



Written Testimony of  
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Judiciary Committee  
Public Hearing – Wednesday, March 14, 2006

**S.B. 7326 An Act Concerning Captive Audience Meeting**

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The Connecticut Employees Union Independent, SEIU Local 511, represents nearly six thousand active and retired state employees. I submit this testimony today to urge you to act favorably on S.B. 7326, a bill that would prohibit an employer from coercing employees into attending or participating in meetings sponsored by the employer concerning the employer's views on religious or political matters.

America's working people are struggling to make ends meet these days. As a result, our country's middle class is slowly disappearing. The best opportunity for working people to get ahead is to bargain collectively with their employers for better wages and benefits. Research published in December 2006 by Peter D. Hart Research Associates shows that approximately 60 million U.S. workers would join a union if they could. But the current system for forming unions is broken.

During union election campaigns, it is not unusual for management to coerce employees to not choose union representation. They routinely intimidate, harass, coerce and even fire workers who try to form unions to bargain for economic well-being. According to a survey of National Labor Relations Board (NLRB) election campaigns in 1998 and 1999 by Cornell University scholar Kate Bronfenbrenner, private-sector employers illegally fire employees for union activity in at least 25 percent of all efforts to join a union.

Any Connecticut resident skeptical of employer anti-union intimidation tactics need look no further than organizing campaign at Yale-New Haven Hospital. In December 2006, the administration at Yale-New Haven Hospital outraged workers and the entire community when it defied a conduct agreement and undermined a union election they were certain to lose.



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Hospital supervisors scheduled compulsory meetings to discuss department business. After a few minutes, supervisors would begin talking about the union. Workers were free to leave, but anyone who did so would be fingered as a union supporter. After weeks of deliberately creating an atmosphere of polarization and fear, management had bullied, intimidated, isolated and misled enough workers to ensure that the union could not hold a fair election. An arbitrator ruled in favor of the union's request to indefinitely postpone the election. Yale-New Haven Hospital succeeded in subverting the democratic process and became an example of why enacting legislation to ban captive audience meetings is so vitally important.

This is not a movement that is happening in just Connecticut. Less than two weeks ago, the U.S. House of Representatives approved the most important labor law reform legislation in 70 years by passing the Employee Free Choice Act (H.R. 800). The measure enjoyed substantial bipartisan backing, including support from the entire Connecticut Congressional delegation. The bill levels the playing field for workers and employers by restoring workers' freedom to join a union. I urge members of this Committee to join with our Congressional representatives to give employees the chance to determine their own future, free from coercion and intimidation.

## **EMPLOYER INTERFERENCE BY THE NUMBERS**

(Private-sector employers)

1. Employers that illegally fire at least one worker for union activity during organizing campaigns:	<b>25%</b>
2. Chance that an active union supporter will be illegally fired for union activity during an organizing campaign:	<b>1 in 5</b>
3. Employers that hire consultants or union-busters to help them fight union organizing drives:	<b>75%</b>
4. Employers that force employees to attend one-on-one meetings against the union with their own supervisors:	<b>78%</b>
5. Employers that force employees to attend mandatory closed-door meetings against the union:	<b>92%</b>
6. Employers that threaten to call U.S. Citizenship and Immigration Services during organizing drives that include undocumented employees:	<b>52%</b>
7. Companies that threaten to close the plant if the union wins the election:	<b>51%</b>
8. Companies that actually close their plants after a successful union election:	<b>1%</b>
9. Workers in 2005 who received back pay because of illegal employer discrimination for activities protected under the National Labor Relations Act:	<b>31,358</b>
10. Percentage of cases in which employers never agree to a contract after workers form a union under the NLRB process:	<b>34%</b>
11. Portion of public that says strong laws protecting workers' freedom to form unions—without employer interference—are important:	<b>77%</b>
12. Portion of public that disapproves of employer anti-union campaigns when workers try to form unions:	<b>67%</b>
13. Nonunion workers who say they want to have a union in their workplace:	<b>60 million</b>
14. Number and percentage of U.S. workers that belong to unions:	<b>15.4 million or 12%</b>

SOURCES: 1 and 3-8: Kate Bronfenbrenner, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing," September 6, 2000. A study of Chicago-area NLRB representation elections by University of Illinois-Chicago professors Chirag Mehta and Nik Theodore reported similar findings. Mehta and Theodore found that workers were fired illegally during 30 percent of organizing campaigns, employers force workers to attend one-on-one, anti-union meetings with supervisors during 91 percent of NLRB representation election campaigns, and employers hire consultants or union-busters to help them fight 82 percent of union organizing drives. See Mehta and Theodore, "Undermining the Right to Organize: Employer Behavior During Union Representation Campaigns," report for American Rights at Work, December 2005.

2. John Schmitt and Ben Zipperer, "Dropping the Ax: Illegal Firings During Union Election Campaigns," Center for Economic and Policy Research, January 2007, [http://www.cepr.net/index.php?option=com\\_content&task=view&id=775&Itemid=8](http://www.cepr.net/index.php?option=com_content&task=view&id=775&Itemid=8)

9. National Labor Relations Board annual report, fiscal year 2005, Table 4.

10. Kate Bronfenbrenner, "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages and Union Organizing, Part II: First Contract Supplement," 2001. According to more recent data reported by the Federal Mediation and Conciliation Service, an even higher proportion of unions newly certified pursuant to the NLRB representation process are denied first contracts by employers: 45 percent. Federal Mediation and Conciliation Service annual report, 2004.

11-12: Peter D. Hart Research Associates, survey for the AFL-CIO, December 2006.

13. AFL-CIO calculation based on Peter D. Hart Research Associates survey, December 2006.

14. U.S. Department of Labor, Bureau of Labor Statistics.