

# Labor Relations

For unionized and non-union employers alike, the labor relations arena presents an increasingly complex set of challenges and opportunities. The degree to which you recognize and proactively address these issues will determine your success in this rapidly evolving environment. In a competitive marketplace where small failures could have big consequences, there's a lot riding on your ability to make the right decisions. Fortunately, the seasoned attorneys comprising Fisher Phillips' Labor Relations Group are well-positioned to collaborate with your team on a strategic plan tailored around the unique aspects of your corporate culture.



## Maintaining Your Union-Free Status

When the effectiveness of your preventive labor relations strategy is largely governed by the shifting ideologies of the National Labor Relations Board (NLRB) and its public sector counterparts (along with the regulatory pendulum swings that come with them), it's important to partner with attorneys who have one eye on the current legal landscape – and another on what's looming on the horizon. With experienced labor lawyers from coast to coast, our Labor Relations Group has your business covered.

Our expertise stems from decades of implementing tried and true strategies combining creative and proactive measures designed to address the unique issues confronting your workplace. From devising a comprehensive employee relations plan to implementing strategies for lawfully and effectively responding to the earliest warning signs of employee discontent, our LRG members can be a powerful asset to your team.

## How We Can Help

- ***You recently added an entity into your corporate umbrella and are now looking to update your labor relations infrastructure to seamlessly integrate their workforce into the positive aspects of your own unique culture.***

We can assist you in developing a tailored Positive Employee Relations program with an emphasis on proactive in-person and virtual supervisory training, accurate vulnerability assessments, compliant but effective policies and procedures, innovative communication approaches, issue identification, reporting and response strategies, and effective orientation and participatory initiatives.

- ***You've just received reports that a group of off-shift employees in one of your smaller departments has filed a petition for third-party representation.***

We regularly represent employers before the NLRB in response to representation petitions, navigating through all phases of its unique administrative process – ranging from position statements to evidentiary hearings to the unique intricacies of so-called “quickie elections.” Our lawyers also advise supervisors and managers on how to lawfully (but effectively) respond remotely or in-person by leveraging available communication vehicles, along with their own “free speech” rights.

- ***A group of employees has reacted negatively to recent internal workplace changes exacerbated by external social developments, leading to reports of threatened work stoppages.***

Our LRG practitioners bring a wealth of experience to bear in guiding you through the intricacies of NLRB doctrine on “concerted protected activity,” without unduly sacrificing your ability to manage the business. Whether it's an isolated social media post or a full-blown strike, our team has the skills and expertise to guide you through the process without sacrificing your rights as an employer.



## Managing the Challenges That Come With a Unionized Workforce

Unionized employers have their own unique labor relations challenges, but our LRG team is well-versed on the laws governing such businesses – and on the best ways to achieve compliance with a minimum of disruption. Whether negotiating a first contract, renewing an existing one, or confronting unique union requests or demands at mid-term, our practitioners are prepared to partner with your labor relations team to implement a winning collective bargaining strategy.

By the same token, our LRG members routinely try labor arbitrations ranging from discharge hearings to “bet the business” contract interpretation cases. As work stoppages continue to rise, our team stands ready and willing to lend a hand with establishing effective contingency plans, security measures and injunction filings. Our Benefits practitioners also bring significant value when it comes to approaching multi-employer pension plans and any corresponding withdrawal liability.

### ***How We Can Help***

- ***You are exploring the possibility of acquiring the assets of a unionized business but want to make sure that due diligence is exercised at every step.***

We can assist you in structuring buy-sell agreements and developing effective strategies for evaluating potential “successorship” implications and approaches to lawfully minimize and/or reallocate potential exposure risks, and for properly recognizing and bargaining with the union when required to do so.

- ***You are confronting the prospect of bargaining for your first contract, while supporting your local management team with any corresponding impact.***

We regularly serve as chief negotiators for our unionized clients at the table, while providing them with sound counsel away from it. We also recognize that your supervisory team is likely to be your first line of defense or exposure, and that the difference often comes down to the extent to which they are properly trained. Our interactive training programs on managing a unionized workforce are designed to help your team recapture their own rights while properly respecting those of their employees.

- ***An incumbent union has been insisting that you implement extra-contractual safety initiatives and related “hazard pay” premiums, threatening legal action if you fail to comply.***

We routinely counsel our clients through these and similar challenges that may confound even the most seasoned of labor relations managers, monitoring the latest NLRB developments to ensure that our advice is effective in the short term and beyond.

With almost 600 attorneys in 41 offices across the United States and Mexico, Fisher Phillips is an international labor and employment firm providing practical business solutions for employers' workplace legal problems. We regularly advise and counsel clients on issues surrounding wage and hour, employment discrimination and harassment, litigation, workplace safety, immigration, trade secrets and non-competes, and more.

