

# What is the 'Union Boom' and Will it Affect My Business?

May 8, 2023

Courtney L. Nichols  
(248) 594-6360  
cnichols@plunkettcooney.com

*DBusiness.com*

Throughout 2022, we all heard the stories: labor unions in America looked like they were surging. Employees began unionization efforts at high-profile companies – Starbucks, Amazon warehouses, Trader Joe's, and REI – to name a few. Union supporters were wide-ranging, including graduate students, gig-economy workers, and long-tenured service staff workers.

Pro-union efforts also materialized in legislative actions. On March 24, 2023, Michigan Gov. Gretchen Whitmer signed legislation repealing Michigan's right-to-work law for private-sector employees.

Previously, Michigan's right-to-work law prohibited union-security agreements, which required private and/or public employees to pay union dues or services fees as a condition of obtaining or continuing employment. Employees in unionized jobs who opted out of the union were still afforded rights and benefits as members of the bargaining unit.

As a result of the repeal, and once effective, private sector labor unions will be able to require all workers they represent to pay membership dues or an equivalent amount of fees. What does this mean for affected employers? The expectation is that unions will be better funded and will increase and expand organization and bargaining efforts. In other words: even non-unionized employers should take note.

With concerns regarding expanded pro-union public and legislative efforts, what steps should employers, who believe that their employees and company are better off without a union, take?

- Understand *why* employees want to join a union. The most common motivation is dissatisfaction with management and a belief that the union can make conditions in the workplace better.
- Continuously provide training to management to address concerns regarding unfair treatment and/or unresponsive leadership – two common threads in organization campaigns. What can management do to assuage “unfair” accusations and ensure responsiveness while meeting company objectives? Company-specific training is preferred, with management having an opportunity to ask questions and provide meaningful feedback.

WHAT IS THE 'UNION BOOM' AND WILL IT AFFECT MY BUSINESS? Cont.

- *Listen* to your employees. I mean it: *really listen*. Open door policies that are not followed are viewed as meaningless lip service and often backfire on well-intentioned employers.
- Recognize achievement within the workplace and the invaluable contribution of employees. Recognition, when balanced with accountability, engenders trust and confidence in management.

If workers feel ignored and unappreciated, union organizers have an easy pitch and likely sale.

Employers facing a unionization campaign should keep in mind the same concepts. Are your efforts against the organization merely confirming the employees' suspicion that they are being ignored, undervalued, and placed in a hopeless situation? Are the conversations adversarial and threatening?

Outside of potential unfair labor practices, employers must consider the perception of their conduct and whether it is playing into the very argument they are trying to refute.

**To boil it down:** whether you are a unionized workforce or have remained union free, there are no guarantees in 2023 or beyond. Union membership is anticipated to increase and, consequently, operating budgets for more aggressive union actions.

Be prepared and keep this old adage in mind: an ounce of prevention is worth a pound of cure!