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BLOGS

Unionization of Workforces

Developing an Action Plan to Prevent Unionization

Despite the present uncertainty over the EFCA's ultimate form, union-free employers should consider actions that can be taken now to keep their operations union free. Following are just two examples of many such possible action steps.

Adopt an Internal Position Statement on Unions and Labor Relations. To help focus your business on the issue of unions and guide development of its labor relations strategy, it may be useful to develop an internal position statement on these matters. This statement could subsequently be modified as needed for communications with management and with employees.

Review Employment Policies and Practices. Certain policies, enacted before union organizing occurs, can help prevent unionization activity or provide useful tools in the event organizing begins. Because implementing any policy in response to organizing is likely to be construed as an unfair labor practice, it is critical to review policies and revise or implement new policies *before* organizational activity is present. Policies employers should consider include:

- A policy on visitors in the workplace that can be used to keep unwanted visitors, including union organizers, out of the workplace
- An open-door policy that encourages employees to bring concerns directly to management
- A dispute-resolution policy
- A no-solicitation policy
- An e-mail policy covering personal and other uses of business e-mail

In addition, a thorough policy review with labor law in mind will screen for policies that may be problematic. The basic rule is that merely maintaining any policy that a reasonable employee would likely interpret as interfering with his or her basic labor law rights is an unfair labor practice.

Conclusion. The action steps recommended above make sense regardless of when, if, and in what form the EFCA passes. If the EFCA passes in its current form, many more changes will be required. Because of the significant ramifications the EFCA will have on union organizing, it is a good idea for employers to get started now on their efforts to remain union free.