



# NEWS RELEASE

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## **National Right to Work Secures New Rights for Employees to Protect Against Abusive Union “Card Check” Organizing**

*By 3-2 vote, NLRB modifies its practice of blocking employees’ access to a secret ballot election when a union and employer decide to impose unionization*

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**Washington, D.C. (October 2, 2007)** – The National Labor Relations Board (NLRB) voted 3-2 to overturn its policy of denying employees any access to a secret ballot vote over unionization after a union is recognized pursuant to the controversial “card check” organizing process.

The long-awaited ruling came in two high-profile cases brought by National Right to Work Legal Defense Foundation attorneys for employees at two automotive suppliers (Dana and Metaldyne) who found themselves organized by the United Auto Workers (UAW) union. In the future, the federal agency will give employees notice that they have 45 days after the recognition to file a decertification petition to obtain an election to vote out the unwanted union.

However, in a bizarre move that punishes the very employees who brought these cases, the NLRB majority decreed that its ruling would only apply prospectively. As a result, the forcibly unionized Dana and Metaldyne employees – as well as employees of other employers who had similarly filed decertification petitions after card-check campaigns – will not be allowed to toss out the unions imposed upon them.

The NLRB’s decision prospectively impacts the effect of so-called “neutrality” agreements, contracts between a union and an employer under which the employer agrees not to oppose unionization of its workers. Under these coercive agreements, employers typically also grant union operatives sweeping access to their workplaces, home addresses, and employees’ other personal information. These pacts also strip workers of the opportunity to a secret ballot election and often allow union officials to hold mandatory “captive audience” meetings to browbeat the employees to sign union cards that are counted as “votes” for unionization.

The NLRB majority pointed out, “card checks are less reliable because they lack secrecy and procedural safeguards... union card-solicitation campaigns have been accompanied by misinformation... workers sometimes sign union authorization cards...to get the person off their back.”

The NLRB ruling comes in the consolidated cases of employees at Dana Corporation in Upper Sandusky, Ohio, and Metaldyne in St. Marys, Pennsylvania, who filed decertification petitions (with 35 percent and more than 50 percent of employees signing, respectively) seeking elections to decide whether officials of the nation’s largest auto workers union truly enjoyed the support of a majority of employees and could lawfully act as their “exclusive representatives.” The employees filed these petitions after their employers had

announced that they would recognize the union on the basis of signed cards. The NLRB Regional Directors dismissed the election petitions, and the employees appealed to the NLRB in Washington, D.C., in 2004.

“This is an encouraging step forward for employee freedom, but the Bush NLRB has been sitting on many other important employee rights cases for several years,” said Stefan Gleason, vice president of the National Right to Work Foundation. “Meanwhile, there is no moral or legal justification for penalizing the very employees who brought these cases by barring them from throwing out these illegally imposed unions.”

[Download the NLRB Decision](#)

*The [National Right to Work Legal Defense Foundation, Inc.](#) is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by compulsory unionism abuses. The Foundation, which can be contacted toll-free at 1-800-336-3600, is assisting over 250,000 employees in over 200 cases nationwide.*

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