



Unions in Orange County?

Insights

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Labor union officials often boast that “companies get the unions they deserve.” Over the past few years organizers have added the phrase “and a whole lot more.” One new tactic of unions is to use California’s wage & hour laws to harass employers. Union attorneys are beginning to file class action lawsuits against employers as leverage to force them to either recognize the union, or agree to a labor contract. Union organizers refer to this developing tactic as “death by a thousand paper cuts.”

Most non-supervisory employees in the private sector have a right to be represented by a labor union, yet today no more than 12% of American workers exercise this option. To date, most Orange County employers have escaped unionization. That may be changing, however, as unions have become more aggressive in seeking out new groups of employees to organize. Recently, unions have been active in Orange County in seeking to organize employees of hotels and automobile dealerships. Businesses in virtually all industries are vulnerable to union organization, however.

Unions bring the possibility of strikes, protracted contract negotiations, and petty grievances over work rules and employee discipline. Most employers therefore ask the question: “How can I keep a labor union off my doorstep and out of my plant or office?”

Thousands of elections are held every year, and there are strategies for winning those elections. The most effective way for an employer to avoid union organization, however, is to treat its employees fairly. Employees generally want to feel a part of the company where they work. Concerned employers should make sure that they provide their employees with reasons to identify with the company. Employers must keep their workers informed of company policies and practices and be open to criticism about working conditions. They should provide employees with information about how the company is performing in relation to its competitors. There should also be an established practice for handling employee complaints.

In almost every case where a union files a petition with the National Labor Relations Board seeking to represent employees, the employees believe that they are being treated unfairly at work. They may have attempted to complain about problems, but no manager or person in authority will listen. Often, a manager or supervisor is the problem. The supervisor may be inconsistent in disciplining or rewarding employees. Many of his or her actions may be considered biased or based on favoritism. He is quick to blame and fails to give credit to or reward employees for dedicated service. Unions are waiting in the wings to capitalize on the insensitivity of these supervisors.

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Union organizers are not legally bound to state the truth when they are making promises to employees they wish to represent, and they often exaggerate the benefits of union organization. Organizers may flaunt the strongest labor contract they can find and promise prospective members that the union can win these wages and benefits for them. Accordingly, proactive employers who wish to remain union free should ensure that they pay competitive wages and offer competitive benefits. They should make sure that employees are reviewed on a set schedule and that compensation is based on accurate, up-to-date labor market data.

Where employees are asked to make an increased contribution for health insurance coverage, the employer should make sure that the employees understand the full cost of these benefits, and how much the employer contributes on their behalf. In addition, employers should ensure that all non-exempt employees record their work hours accurately and receive premium pay for all overtime hours worked, as well as two ten-minute breaks and one duty-free meal period every work day.

The smart employer will conduct its relations with its employees in such a way that they will never perceive a need for a union. This involves some effort, expense and a commitment to doing things right. But it will pay off in the long run.

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