

## Dropping the Ax: Illegal Firings During Union Election Campaigns

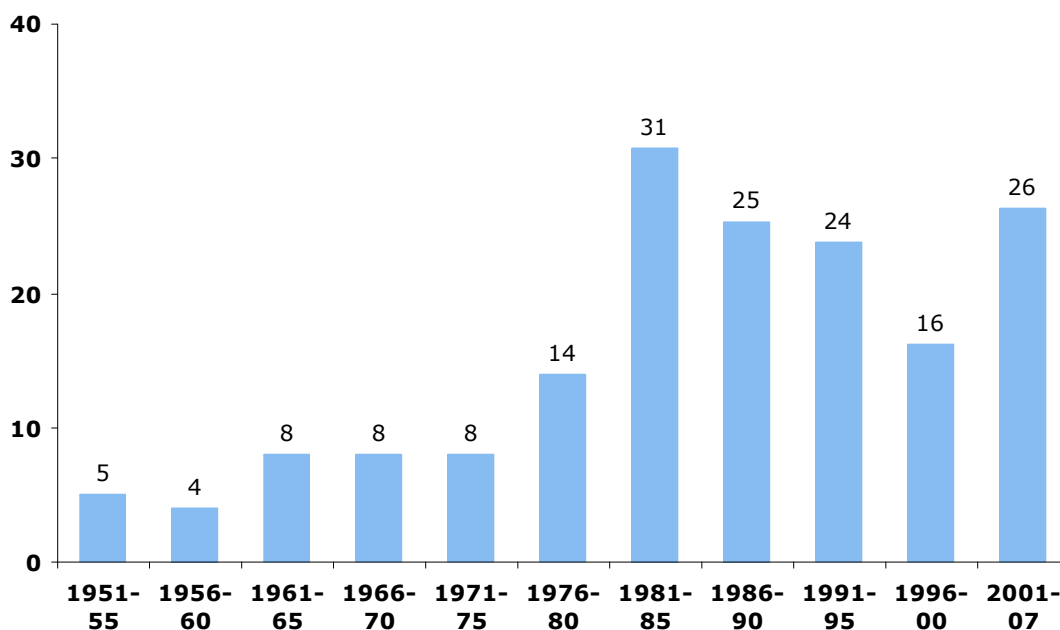
More than 1/4 of union-representation elections in the 2000s have been marred by the illegal firing of a pro-union worker, according to the paper, ***Dropping the Ax: Illegal Firings During Union Election Campaigns, 1951-2007*** (see [www.cepr.net/index.php/publications/reports/dropping-the-ax:-illegal-firings-during-union-election-campaigns,-1951-2007/](http://www.cepr.net/index.php/publications/reports/dropping-the-ax:-illegal-firings-during-union-election-campaigns,-1951-2007/))

- pro-union workers were illegally fired in 26% of union election campaigns over the period 2001-2007
- this rate reached 30% of elections in 2007
- this is a sharp increase from about 16% in the last half of the 1990s
- this rate is almost as high as the historical peak for illegal firings – 31% during 1981-1985

The report uses a research methodology originally published in the *Harvard Law Review* and the *University of Chicago Law Review* and published data from the National Labor Relations Board (NLRB). It also takes into consideration the increase in majority sign-up organizing campaigns that began in the mid-1990s and adjusts the index for this factor.

By 2007, pro-union workers involved in union election campaigns faced about a 1.8% chance of being illegally fired during the course of the campaign. Assuming that employers target union organizers and activists, and that union organizers and activists make up about 10% of pro-union workers, the paper estimates that almost 1/5 of union organizers or activists can expect to be fired as a result of their activities in a union election campaign.

**Percent of Union Election Campaigns with an Illegal Firing, 1951-2007**



Source: Dunlop Commission (1994), LaLonde and Meltzer (1991), and authors' analysis of NLRB data.

"Aggressive actions by employers – often including illegal firings – have significantly undermined the ability of U.S. workers to unionize their workplaces," said John Schmitt, CEPR senior economist and lead author of the paper. "The financial penalties for illegal actions, including firing pro-union workers, are minimal, so it makes perfect sense for employers to break the law to derail union-organizing efforts."

For more information on workers and the labor market: [www.cepr.net/index.php/the-benefits-of-unionization](http://www.cepr.net/index.php/the-benefits-of-unionization).