



Unions Winning More Elections In The First Year Of The Trump Administration

Insights

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The Bureau of National Affairs recently issued its “NLRB Election Statistics Year-End 2017 Report,” providing union organizing information for the first year of the Trump administration. Three statistics immediately jump out:

- **Unions are winning more elections:** Unions won 1,013 elections in 2017, which is up from the 998 election victories they scored in 2016. Their winning percentage was 71.1 percent, just slightly down from last year’s success rate of 72.3 percent.
- **More elections are being held:** 1,425 elections were held in 2017, which is up from the 1,380 elections conducted in 2016.
- **Fewer workers are being organized:** Despite these wins, the number of workers organized by unions was down to 55,804 in 2017, compared to 61,303 in 2016, a difference of 5,499 employees. This is a continuation of the yearly decline since 2013 when 90,805 workers were organized.

While the NLRB’s 2017 statistics do not show any radical changes, a few things seem clear. First and foremost, unions are not going away simply because a Republican won the White House. Second, the statistics show that unions are working harder to organize and are having more success than they did in 2016. Third, while the union wins and win rates have increased, the fact that the number of workers organized has decreased demonstrates that unions continue to have more success in smaller units.

Changes In Organizing Strategy

Separate and apart from the NLRB’s recent statistical information, our direct and practical experience has shown that employers are increasingly facing situations in which different unions other than those they would typically expect are targeting their operations for organizing. For example, while operations involving warehouse and transportation have been historically targeted by the Teamsters, we have seen other more industrial-focused labor organizations target those operations.

It is not clear whether the NLRB’s expedited election rules have made it more likely that a labor organization will try to organize outside of its traditional area. However, it is clear that employers need to take steps to ensure that they are regularly evaluating their labor relations risk and have implemented effective strategies.

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Changes In Washington

At the same time organized labor is gaining experience with the expedited election rules, we now have a change in the administration in Washington D.C. and a newly formed National Labor Relations Board. If early trends hold true, it appears that the current Labor Board, which finally has a full complement of members, will not shy away from reviewing and revising decisions and actions implemented by the prior Board.

At this point, we don't know how the Trump administration and the new Labor Board will impact unions and union organizing. If you listen to organized labor, the impending changes on the horizon will be a disaster for them. Meanwhile, many employers believe that Trump's new Labor Board will just be leveling the playing field back to a balanced state. We really won't know until we get more data.

In the meantime, it is clear that organized labor understands the math. The only way they will survive is to stop the decrease in union membership. To do that, they must conduct and win more elections and organize more employees. From the above statistics, it appears they believe they will have more success in smaller units and are continuing to pursue that strategy.

It is also possible that organized labor realizes that the Trump Board will not be as favorable for them as the Obama Board, and understands that their best chance of increasing membership is to organize. From their perspective, the conditions for union organizing will likely not improve in the next three years, so they might as well act swiftly.

While the Trump administration appears to be more favorable to employers than its predecessor, employers should not become overconfident. You can expect unions to try to capitalize on the more favorable election process and Obama-era Board decisions while they are still in effect.

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