

News & Types: Employment, Labor & Benefits Update

UNIONS – A Fundamental Lesson Verified

2/4/2013

Practices: Employment, Labor & Benefits

Back in the 1980's, in a union election at a private mail carrier, the employees petitioned the National Labor Relations Board for an election to decide whether the Teamsters Union should represent them in collective bargaining with the company. After counting the ballots, the union won the election 11 – 0. Several employees whooped with joy and one yelled, "Let's get drunk!" Twelve months later, the employees petitioned to decertify the union. A decertification election was possible, because the union had not yet bargained a contract with the company. After counting the ballots, the union lost the election 0 – 11! When asked what happened during the year, one of the employees said, "The brothers listened. We don't need the union."

Over the last month, our firm has helped three different companies in three different states facing the beginnings of union organizing campaigns. Today and over the last several months, the United Auto Workers has been attempting to organize the reported 5,200 workers at the Nissan plant in Jackson, Mississippi. According to news reports, union supporters rallied at Tougaloo College with the actor Danny Glover and black ministers. One worker stated on television that she wanted "a voice."

"Employee engagement" is the latest buzzword in human resources. But, employee engagement is, in some ways, nothing more than old fashioned employee relations. One Japanese-owned assembly plant, in addition to its human resource department, has an entire employee relations department dedicated to walking the plant floor, talking with employees, determining their issues and resolving them. When employees view management as the answer, an outside, third party is not the voice that fills the void.

What should management do? Start with examining how management communicates with the employees. Is the human resource manager's office in the plant or located next to the president's office? If the office is in the plant, is the human resource manager's door open, or is the door closed and the blinds shut? Does the plant manager walk around the floor – every day – talking with the employees and learning and resolving production issues? Are there shift meetings and what is discussed at these meetings? Once a union campaign begins, having meetings with employees and asking about their problems may be too late, because the meetings and questions by management may be unlawful "solicitations of grievances." After analyzing communications, the next step is a union vulnerability audit, perhaps followed by an attitude survey and a program to review and update policies, train supervisors regarding the warning signs and taking additional actions to ensure that the company remains union free.

[Editor's Note: Prior to joining Masuda Funai, Mr. Kaplan served as a prosecuting attorney, election monitor and hearing officer for the Chicago Regional Office of the National Labor Relations Board.]

