

TESTIMONY OF JEN JASON
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BEFORE
THE HOUSE SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR AND
PENSIONS

“STRENGTHENING AMERICA’S MIDDLE CLASS THROUGH THE EMPLOYEE
FREE CHOICE ACT”

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Chairman Andrews, Ranking Member Kline, members of the House Subcommittee on Health, Employment, Labor and Pensions, good morning. My name is Jen Jason. I am a former labor organizer for UNITE HERE, a union that represents more than 450,000 active members and more than 400,000 retirees throughout North America in the textile, lodging, foodservice and manufacturing industries.

Thank you for the opportunity to be here today as the committee considers the “Employee Free Choice Act” to share my personal experiences with “card check” campaigns as a former organizer.

As a child growing up with a United Methodist Minister for a father, I was raised with the strong belief that I should spend my life working toward social justice in some way. For a time, I considered entering the ministry. However, after graduating college, I felt that I needed to spend time working in a service position while I made certain of my calling. I was accepted into the AFL-CIO Organizing Institute, a program designed to interview, train and place new labor organizers. The AFL-CIO trained me in the skills necessary for these efforts and I was eventually hired into UNITE’s organizing department.

As an Organizer for UNITE, I primarily worked on and later led “card check” organizing campaigns. Depending on the situation, this meant that we either had a pre-existing “card check” agreement with the company in question, or there was going to be a complicated and aggressive corporate campaign waged against a company in order to coerce an agreement, or I was working in a jurisdiction in which “card check” was predetermined through legislation, such as in Quebec and Manitoba.

During my tenure, I organized under U.S. labor law and in Canada under different provincially specific laws in Ontario, British Columbia, as well as Quebec and Manitoba. I was directed to organize thousands of workers using “card check” strategies against companies such as TJ Maxx, Levi’s, New Flyer Bus Company, and Cintas.

A “card check” campaign begins with union organizers going to the homes of workers over a weekend, a tactic called “housecalling,” with the sole intent of having those workers sign authorization cards. Called a “blitz” by the unions, it entails teams of two

or more organizers going directly to the homes of workers. The workers' personal information and home addresses used during the blitz was obtained from license plates and other sources that were used to create a master list.

In most cases, the workers have no idea that there is a union campaign underway. Organizers are taught to play upon this element of surprise to get "into the door." They are trained to perform a five part house call strategy that includes: Introductions, Listening, Agitation, Union Solution, and Commitment. The goal of the organizer is to quickly establish a trust relationship with the worker, move from talking about what their job entails to what they would like to change about their job, agitate them by insisting that management won't fix their workplace problems without a union and finally convincing the worker to sign a card.

At the time, I personally took great pride in the fact that I could always get the worker to sign the card if I could get inside their home. Typically, if a worker signed a card, it had nothing to do with whether a worker was satisfied with the job or felt they were treated fairly by his or her boss. I found that most often it was the skill of the organizer to create issues from information the organizer had extracted from the worker during the "probe" stage of the house call that determined whether the worker signed the card.

I began to realize that the number of cards that were signed had less to do with support for the union and more to do with the effectiveness of the organizer speaking to the workers.

This appears to be consistent with results of secret ballot elections that are conducted in which workers are able to vote and make their final decision free from manipulation, intimidation or pressure tactics from either side.

From my experience, the number of cards signed appear to have little relationship to the ultimate vote count. During a private election campaign, even though a union still sends organizers out to workers' homes on frequent canvassing in attempts to gain support, the worker has a better chance to get perspective on the questions at hand. The time allocated for the election to go forward allows the worker a chance to think through his or her own issues without undue influence—thus avoiding an immediate, impulsive decision based on little or no fact. After all, the decision to join a union is often life-changing, and workers should be afforded the time to debate, discuss and research all of the options available to them.

As an organizer working under a "card check" system versus an election system, I knew that "card check" gave me the ability to quickly agitate a set of workers into signing cards. I did not have to prove the union's case, answer more informed questions from workers or be held accountable for the service record of my union.

When the union is allowed to implement the "card check" strategy, the decision about whether or not an individual employee would choose to join a union is reduced to a crisis decision. This situation is created by the organizer and places the worker into a high

pressure sales situation. Furthermore, my experience is that in jurisdictions in which “card check” was actually legislated, organizers tended to be even more willing to harass, lie and use fear tactics to intimidate workers into signing cards. I have personally heard from workers that they signed the union card simply to get the organizer to leave their home and not harass them further. At no point during a “card check” campaign, is the opportunity created or fostered for employees to seriously consider their working lives and to think about possible solutions to any problems.

I began my career with UNITE with a strong belief in worker’s rights and democracy in the workplace. During the course of my employment with the union, I began to understand the reality behind the rhetoric. I took in the ways that organizers were manipulating workers just to get a majority on “the cards” and the various strategies that they employed. I began to appreciate that promises made by organizers at a worker’s house had little to do with how the union actually functions as a “service” organization.

For example, we rarely showed workers what an actual union contract looked like because we knew that it wouldn’t necessarily reflect what a worker would want to see. We were trained to avoid topics such as dues increases, strike histories, etc. and to constantly move the worker back to what the organizer identified as his or her “issues” during the first part of the housecall. This technique was commonly referred to as “re-agitation” during organizer training sessions. The logic follows that if you can keep workers agitated and direct that anger at their boss, you can get them to sign the card. If someone told me that she was perfectly contented at work, enjoyed her job and liked her boss, I would look around her house and ask questions based on what I noticed: “wow, I bet on your salary, you’ll never be able to get your house remodeled,” or, “so does the company pay for day care?” These were questions to which I knew the answer and could use to make her feel that she was cheated by her boss. Five minutes earlier she had just told me that she was feeling good about her work situation.

Frankly, it isn’t difficult to agitate someone in a short period of time, work them up to the point where they are feeling very upset, tell them that I have the solution, and that if they simply sign a card, the union will solve all of their problems. I know many workers who later, upon reflection, knew that they had been manipulated and asked for their card to be returned to them. The union’s strategy, of course, was never to return or destroy such cards, but to include them in the official count towards the majority. This is why it is imperative that workers have the time and the space to make a reasoned decision based on the facts and their true feelings.

In addition to the “housecall,” the union frequently employs other tactics to manipulate the card numbers and add legitimacy to their organizing drive. One strategy is to manipulate unit size. One of the most common ways that we ensured the union could claim that we had reached a majority was to change the size of the group of workers we were going to organize after the drive was finished. During the blitz, workers in every department would be “housecalled,” but if need be, certain groups of workers would be removed from the final unit, regardless of their level of union support. In doing so, the union reduced the number of cards needed to reach a majority. Another such strategy is

that organizers are told to train workers to “provoke” unfair labor practices on the part of the company in an attempt to create campaign legitimacy and coerce a “card check” agreement.

One egregious example was when Ernest Bennett, the Director of Organizing for UNITE at the time, told a room full of organizers during a training meeting for the Cintas campaign that if three workers weren’t fired by the end of the first week of organizing, UNITE would not win the campaign. Another strategy is that organizers are told not to file any unfair labor practice charges because it would slow the “card check” process and make time for the workers to question their decisions.

After four years of watching what I feel were disgraceful practices on the part of organizing unions, and having experienced personal discrimination in my own workplace, I chose to leave UNITE, though I remain committed to work toward fairness and prosperity for both employers and employees in the American workplace.

Thank you for the opportunity to testify. I look forward to any questions you may have.