Union Organizing Petitions Up 57%: What Does This Mean for Employers?

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Union organizing petitions have increased 57% since October 2021. Amazon and Starbucks recently suffered union organizing defeats. Are these flukes or a warning? What does this mean for large and small employers?

The dramatic increase in union petitions follows decades of decline. And recent union successes demonstrate that any employer may be vulnerable. Amazon saw a more than 8000 worker distribution center in New York City unionize on April 1. Even more surprising, a NLRB election at a large Amazon warehouse in the low union density state of Alabama is "too close to call." "Challenged ballots" will decide the outcome. The same Alabama distribution center voted 2 to 1 against the union in 2021. Several Starbucks locations have also recently voted in unions.

Why Now?

What is going on? Both Amazon and Starbucks are known for strong wages and benefits for their industries. Their HR practices avoided unions for decades. Why not now? The answer lies in the realities of the post-pandemic workplace: staffing shortages, supply-chain dysfunction, wage-eating inflation, etc.

Unions are suddenly enjoying new opportunities to exploit workplace dissatisfaction. They also have the benefit of more legal rules designed to empower union organizing. The most recent example is the NLRB General Counsel's announcement last week that she intends to challenge employer rights to talk about unions in "captive audience" or other mandatory meetings.

What to do?

Inoculate your team members against the union "sales pitch" before they become a target. Unions win well over 60% of NLRB elections that reach a vote. This is because today's union organizing tactics focus on securing the support of key influencers, as well as a

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majority of other employees, ***before you learn*** union organizing is happening. Best practices require creating a "union-free environment" ***before*** a union shows up.

Maintaining a "union-free environment" through positive employee relations and union awareness is not easy – especially in our current labor climate. But it is possible. Only time will tell whether the recent increase in union organizing is a spike or the trend for the future. For now, however, events require a new diligence from employers who wish to remain union-free.

Frost Brown Todd's union-avoidance lawyers are happy to discuss what works. Other resources like CUE Inc., an organization for positive employee relations, provide a forum for learning the latest HR innovations to keep team members from becoming interested in union representation. For more information, contact John Lovett, Mekesha Montgomery, Catherine Burgett, Brice Smallwood, Jeff Shoskin, or any other attorney with Frost Brown Todd's Labor and Employment practice group.

If you are interested in taking a deeper dive into cultivating positive employee relations, examining campaign case studies, and labor law updates, register for CUE's two-day, virtual Spring Conference on April 25 and 26, 2022.

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