

EXPERTS' FORUM | Human Resources

Adopting A Union-Free Strategy

The Employee Free Choice Act (EFCA), more commonly known as "card-check" was reintroduced in March, 2009. Simply, the "card-check" feature of EFCA eliminates the secret ballot election; if the union collects "50% plus one" signed authorization cards, the NLRB will certify the union.

This created a major concern for employers who fear that their businesses could be union organizing targets. At the time this was written, the "card-check" provision had been eliminated from the proposed bill, which in deference to healthcare reform, has overall been delayed.

Although one could effectively argue that employers should always be prepared for organizing activity, these recent developments provide time to strategize on how best to combat organizing efforts.

From the employer's perspective, when employees are asked to sign an authorization card, ideally (for employers) they should respond, "No, we don't need a third party to represent us; we have a good relationship with our management team.

Are your employees able to respond in this manner? Employees may turn to unions because they believe their employer doesn't care.

This may be a result of a myriad of issues, some of which could include:

- Neglect of safety matters
- Unresolved complaints
- Feelings of disrespect or favoritism
- Perceived inequity in pay or benefits, or job insecurity
- Lack of written rules and policies
- Failure to provide competent leadership
- Lack of communication, recognition or appreciation

Use this list to assess whether or not any of these apply to your organization and then commit to making appropriate changes.

There are proactive steps you can take now, such as:

1. Develop effective communication techniques.
 - Exercise direct and regular communication with your employees by implementing a business communication strategy that might include any or all of the following; business updates, recognition, employee events, education about employee benefits, etc.
 - Communicate via the method through which the majority of your employees receive their communications (there's no point in communicating via e-mail if half your employees don't have regular access to a computer at work).

2. Implement effective policies and procedures to counteract employee issues such as insecurity, dissatisfaction, and poor workplace morale.
 - o Ensure an effective and widely known complaint procedure is in place and documented.
 - Reaffirm your organization's commitment to:
 - Equal employment opportunity
 - Anti-discrimination
 - Anti-harassment
 - Anti-retaliation

3. Ensure there are a variety of mechanisms in place to address employee issues and concerns. Not everyone is comfortable with the same format, so it's a good idea to provide alternatives.
 - Open door policy
 - o Anonymous employee hotline or suggestion box
 - Employee satisfaction survey with survey results shared with employees
 - o Town hall meetings
 - Solicit feedback on managers/supervisors
 - o Lunch with the CEO
 - o With the extra time given regarding the passage of EFCA, now is the time to look at your business and identify how you can reduce your risk of union organization.

Additional information regarding EFCA can be found here en.wikipedia.org/wiki/Employee_Free_Choice_Act.



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