



Gauging the Impact of Browning-Ferris

News

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Steve Bernstein was quoted on *Human Resource Executive Online* on August 31, 2015. The article “Gauging the Impact of *Browning-Ferris*” addresses why employers may need to start re-examining some well-entrenched models—such as contingent labor—in light of the recent NLRB “joint-employer” decision.

Steve was quoted on his take of the NLRB’s ruling.

Steve said it’s ironic that the NLRB’s decision comes at a time when other government agencies are pushing employers toward more separation, not more integration.

“Think about the Department of Labor and its misclassification initiatives, or the IRS, which was focused on the same thing years before,” he said. “Now, [with the NLRB’s latest ruling,] we have a development that would throw these folks in the same hopper, so to speak, and put two separate employers on the signature line of the same contract.”

Steve said, he believes the ruling will likely energize unions, which are at a “low point in private-sector penetration.”

“I would never suggest that employers abandon the temporary staffing model, because it has proved to be very effective for a long time,” he said. “But I do think [Browning-Ferris] is going to cause some employers to question the extent [to which] they continue to align with these firms—and, if they find themselves employing large percentages of temporary employees, then I think it’s going to cause some to rethink that, knowing that the gains they assume they’re achieving through that model may not be there if [those workers] ultimately end up unionized.”

The other takeaway here, Steve noted, is to not disregard the morale of your temporary employees.

“You overlook their terms and conditions at your own peril,” he said. “Although you may not be directly responsible for their benefits or their well-being, from a practical standpoint, it’s now apparent that a large group of alienated or frustrated temporary employees could not only put you on the other side of that bargaining table, but perhaps take your regular workforce with them.”

To read the full article, please visit [*Human Resource Executive Online*](#).

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