

## SHEDDING LIGHT ON EMPLOYERS' USE OF ANTI-UNION CONSULTANTS

### What We're Doing

- The Department of Labor's Office of Labor-Management Standards (OLMS) is taking action to increase public disclosure of arrangements between employers and the consultants they hire to run anti-union campaigns.
- OLMS is posting a persuader reporting complaint process on its website and is publishing a compliance tip sheet to remind employers of their reporting obligations.
- OLMS will be initiating a rulemaking to amend the Form LM-10 to require filers to indicate whether they are a government contractor and whether the persuader activity being reported is directed at employees working on the government contract.

### Why We're Doing It

- Employers and labor relations consultants are required to file public reports (known as Form LM-10, -20, and -21 reports) on these activities under existing law. But there are indicators of non-compliance with this requirement.
  - » For example, there were only 166 Form LM-10 reports covering persuader agreements filed in FY 2021. The National Labor Relations Board (NLRB) held **1,125 representation elections that year**. Research suggests that employers hire anti-union consultants in 75-80 percent of union organizing campaigns. This means that there should have been as many as 900 persuader-related Form LM-10 reports filed, compared to the 166 that were actually filed.
- These anti-union campaigns may include distributing anti-union literature to workers, organizing mandatory all-staff anti-union seminars during the work day, and holding one-on-one meetings with workers to dissuade them from supporting the union.
- Anti-union consulting has developed into a major, **\$340 million-a-year industry**.

### Why It Matters for Worker Organizing and Collective Bargaining

- Public disclosure of these anti-union campaign activities, and their corresponding costs, can help workers to better understand and evaluate the sources of campaign information they are receiving in the workplace during union organizing campaigns.
- This information can also be helpful for customers, investors, and taxpayers. Customers may want to know whether their purchases are paying for anti-union consultants, and taxpayers may want to know if their tax dollars are going to federal contracts for companies that hire anti-union consultants.
- This is particularly important given the imbalance in access to workers under our current law, where employers can campaign against the union at the workplace, and non-employee union supporters have no similar access to workers.

