

Here We Go Again!

by Gary Roscoe

Just when we thought it was safe to go back in the water, Congress went and passed its Healthcare legislation. It was better when all the talking, debating, posturing and howling was focused on that one initiative, but now that it's been passed and signed into law, other legislation can resurface – including the Employee Free Choice Act (EFCA), otherwise known as “card check.”

Yes, it's coming back. And just like last year, companies who would choose to remain union-free will have to be smart and vigilant to insure that a union campaign, in whatever form the legislation may take, is not successful at their workplace. Maybe smarter and more vigilant. Tim Waters, Director of Rapid Response (a title that should be disturbing to business owners) for the United Steelworkers, is optimistic, even adamant about the bill's chances of passage: “We're very, very close. We're the closest to labor law reform that we've been in 40 or 50 years. We are right on the verge of this. There's just no way we're going to walk away now – that is not going to happen.”

Waters and others want a vote on the bill before November 2010. And though it is a polarizing piece of legislation, you have to remember that unions pumped over \$400 million into the last Democrat candidate campaigns in general, and a significant portion of that into the Obama campaign in particular. They expect a payback on their investment and a reward for a fight they have been waging since 2003.

EFCA is intended to recognize that a company has been organized if 50% plus one eligible employees sign authorization cards. This would eliminate the standard time for businesses to campaign against the union, and most important, would eliminate employees' private voting for or against the union. This could result in companies being forced to recognize a bargaining unit without ever having a chance to confront the organizing attempt and offer employees the final choice to say “no.” And if you conduct business in a state, where unionization is traditionally low, even a right-to-work state, you'll have a bulls-eye on your back.

We don't know when or whether this bill will become law or not. But just hoping to be lucky is no defense. If you would prefer to maintain a union-free workplace, you have to be proactive. If you haven't started yet, you can't wait any longer. A vote “before November” doesn't offer much time.

So what do you do? Three things:

Be Consistent. Obey labor laws; follow your own policies; and treat all employees the same way, including how you reward excellent performance and act against poor performance.

Communicate. Talk to your people. Listen to their ideas, suggestions and complaints. Let them know your expectations and what you consider to be a good job performance. But listen and act intelligently on what you learn.

Care for Your Employees. Employees don't organize for no reason. Typically, the reason is their manager. Feeling abused, treated differently than others, unappreciated, or left in the dark are all reasons why

employees look for a protector. Treat your people with care; don't give them a reason to want to belong to another group.

If you work at it, you will never give your employees a good reason to organize. If you're not sure what to do, or if you think you're at risk of unionization, consult with a professional who can give you an objective review of your company, its issues and how they can be mitigated. Card Check gives workers a *way* to organize. You have to make sure you never give them a *reason*.



Gary Roscoe is a 25 year veteran of Human Resources and president of Acclaim HR Consulting.

Gary can be reached at groscoe@acclaimhrconsulting.com or at (919) 791 8448