



Making Union Organizing Easier Than Ever

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Although less than 7 percent of all Texas employees are represented by a union, a string of recent moves by the National Labor Relations Board may revitalize labor unions by making union organizing easier than ever. Thus, even in a right-to-work state like Texas, employers and lawyers representing those companies should be prepared for increasing union organizing activity.

Once a rarely noticed, under-the-radar agency, in 2011 the NLRB became a political hot topic in Washington, D.C., and beyond the Beltway. Many employers believe that the agency has drifted from its historical role as an independent agency charged with managing employer-union relations to one that views itself as a promoter and supporter of organized labor.

Last year, the board drew heavy criticism from the business community after a series of divisive moves. From a string of controversial decisions and complaints, to new rules speeding up elections, the board appears intent on tilting the playing field in favor of organized labor. Republican officials were so incensed with the board's decisions that some threatened to defund the agency in 2011. President Barack Obama's recent recess appointment of three pro-union members to the National Labor Relations Board will only add fuel to the fire.

In sum, the board's recent actions fundamentally tilt the playing field against employers who wish to preserve their company's union-free status. Understanding these actions and the board's perspective will, however, help employers and their counsel plan for what's to come.

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