

## **FEAR AND LOATHING (AND BRIBERY) IN THE WORKPLACE: WORKER PERCEPTIONS OF EMPLOYER RESPONSES TO UNION ORGANIZING\***

**JACK FIORITO**

**DENNIS P. BOZEMAN**

*Florida State University, Tallahassee*

### **ABSTRACT**

This exploratory article examines the antecedents of worker perceptions of employer responses to union organizing drives. Although previous research has cited employer opposition as a critical factor in the union organizing process, almost no research has focused on worker perceptions of employer opposition. No previous research has attempted to model such worker perceptions. In developing and testing such a model, this article helps call attention to the distinction between nominal and effective rights, effective rights as seen by those on whom the law confers rights in principle. Using data from the Union Image Survey, this article presents evidence on worker perceptions and tests preliminary hypotheses on their causes. Consistent with expectations, results indicate that private sector workers, those most dissatisfied with their jobs, those perceiving that a union could improve employment terms, and those having an unfavorable image of their employer are most likely to anticipate employer coercion in response to a union organizing drive. Contrary to expectations, prior experience in union representation elections was not found to predict worker perceptions of employer responses. Public policy implications and future research needs are discussed in a concluding section.

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It is generally believed that illegal employer opposition to unions plays a key role in the difficulties unions have faced in organizing (e.g., [1, pp. 221-245]). There is substantial evidence in support of this belief, but at the same time, there are somewhat plausible arguments stressing the role of other factors, such as changes in employee values, more “enlightened” management styles and philosophies, and problems with union structures or strategies [2]. Farber and Krueger [3] argued that the plight of unions is attributable to decreasing demand for union representation among nonunion employees. Specifically, these scholars suggested the decline in union growth is a case of lack of true demand for unionization rather than one of frustrated demand for union representation caused by employer opposition via threats and other activities. Accordingly, Farber and Krueger posited that employer resistance to unionization plays a very limited/minimal role in determining the union voting intentions and behaviors of nonunion employees. Unionists tend to portray large numbers of nonunion workers as desiring union representation but fearing that an attempt to organize will provoke a hostile employer response, possibly including (an illegal) firing. Some academic researchers find support for this view. Freeman and Medoff provide illustrative calculations showing that the probability of illegal firing for a union supporter in National Labor Relations Board (NLRB) certification elections is far from trivial:

The result is remarkable: one in twenty workers who favored the union got fired. Assuming that the vast bulk of union supporters are relatively inactive, the likelihood that an outspoken worker, exercising his or her legal rights under the Taft-Hartley Act, gets fired for union activity is, by these data, extraordinarily high. Put differently, there is roughly one case of illegal discharge deemed meritorious by the NLRB for every NLRB representation election [1, pp. 232-233].

Comstock and Fox [4] found evidence in support of the employer opposition explanation for declining unionization that stands in sharp contrast to Farber and Krueger’s [3] lack-of-demand position. Comstock and Fox’s findings suggest employer opposition is often applied most intensely and ruthlessly against the least skilled and least advantaged members of the workforce [4]. Hence, it is these individuals who most frequently have their rights violated and opportunities suppressed. Further, there are graphic case histories provided by individual workers (often featured in the *AFL-CIO News*) that suggest many of today’s employers are “downright Neanderthal” in terms of trampling on workers’ legal rights to organize. Hurd and Uehlein [5] reviewed 167 case studies concerning employer activities in opposition to the organizing efforts of twenty-one unions in thirty-six states. Based on the flagrant legal violations revealed in these case studies, Hurd and Uehlein concluded labor law reform is sorely needed to reduce employee rights abuses by employers in their opposition to union organizing activities [5].

As policy makers consider an overhaul of the nation's labor laws (e.g., President Clinton's Commission on the Future of Worker-Management Relations), it is important that we consider the evidence on the current *effective* policy environment. That is, while current law *nominally* guarantees worker freedom of choice in union representation matters, there is clearly reason to question whether this nominal right is effective. A potentially important piece of evidence in evaluating the state of current law and public policy options is direct evidence on workers' perceptions of employer responses to organizing efforts.

Is it, in fact, the case that large numbers of workers fear employer retribution or anticipate other illegal employer conduct during union organizing drives? If so, are such perceptions systematically related to worker characteristics or experiences, or to industry characteristics? For example, are such perceptions more likely among those who have previously witnessed employer responses to union organizing drives? Some scholars discount the importance of employer opposition as an influence on union decline, citing other factors such as changing employee values (e.g., [6]). But is the evidence on worker perceptions of employer opposition consistent with explanations citing worker value changes or, instead, with the arguments stressing employer opposition?

This article explores these and related questions via information from the Union Image Survey conducted by Lou Harris and Associates. Descriptive evidence is examined to assess the prevalence of worker perceptions of illegal employer opposition. Multivariate specifications examine preliminary hypotheses concerning the antecedents of such perceptions. A concluding section of this article explores the policy implications of the results of this study and offers suggestions for further research.

## PREVIOUS RESEARCH AND THEORETICAL BACKGROUND

Freeman and Rogers [7] summarized two recent (1988 and 1991) public opinion polls that queried respondents about employer reactions to union organizing drives. In both polls, large majorities (roughly 70-80%) saw illegal employer retribution (e.g., intimidation, harassment, firing of union supporters) as commonplace responses. When asked about their own employer and job, nonunion workers indicated greater trust, but still large percentages of respondents (roughly 40-60%) expected to lose their job or at least "lose favor" (e.g., not get promoted) if they tried to form a union [7, pp. 29-32]. It is clear, then, that fear of employer coercion is not a phenomenon limited to a few malcontents. It is less clear, however, what role such fears play in affecting worker support for unions.

Wheeler (e.g., [8]) has addressed the role of fear (and worker reactions to employer opposition more generally) most directly. In applying a "natural science" perspective to union organizing that draws, in part, from biological and anthropological concepts of group phenomena and dominance-submission,

Wheeler postulated that an “absence of strong fear of the employer” [8, p. 375] is a necessary condition for union formation. Interestingly, however, Wheeler reported initial case studies designed to test his theory suggested a perverse relation between fears of employer retribution and worker support for unions, in that fears of retribution seem to be strongest among union supporters. As will be seen later in this article, this surprising finding was previewed in earlier studies and echoed in subsequent studies, but its meaning is subject to varying interpretations.

An early and seminal contribution to this literature is Getman, Goldberg, and Herman’s study of approximately thirty certification elections [9]. Although Getman et al. found widespread illegal employer conduct (e.g., threats of retribution and promises of benefits for “incorrect” and “correct” worker votes, respectively), they stressed the importance of precampaign attitudes toward unions and discounted the impact of employer conduct: “Union supporters are not influenced by the employer’s campaign because they interpret the employer’s arguments as reasons why they need a union [and] not reasons why they should vote against the union” [9, p. 144].

Others, notably Dickens [10], questioned Getman et al.’s analysis and interpretation of their results. Using Getman et al.’s data, Dickens showed employer campaigns do indeed influence workers and even small effects on individuals can add up to major influences on election outcomes because many elections are decided by only a handful of votes [10]. Still, some subsequent studies (e.g., [11]) failed to detect “coercive effects” (evidence that illegal employer conduct or perceived illegal employer conduct suppresses support for unions), suggesting there is some merit in Getman et al.’s complex “perceptual distortion” interpretation [9, pp. 144–145 especially] of how workers respond to employer conduct intended to undermine union support. Freeman and Kleiner’s results, however, led them to conclude coercive effects may be masked by the failure of researchers to recognize the endogeneity of employer campaign tactics [12]. That is, employers may be most prone to resort to coercive tactics when the union’s chances for success are highest, creating a spurious positive correlation between union success and illegal employer conduct.

Although Freeman and Kleiner [12] focused on employer behavior, an interesting question is whether their explanation applies to employee perceptions—to those whom the statutes confer nominal rights. Do worker expectations of employer reactions to organizing consider probable union success? It seems plausible that they do—that workers would anticipate little retribution by employers when the union’s campaign is seen as unthreatening. It also seems likely that workers have a relatively good sense of the organizing campaign’s potential. If these suppositions hold, the spurious relationship Freeman and Kleiner described also could explain why studies of individual voting *intentions* (e.g., [8, 9, 11]) find a perverse (positive) relation between expectations of employer retribution and pro-union voting intent.

Regardless of whether illegal employer conduct always accomplishes its intended effect, public policy (the National Labor Relations Act [NLRA] as amended by Taft-Hartley and other legislation) presumes it does and seeks to eliminate it. Under the general heading of “unfair labor practices,” the NLRA prohibits activities that “interfere with, restrain, or coerce employees” (Sec. 8(a)(1)) in exercising their rights to form, join, or assist labor unions. This general prohibition and subsequent sections of the NLRA outlaw a wide range of specific acts, including discrimination on the basis of union activities (e.g., discharge), threats of reprisals, and promises of benefits contingent on opposition to unions. Yet nearly sixty years after the initial legislation, the proscribed conduct is still widespread and, in fact, seems to have increased in recent decades “at phenomenal rates” [1, p. 232].

Greer and Martin [13], Freeman [14], and others have explored the legal and economic rationales for employer violations, concluding the current law is inadequate to discourage violations. Greer and Martin noted, for example, that under a wide range of assumptions, opposing unions by violating the NLRA was a cost-effective strategy for employers [13]. These researchers and others (e.g., [15]) have attempted to model employer violations. Roomkin, for example, considered macroeconomic conditions (e.g., unemployment rates, price changes), characteristics of the NLRB’s processes, and union election and strike activity levels, finding that some of these factors correlate with (and perhaps cause) changes in the aggregate level of unfair labor practices [15]. Kleiner found previous violators were more than twice as likely as other employers to commit new violations [16, p. 240]. This suggests that experience in committing unfair labor practices reveals the low cost and substantial benefits associated with breaking the law.

In keeping with Roomkin’s call for disaggregated studies [15], and building on Freeman’s earlier work [14], Freeman and Kleiner proposed a theory of employer opposition to unions and tested it with firm-level data [12]. Although they noted some simultaneous use of “positive industrial relations” (i.e., “union substitution”) and adversarial management tactics (i.e., “union suppression”), they found illegal opposition was more prevalent among lower-wage firms with inferior working conditions and supervisory practices [12, p. 364]. These results suggest the “high road” of union substitution is a more expensive strategy for union avoidance. Thus, firms that pursue the “low road” of union suppression tend to do so, at least in part, because of resource constraints. Kochan offered a similar perspective based on a more subjective assessment [17, pp. 183-184]. Fiorito, Gallagher, and Greer suggested an apparent complex relation between establishment size and union support—medium-size firms’ workers seem more union-prone in some studies (e.g., [18])—may reflect multiple influences, with resources and/or economies of scale and scope for union substitution activities dominating in large firms [19, pp. 283-284].

## WORKER PERCEPTIONS: THE MICRO LEVEL

Although the AFL-CIO and unions regularly call attention to abuses of workers' union rights via specific cases and more systematic evidence (e.g., [20]), most academic researchers have, by and large, ignored the individual worker's perspective. (Works by Wheeler [8] and Freeman and Rogers [7] noted earlier are obvious exceptions.) Previous studies have examined the effects of perceived and actual illegal employer behavior on individuals' attitudes toward unions, as noted earlier, but have tended to treat the worker's perception of employer behavior as a "given" and not as a subject worthy of study itself.

Since much of the policy debate and controversy about employer opposition effects involves worker cognitions and perceptions, a more direct and focused approach is warranted. Opponents of labor law reforms sought by unions argue that union decline simply reflects waning worker interest in unions; that the workers who are the principal focus of labor law are simply expressing their true preferences in voting against union representation. A direct investigation of worker perceptions should provide some evidence to support or refute this contention. Further, a concerted research effort to model worker perceptions of employer opposition to unionization should provide important information concerning the effective rights of employees to organize themselves. For these reasons alone, more study of worker perceptions about "coercive effects" is needed. In addition, evidence on worker perceptions would provide an additional check on theoretical propositions and conclusions about employer opposition thus far examined only at a more aggregated level (e.g., at the level of the firm).

The literature previously summarized provides the basis for several propositions about worker perceptions of illegal employer behavior. It should be noted that these propositions assume an "astute worker" rather than "naive worker." That is, the propositions are premised on certain patterns of employer behavior, and it is assumed workers' perceptions will anticipate the manifestations of these patterns even if they are not fully aware of their reasons. For example, workers do not need a full understanding of the firm's concerns about its image to appreciate that it is image-conscious. The propositions include the following:

1. *Worker Learning*: Given that union suppression behavior is relatively widespread and occurs chiefly in the context of union organizing campaigns, workers with previous exposure to organizing efforts will be more likely to anticipate such behavior on the part of their employer.
2. *Market Influences*: Given that employer opposition is largely based on economic motivations and that different industries face varying degrees of market competition, worker anticipation of union suppression activity will vary by industry. One should expect that private sector workers are more likely to anticipate union suppression activity than are public sector workers for this reason, but also because public officials should be more

sensitive to the public-image liabilities of violating the law than are private sector managers. Although these effects might be most apparent in a public-private sector contrast, they should apply more generally. For example, firms that sell directly to the public and promote brand loyalty might be more image-conscious than others, and workers in such firms should be less likely to expect illegal behavior. Similarly, the intensity of competition varies among private industries, implying that worker anticipation of union suppression should vary as well.

3. *Tight Resources*: Given that union suppression seems to be a lower-cost alternative to union substitution, one should expect workers to be more likely to anticipate illegal employer behavior in firms that compete on the basis of low-cost production. Such firms are likely to offer inferior wages, working conditions, and supervision. To them, union substitution is seen as too costly an alternative. To some extent, this proposition intertwines with the second ("market influences"), but it is distinct in recognizing firm strategy variations within industry.
4. *Union Advantage*: Employer opposition in any form is more likely where the impact of the union in raising wages and benefits and improving working conditions is likely to be greatest. Consequently, workers are most likely to anticipate union suppression activities where there is the most to gain by unionization.
5. *Attitude Toward Employer*: Workers are less likely to anticipate coercive or manipulative behavior by their employer if they have a generally favorable attitude toward the employer. If they perceive their employer as caring and generous, for example, they are likely to generalize these perceptions and, thus, are unlikely to anticipate threats or bribery as a response to a union organizing drive.

Below, measures are developed that correspond to each of these constructs and to worker anticipations of employer suppression. Further, these propositions are offered conditionally (other things equal). Their empirical counterparts' relationships are examined not only in simple (bivariate) form, but also in a multivariate framework to control for potential confounding influences.

## DATA, MEASURES, AND HYPOTHESES

The Union Image Survey (UIS) provides a broad representative cross-section of several hundred nonunion workers' responses to two especially pertinent questions [21]. These involve worker perceptions of their own employer's likely response to a union organizing drive. The UIS also provides a wide range of measures (e.g., demographics, attitudinal data regarding job, employer, and unions, sector of employment, and previous experience in union representation elections) that are possible causes of the perceptions these survey items connote. These data provide empirical counterparts, or at least proxies, for the causal influences proposed previously.

## Measures and Hypotheses

### *Fear and Bribes*

Two UIS items provide the basis for single-item scales that will be called *Fear* and *Bribes*. The questions posed to respondents asked whether, in response to a unionization drive, the respondent's employer would: 1) improve wages, benefits, etc. to forestall unionization (i.e., "bribes"); and, 2) demote, fire, or otherwise make life difficult for union supporters (i.e., invoke fear as a union-suppression device). Potential responses were essentially "yes," "no," or "not sure." (There were relatively few "not sures," and these were treated as missing data.) Although these two items tap distinct expected behaviors, they also likely reflect an underlying expectation of employer suppression activities. Accordingly, the two items also were combined to form a composite scale, but the resulting Cronbach Alpha indicated little commonality across the items ( $\alpha = .27$ )—hence, the composite scale was discarded. Therefore, the single items *Fear* and *Bribes* are the dependent variables for this analysis. Each is a dummy variable-coded "1" to indicate an affirmative response and "0" a negative response (i.e., *Fear* = 1 means demotion or firing, etc. is seen as probable).

### *Election Experience*

This measure is based on a question asking whether the respondent ever worked where there was a union representation election. The conceptual level counterpart to this measure is, of course, the Worker-Learning concept, with the assumption that experience proxies learning about employer responses to union election campaigns. Election Experience is then a dummy variable (1 = previous experience, 0 = no previous experience) and should be positively related to *Fear* and *Bribes* based on the Worker-Learning argument.

### *Public Sector*

This measure is based on the respondent's indication of employment by state, local, or federal government. The conceptual counterpart to this measure is the Market-Influences concept, but obviously this measure captures only part of this concept. In fact, the public-private distinction is probably one of the most, if not *the* most, dramatic contrasts of the Market-Influences concept described previously. Due caution in generalization to possible differences among private sector industries will be appropriate. Public Sector is a dummy variable (1 = public, 0 = private); thus, negative relations to *Fear* and *Bribes* are expected.

### *Job Satisfaction*

This measure is a composite scale based on six 4-point Likert-style items asking workers about pay, benefits, advancement, participation, recognition, and job security ( $\alpha = .79$ ). The conceptual counterpart to which this measure is linked is Tight Resources. The premise is that tight resources for the employer are generally

manifested in inferior employment terms and working conditions, and that these, in turn, are reflected in employee job dissatisfaction. Previous research indicated inferior contextual features of employment (e.g., pay, working conditions) are associated with employee job dissatisfaction [22]. Further, employee dissatisfaction increases during organizational decline when organizational resources are limited [23]. Finally, as suggested by Agho, Mueller, and Price [24], it is quite likely that certain environmental variables that affect the organization at a broader level (e.g., economic conditions) also affect conditions of employment and, thus, exert an influence on worker satisfaction. Hence, we use job satisfaction as an inverse proxy for tight resources. Since the satisfaction measure is coded such that higher values indicate greater satisfaction (presumably reflecting greater resources), negative relations to Fear and Bribes are expected.

#### *Union Instrumentality*

This measure is a composite scale ( $\alpha = .83$ ) based on ten 3-point Likert-style scales covering a range of possible improvements in compensation and working conditions that a union could address at the respondent's workplace. For example, items tapped pay, benefits, health and safety, supervision, and job security. The conceptual counterpart to the Union-Instrumentality measure is the Union-Advantage concept, of course. Since worker expectations about what a union can do on one's job and what a union can actually accomplish may be very different, there is clearly potential slippage between the concept and the measure. Yet the astute worker view suggests this measure has some validity and, accordingly, positive relations between Union Instrumentality and Fear and Bribes are hypothesized.

#### *Employer Instrumentality*

This measure is a composite scale ( $\alpha = .65$ ) based on three 4-point Likert-style scales for questions about the respondent's employer. The three items tapped issues of generosity in pay and benefits, genuine concern for employees, and willingness to address workplace problems without being compelled to do so. An employer who "scores well" on these items is a "good" employer in the eyes of most workers, and, presumably, the respondent. The conceptual counterpart to this measure is obviously the Attitude-Toward-Employer concept and, accordingly, a negative relation with Fear and Bribes is expected.

#### *Control Variables*

As noted earlier, the UIS provides measures of worker demographic characteristics (e.g., education). Some of these are used as controls in certain analyses below. Further details on these measures are available on request.

## RESULTS

Table 1 provides a cross-tabulation of Fear with Bribes. As indicated by the Cronbach Alpha for the two items reported earlier, but shown more graphically in the cross-tabulation, respondents tend to see the two employer responses to union election drives as distinct behaviors. Although the correlation between the two is statistically significant, it is quite modest ( $\Phi = .17$ ). Alternatively, while roughly 40 percent of respondents anticipate neither employer response, the remaining 60 percent are about evenly divided between expecting either firing, intimidation, etc. (Fear), wage or benefit improvements, etc. (Bribes), or both (Fear and Bribes). Although the law does not draw a distinction between these employer behaviors, and workers in aggregate anticipate them with equal frequency (40%), workers also distinguish between them, at least in terms of differing expectations of their pattern of incidence. That is, those who expect retribution (Fear) are about as likely to expect bribery (Bribes) as not, and vice versa.

Table 1. Cross-Tabulation of Fear with Bribes

|       |   | Bribes                         |                                |                |
|-------|---|--------------------------------|--------------------------------|----------------|
|       |   | 0                              | 1                              | Total          |
| Fear  | 0 | 420<br>39.74<br>66.77<br>66.35 | 209<br>19.77<br>33.23<br>49.29 | 629<br>59.51   |
|       | 1 | 213<br>20.15<br>49.77<br>33.65 | 215<br>20.34<br>50.23<br>50.71 | 428<br>40.49   |
| Total |   | 633<br>59.89                   | 424<br>40.11                   | 1057<br>100.00 |

Statistics for Table of Fear by Bribes

| Statistic                    | DF | Value  | Prob  |
|------------------------------|----|--------|-------|
| Chi-Square                   | 1  | 30.663 | 0.000 |
| Phi Coefficient              |    | 0.170  |       |
| Effective Sample Size = 1057 |    |        |       |

Table 2 provides correlation and standardized regression results pertinent to the hypotheses advanced previously [25]. The results for Fear show at least marginal support for all of the hypotheses, although the effect for Election Experience "washes out" in the multivariate specifications. Thus, public sector workers, workers with high job satisfaction, and workers who perceive their employer as instrumental are less likely to anticipate that their employer will respond to a union election drive with firings, demotions, or other retaliations against union supporters. Workers who perceive that a union would improve conditions at their workplace are more likely to expect retaliation. In terms of effect sizes from the regression equations, the largest effects involve Job Satisfaction and Employer Instrumentality, suggesting the plausible inference that views of the employer and current employment terms and conditions are the most critical influences on expectations about what the employer will do in response to a union organizing drive.

The results for Bribes provide only limited support for the hypotheses. While in no instance are the results "disconfirmatory," only the result for Union Instrumentality is clearly consistent with the hypothesis and the results for the Fear variable. Workers who perceive that a union could improve conditions on their job tend to anticipate that their employer will improve conditions to forestall unionization.

Table 2. Correlation and Standardized Regression Results for Fear and Bribes

|                           | Fear     |          |          | Bribes   |         |         |
|---------------------------|----------|----------|----------|----------|---------|---------|
|                           | <i>r</i> | $\beta$  | $\beta$  | <i>r</i> | $\beta$ | $\beta$ |
| <b>Ind. Var.</b>          |          |          |          |          |         |         |
| Election Experience       | -.05*    | -.03     | -.03     | -.04     | -.02    | .01     |
| Public Sector             | -.07**   | -.06*    | -.05*    | -.02     | -.03    | -.02    |
| Job Satisfaction          | -.35***  | -.17***  | -.18***  | -.07**   | .04     | .04     |
| Union Instrumentality     | .27***   | .13***   | .11***   | .20***   | .22***  | .21***  |
| Emp. Instrumentality      | -.33***  | -.22***  | -.21***  | -.07**   | .02     | .01     |
| <b>Summary Statistics</b> |          |          |          |          |         |         |
| <i>R</i> -Square          |          | .18      | .18      |          | .04     | .04     |
| <i>N</i>                  |          | 821      | 821      |          | 821     | 821     |
| <i>F</i> -Ratio           |          | 34.83*** | 16.26*** |          | 7.29*** | 4.50*** |
| Control Variables         |          | No       | Yes      |          | No      | Yes     |

**Note:** Control Variables include measures for age, education, race, gender, former union membership, and presence of another household member who is a union member. Results including these variables are available from the authors on request.

\**p* < .10 or better, two-tailed tests

\*\**p* < .05 or better, two-tailed tests

\*\*\**p* < .01 or better, two-tailed tests

## DISCUSSION

As an exploratory effort, the results overall can be considered mildly encouraging. At least in the case of the Fear dependent variable, the hypotheses were generally supported, and for the hypothesis concerning Union Instrumentality, additional support was found for the Bribes dependent variable. Thus, some empirical support exists for the theoretical propositions advanced suggesting employee expectations of employer suppression of union activities are linked to market influences, tightness of resources, potential gains from unionization, and general attitudes toward the employer. Surprisingly, there is little support for the notion that prior campaign experience, per se, "educates" workers to expect employer suppression activities. This is surprising, given previous research indicates employer violations of unfair labor practice provisions are commonplace in representation elections; thus, one could reasonably expect exposure to previous elections would increase employee expectations of employer misconduct.

Within this exploratory effort, there are, of course, certain limitations that constrain our ability to draw inferences from this analysis. As noted earlier, some of the measures used vary in the degree to which they align with the underlying concepts. Other limitations involve the usual hazards of convenience samples (even if broadly representative of all U.S. workers), omissions of potentially relevant variables, and the use of single-item measures where reliability may be low. We should note, however, that the effect of unreliability is to understate the strength of bivariate relationships among measures, and in this sense, lends a conservative bias to some of our findings. The fact that the data are from the 1980s is also a potential concern; however, the legal and behavioral environment at issue does not appear to have changed significantly since then in ways that would affect this analysis. Further, as Freeman and Roger's summary of recent (1988-91) polls [7] indicates, when compared to results from our data, the underlying phenomena do not appear to have changed. That is, large proportions (upward of 40%) of nonunion workers in both 1984 and 1991 appear to anticipate harsh employer responses to union organizing.

Despite these limitations, the results do yield some interesting findings and suggest some interesting implications. For example, the Public-Sector effect for Fear potentially speaks to controversy about causes of union decline. If, in fact, employer coercion reduces union support, as appears to be the case [12], this result adds weight to the arguments about the importance of this factor rather than competing explanations such as Lipset's "values thesis" [6] or Farber and Krueger's lack-of-demand thesis [3]. That is, a potential reason unions have declined dramatically in the private sector but held their ground in the public sector is simply that private sector employers are far more prone to resort to intimidation of union supporters. Our results and this interpretation are consistent with Bronfenbrenner and Juravich's finding that unions win roughly 80 percent of

state and local employee representation elections (as compared to roughly 50% in the private sector) [26].

There also is support for the argument that union suppression tends to be the “low road/low cost” strategy for union avoidance, as indicated by the result for Job Satisfaction (with job satisfaction as an inverse proxy for low cost employer strategies). In addition, the result for Union Instrumentality reinforces the view of current union organizing policy as ineffective in furthering its goal of transforming the union representation question from an economic struggle between two organizations into an employee right to choose or reject union representation via a political process. The NLRA sought to eliminate economic struggles for representation (strikes for representation). Yet, as the Union-Instrumentality results indicate, where employees (and employers, presumably) perceive that a union can improve conditions, illegal employer behavior is seen as most likely by workers. In an important sense, economics still “rule the roost” and equity receives short shrift in matters of worker representation.

Apart from expected union gains, previous research has suggested workers are likely to anticipate greater employer coercion when the union’s chances for success are greatest. As noted earlier, a positive relation between employers’ union suppression activities and union support among employees has been attributed to such an effect. This proposition, though not tested in the present exploratory study, merely extends that reasoning to include the idea that workers understand the reasons for employers’ attempts at coercion and anticipate such attempts when the union’s chances of winning an election campaign are greatest. This proposition is in need of future research attention.

An interesting and unexpected result was the contrast in results for Fear and Bribes. As noted earlier, the law treats both employer tactics as equivalent violations. Workers, however, see the two as largely although not entirely distinct phenomena. (Whether their impact on worker choices is similar is still another question deserving attention.) One interesting question (among others) concerns what factors lead workers to anticipate one particular tactic versus another. The present results scratch the surface on this question, but leave much room for speculation and further research.

Finally, this study adds to the cumulative body of evidence on the status and environment of worker rights to choose bargaining representatives and adds to calls for labor law reform. Contrary to notions of “laboratory conditions” and true freedom of choice, most workers recognize that in these matters, “I got my rights” are often famous last words. Violations of the NLRA are routine; workers more often than not *expect* their employers to take actions violative of the NLRA guarantees of free choice in union representation matters. In conjunction with case studies depicting the abuse of worker rights by employers as extensive, routine, and often outrageous and arrogant [5], these data from a broad and representative cross-section of nonunion U.S. workers suggest coercive tactics are seen as part

and parcel of many employers' responses to worker efforts to effectuate their statutory rights.

As Freeman and Rogers [7] and others have noted, worker rights to collective representation still enjoy strong majority support in society. Although this support softens somewhat when the question is put in terms of traditional union representation, the rights at issue here are *employee* rights, not union rights. Given the public's support for these rights, it seems ironic that Congress remains unwilling to effectuate the rights conferred in name by statute. Obviously, these questions involve matters that go well beyond this study.

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Dr. Jack Fiorito is a Professor of Management at the College of Business, Florida State University. Professor Fiorito's current research focuses on the study of unions as organizations, the causes and consequences of unionization, worker rights to organize unions, and on human resource management policies.

Dennis P. Bozeman is a doctoral candidate in Organizational Behavior at Florida State University. His research interests include communication and influence processes in organizations.

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Direct reprint requests to:

Jack Fiorito  
Professor of Management  
College of Business  
Florida State University  
Tallahassee, FL 32306-1042