



Latest Employment Law Alliance Poll: Majority of Americans Uninformed and Unsure about Controversial Labor Legislation

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Kansas City, Mo. (February 19, 2009) - Three-quarters of Americans are completely in the dark over the Employee Free Choice Act (EFCA), a proposed law which would dramatically alter the process for selecting union representation and negotiating labor contracts. EFCA is touted by labor unions and political supporters as a way to increase unionization and improve the lives of middle-class America. American workers, however, are sharply divided over its merits, according to the latest national poll by the Employment Law Alliance (ELA).

The poll, the 20th survey in ELA's "*America At Work*" series, sampled 1,288 working men and women across the U.S. They were asked about their awareness of the EFCA, views on its major elements and its potential impact on the workplace and the economy. The poll has an error interval of +/- 2.73% at a 95% level of confidence.

"The fact that so few people are aware of EFCA may be a sign that, despite union leadership's desire to make this a top priority in 2009, the economy is drowning out their message with the public," noted **Brian Woolley**, a partner in the labor & employment group at the Kansas City office of Lathrop Gage. "Any lack of public awareness, however, will not likely diminish labor's efforts. It is fundamentally a legislative campaign, and the target of that effort - the members of Congress—are being heavily lobbied by both sides. I think this is a critical issue which employers and workers can not afford to ignore; what happens in Washington is going to have a direct impact on every workplace in Kansas City."

The results of the survey generally show that, for those with an opinion, the positive and negative views of EFCA and its likely effects are fairly evenly divided. That close split seems somewhat surprising, according to Woolley.

"Twenty-five percent of the survey respondents identified themselves as being current or former union members," he observed. "This is more than twice the rate in the workforce as a whole, where only about 12% of employees are unionized. With this over-representation of union members, I would have expected a much greater pro-EFCA response in the survey results. I think these results show that workers do



understand that EFCA is not the positive change that it is portrayed to be by union leaders."

The most-publicized provision of EFCA would replace the current secret ballot election and allow a union to gain representation rights simply by signing up more than half of the workers in a bargaining unit.

"I think that the most significant finding of this survey is the respondents' acknowledgement, by a 2 to 1 margin, that EFCA means the employees being asked to unionize will only get the union's side of the story. This, to me, is one of the fundamental problems with EFCA."

Other findings of the survey (complete results of which are available at www.employmentlawalliance.com):

- Only one-quarter reported that they were aware of the EFCA.
- Slightly over one-quarter (26%) say they support the EFCA, and nearly as many (24%) oppose it.
- Most respondents believe that EFCA will not help the economy recover.

"Many of our clients are concerned about the possibility this legislation may become law, so they are putting plans in place right now to educate their employees about union authorization card drives," said Stephen J. Hirschfeld, Esq., CEO of the Employment Law Alliance. "They are taking nothing for granted, including that their employees understand the EFCA, which the poll clearly shows is not the case."

Dr. Ted Reed, President of reed group, in Philadelphia, and Survey Director for the poll, said the survey may be revealing a disconnection between the perceptions of the EFCA within and outside the Washington Beltway on both sides of the issue. "While the rhetoric has been highly charged, the poll shows only a slight plurality thinks EFCA will improve the standard of living for the middle class. And there was no clear majority that believes EFCA would help turn around the ailing economy, reduce the number of layoffs, or reduce the number of jobs being sent overseas. The strongest sentiment among those polled was toward their lack of awareness and understanding of the EFCA."

About The Employment Law Alliance:

The Employment Law Alliance is the world's largest network of labor and employment lawyers. With specialists in all 50 states and more than 100 countries, the ELA provides multi-state and multi-national companies with seamless and cost-effective services worldwide. Lathrop Gage Partner **Rosalee McNamara** is the Missouri/Kansas representative for the ELA. For detailed polling information, visit www.employmentlawalliance.com.

About Lathrop Gage:

A full-service law firm, Lathrop Gage LLP has 300 attorneys in 11 offices across the country, from Los Angeles to New York. In 2008, *Chambers USA* ranked Lathrop Gage's corporate, environmental, intellectual property, litigation, real estate and labor and employment teams among the best in their respective regions.



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