unit housecalled before the election
8. Solidarity days used
9. Bargaining committee chosen before election
10. Union focused on issues such as dignity, discrimination and quality

Variables showing moderate positive impact on election outcome

1. Percent unemployment rate
2. Percent union density
3. Unit average wage \$5.00 or less
4. 60% percent or more of the unit is female
5. Organizer has 1-5 years rank-and-file experience
6. Union used small group meetings
7. Percent of unit surveyed regarding contract before the election

Variables showing slight positive impact on election outcome

1. Employer offered good benefit package before the election
2. Lead organizer female or minority
3. Rank-and-file volunteers from other unionized firms did housecalls

Variables showing strong negative impact on election outcome

1. Number of eligible voters in unit
2. Average age of unit
3. Company profitable before the election
4. Organizer has college degree
5. Company gave wage increase during campaign
6. Company made promises during campaign
7. Company used anti-union committee
8. Number of captive audience meetings by company
9. Number of union letters mailed

Variables showing moderate negative impact on election outcome

1. Stipulated or board ordered unit different than unit union petitioned for
2. Company had participation or QWL plan before campaign
3. Number of company letters during campaign

Variables showing no statistically significant impact on election outcome

1. Unit in manufacturing sector
2. Organizer class background
3. Management consultant used
4. Workers discharged for union activity, not reinstated before the election

Conclusion

The organizing results thus conclusively establish that unions will make little headway in organizing and bargaining without an intensive and committed effort. This does not mean that they simply need to work harder using the same strategies that they have used in the past. It is clear that unions need to take a hard look at the way they are going about organizing and revamp both their targeting and organizing strategies, bearing in mind changes in the work force, changes in the economy, changes in the legal and political climate and changes in public attitudes towards and experience with unions. Just throwing more staff and more money at organizing campaigns will not solve the problem. Unions not only have to work harder at organizing, they must work smarter and more effectively.

Unfortunately, the results of this study demonstrate that most unions have a long way to go. Although it was heartening to discover that unions running aggressive rank-and-file campaigns can win despite the political and economic climate and despite employer opposition, it was quite discouraging to see how few unions were actually running these kind of campaigns. Only 23% of the units surveyed had active representative committees. Just 28% housecalled a majority of the bargaining unit and only 22% filed with a significant majority of the unit signed up on cards. As few as 12% of the campaigns used solidarity days and only 27% focused on dignity, discrimination or service quality rather than focusing solely on wages, benefits and job security.

Yet in the end, it is this dramatic variance between unions that is most heartening. It is unlikely that the labor movement can do much to change the legal, political and economic climate for organizing. It is also unlikely that employers will

lessen their intense opposition to union organizing campaigns. But unions can do a better job of organizing. There may be many organizers out there who are doing everything right and still losing elections. However, there appear to be even more organizers out there who are running very traditional ineffective campaigns. If just half of those organizers and their unions started building active committees, using housecalls and going beyond bread and butter issues, unions might be able to significantly improve the overall union certification election win rate.

Unfortunately time is running out. If the labor movement is going to turn things around they need to immediately reevaluate the way they have organized in the past and develop a comprehensive plan revamp their organizing structure and strategy. In developing these strategies unions must work together to learn from each others successes and failures, sharing resources and ideas rather than competing with each other. The launching of the AFL-CIO Organizing Institute was a very important first step in this process. Hopefully, this study will serve as yet another step in the on-going re-evaluation and strategic planning process necessary to reverse the dramatic decline in union organizing success.