

Labor Unions: What You Need to Know

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As an employer, labor organization is generally not a welcomed event. However, it is important to adhere with the restrictions and rules laid out in the National Labor Relations Act in order to avoid legal trouble, both during the initial unionizing effort and after unionization. In addition, your workplace will change if it becomes unionized, so it is important that you prepare yourself and your employees for those changes.

During a Union Organizing Drive

Employers have strict rules regarding their behavior during labor organizing drives. It is important to abide by these restrictions, despite the stressful situation. However, there are ways that you can maintain some control over your workplace and discuss the unionizing efforts with your employees.

Employers can:

- Restrict non-employee union representatives from the premises, if that is the rule for the general public
- Prevent employees from distributing pro-union materials during work hours
- Prohibit the distribution of pro-union materials by non-employees during work hours, provided the union has reasonable alternative method to communicate with employees
- Explain why unionization is unnecessary
- Inform employees that they are not required to sign union cards and petitions, vote for unionization or speak to union representatives
- Offer their own opinions about union policies

Employers cannot:

- Prevent employees from soliciting other employees during breaks and in non-working areas
- Ban employees from wearing union buttons or shirts without a business reason
- Refuse to supply union officials with a list of names and last-known addresses of employees prior to unionizing election
- Ask an employee to lobby other employees against unionization
- As an employee his/her opinion of unionization or about another employee's opinion
- Spy on employees or ask another employee to act as a spy
- Promise any type of benefits or rewards for non-unionizing
- Threaten any consequences (such as job loss, plant closing, cut benefits, etc.) if employees choose to unionize

After Unionization

Though this may not be the outcome you had hoped for, there are ways to effectively handle a union in your workplace. In addition to the collective bargaining procedure, you will also likely face employee grievances that are handled through the union. To make the process run smoother and to protect your business, keep the following in mind:

- Make sure you have up-to-date, specific workplace policies that are consistently applied. When you change a policy, it must often be negotiated, and then must be documented clearly and practiced consistently.
- Document everything, including witness statements, employee records and history, performance evaluations, past grievances or complaints, departmental documents and any other relevant information about your employees. During a grievance case, don't be afraid to bring up the employee's past when relevant and documented.
- Learn your state laws regarding unions. For instance, some states allow employees to decide for themselves whether or not to support a union, while other states allow unions to require membership as a condition of employment. Check your state's labor office website.
- Seek out legal guidance from a labor law attorney, so you can learn everything you can about the nuances of managing a union relationship and have help handling all of the complicated issues involved with unionization.

Positives of Unionization

Unionization in your organization may seem like a negative experience, but there are some advantages for employers:

- Lower employee turnover. Research shows that employees are more committed to their workplace, translating to lower turnover for companies with labor unions. This may be due to the improved pay and benefits negotiated through the union, or simply because employees feel they have more of a voice in the workplace.
- Easier benefits administration. Labor unions often help organizations select benefit plans or even offer plans through their union. Since benefits are included in union contracts for several years, benefit administrators in the company spend less time planning, researching and budgeting for future benefit plans.
- Simplified compensation. Unions ensure fair and consistent employee compensation, which means employers don't need to worry about dozens or hundreds of individual salaries.
- Easier budgeting. Union contracts spell out benefits and salaries for several years into the future, making budget forecasting much easier for companies.
- Help with employee discipline. Unions specify a very specific employee discipline process, giving the employer less responsibility for managing the process, and hopefully ensuring a more consistent basis for discipline.

This article is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.