

Testimony in support of LD 2032, “An Act to Improve Maine's Labor Laws by Changing the Laws Governing Elections of Collective Bargaining Agents for Certain Public Employees”

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Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing, my name is Arthur Phillips, and I am an analyst at the Maine Center for Economic Policy. Please accept this testimony in support of LD 2032. This bill would enable workers to access the benefits of unionization and collective bargaining while avoiding costly, drawn-out recognition processes that can impact state, judicial, and educational institutions from effectively meeting our state’s needs.

Until recently, many union recognition processes in both the private and public sector were determined through a secret ballot election. Given our country’s democratic traditions, people often assume this is the preferable method for determining whether to recognize a union; however, in practice it is diminished by unnecessarily slowing down the labor relations process and enhancing opportunities for employers to engage in anti-union activities which raise the likelihood of contentious labor disputes.

One study found that three-quarters of employers hire union avoidance consultants when facing a union organizing campaign, while US employers today collectively spend more than \$400 million per year on consultants who direct campaigns to crush union organizing efforts.ⁱ While public employers do not engage in the same level of intimidation as some private actors, this bill presents a sensible alternative – majority sign-up – which has been shown to reduce the frequency of anti-union campaigns, reduce the time to bargain a contract, and saves public institutional resources.ⁱⁱ

Current law in Maine grants municipal workers the right to majority sign-up which this bill proposes for other public sector workers. While many workers who would be covered by this bill already have union representation, this change would still meaningfully improve public sector labor relations and limit incentives for anti-union activity.

With growing support for unionization – more than 70 percent of people in the US support unions and nearly half of unorganized US workers would join a union if they had the chance – and greater worker power in a tight labor market, more employers have chosen to forgo a union election and instead voluntarily recognize workers who want to unionize.ⁱⁱⁱ Beyond a more streamlined and less contentious process, the proposed changes in this bill would mean the majority of workers in each unit would decide whether to unionize, rather than only those who participate in an election.

The benefits of unionization are clear – from enhanced compensation and safety to improved equity and civic engagement, giving more people a say in their working conditions is a net positive for our state.^{iv} Ensuring our state, judicial, and educational workers can organize through a smoother process than what is currently mandated would be a positive step and help to raise the standard for all workers in Maine.

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Thank you for your time.

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ⁱ Celine McNicholas, Margaret Poydock, Samantha Sanders, Ben Zipperer, “Employers spend more than \$400 million per year on ‘union-avoidance’ consultants to bolster their union-busting efforts,” Economic Policy Institute, March 29, 2023, available at <https://www.epi.org/publication/union-avoidance/>

ⁱⁱ Steven E. Abraham, Adrienne E. Eaton, and Paula B. Voos, “Card check recognition: resulting labor relations and investor reaction,” in *Advances in Industrial Labor Relations*, Vol 17, 2010, available at https://books.google.com/books?id=5XiP-dAjGSMC&lpg=PA1&ots=_ei7Zm7oo2&lr&pg=PA1#v=onepage&q&f=false

ⁱⁱⁱ For approval of, and interest in, joining unions, see Justin McCarthy, “U.S. Approval of Labor Unions at Highest Point Since 1965,” Gallup, August 30, 2022, available at <https://news.gallup.com/poll/398303/approval-labor-unions-highest-point-1965.aspx>, and Thomas A. Kochan, et al, “Worker Voice in America: Is There a Gap between What Workers Expect and What They Experience?” *ILR Review*, 72(1), 3-38, available at <https://doi.org/10.1177/0019793918806250>.

^{iv} Maine Center for Economic Policy, Brief: The state of labor organizing in Maine, August 2023, available at <https://www.mecep.org/jobs-and-income/brief-the-state-of-labor-organizing-in-maine/>