



Is Union Free The Proper Goal for Your Culture?

Insights

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This week's NLRB Purple Communications decision about employee emails combine with today's announcement by the NLRB of the so-called "quickie elections" process (Blog Post), is going to stir up employers. You should expect a bevy of marketing communications trying to sell you seminars and packages on how to remain "union free."

I want to pose a bit of a contrarian idea.

Why would an employer focus on being "union free?" Do you devise your other business strategies by simply opposing your competitors? Obviously, not. An employer should critically review its culture and its strengths and weaknesses, and then devise its strategy to improve employee communications. And to create a workplace where employees do not feel that they need a union between them and their employer. And shouldn't we be doing that anyway?

Before my 30 years at Fisher Phillips, I worked with my parents in their successful family businesses. Especially in the 60's and 70's trucking companies and industrial supply houses were common union targets. However, our companies only had one union drive, and it petered out before the bargaining unit was even determined. My parents taught me that "if a union gets voted in, you have only yourself to blame."

I realize that this downhome advice becomes harder to apply as a company grows. However, common sense should play more of a role in strategies to avoid union drives, lawsuits, and whistleblower complaints. The goal is to establish a culture where employees feel that, for the most part, they are treated fairly. Improve communication. And above all, make upper management and frontline supervisors take off their rose colored glasses and ask themselves what specifically they do to maintain a pro-employee culture. A disproportionate number of employment lawsuits and union drives are started by disgruntled employees whose dissatisfaction is related to their own world view or weaknesses. So we are always going to see frivolous lawsuits and underserved union drives. However, the correct culture can prevent many such claims.

All of my clients are busy. Even technology employers who have game rooms and gyms in their workplaces are nonetheless continuously doing more with less. We are requiring managers to track so much data that one doubts that most companies could reasonably impose further burdens on supervisors and managers.

So I return to my earlier point, we need to determine a way to sit down and determine what the culture really is and how to focus on our strengths.

An unpleasant truth is that money is going to be involved. Another unpleasant truth is that employers may need to hire more supervisors and professionals. Sometimes, wage and benefit adjustments may be needed.

However, I learned in the small business setting that we did not have to compete head-to-head with our larger competitors, we simply had to be in the hunt, and then create a culture where employees stuck with us. I grew up working as warehouseman, rigger and driver, and I gained a lasting respect for any honest soul who works to feed his family. But on a daily basis, do we act in that fashion?

Am I too pie in the sky? My father was a World War II and Korean War Vet, ex POW, and self-made man. He was tough, and in fact, he fired me twice. Most sons have been fired once, but few can claim to have been fired twice by their own father. On the other hand, until he died, dad would drop what he was doing and give me a bear hug no matter what the business setting. When he died, the small town funeral home overflowed with employees who had come from as far as Washington State to pay their respects. As one long time foreman said, "Mr. Bill was the hardest man I ever worked for, but he was even harder to quit."

Trust me, I am well aware that my father and my equally impressive mother were not perfect. However, they found a balance and they played to their strengths. Not surprisingly, the same approach resulted in us routinely beating out competitors whose maintenance budget was probably larger than our total revenues. We won business on service and by developing personal relationships.

None of these ideas are even vaguely new. However, my point is that the first step in becoming a pro-employee company or remaining union free or whatever you want to call it, is to recognize that we may be misleading ourselves about the nature of our companies.

In future blogs, I will expand upon these topics and provide suggestions from various companies. As an example, I believe in using safety as one of the principle vehicles to build employee engagement and loyalty. Likewise, I am a strong proponent of safety culture surveys in addition to the traditional employee "attitude" surveys.

Instead of panicking, let's use these Board actions to improve our workplace culture, and hopefully make more money from doing so. I'm paid to keep up with the unions and the NLRB, but when I'm counselling employers, I don't really care what the unions are doing. My focus is inward.

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