

Organized Labor Still Has Friends in D.C.

23. January 2011 By Steve Palazzolo

A couple of years ago at this time of year every labor lawyer you know, including me, was running around like Chicken Little screaming about how the sky was falling. After all, we had a Democratic President, the House of Representatives had a significant Democratic majority and the Senate had a filibuster proof majority of Democrats. Top that off with a healthy dose of organized labor support for the new president and his party and we thought we were right to panic. At least I thought I was right when I said that with the changes in government we had the most labor friendly government in Washington since the New Deal. Of course, with health care and all taking up so much time very little in the way of new labor legislation was actually passed. But you have to cut me a little slack. After all, the president made his support of unions a cornerstone of his campaign and the very first bill signed into law by the new administration was the employee friendly Lilly Ledbetter Fair Pay Act. So we spend a lot of time talking about things like the Employee Free Choice Act. In fact, my very first post on this blog was about the EFCA.

But none of it happened.

What have I learned from all this? Mostly to relax and see what happens before I start screaming the odds. As I've already told you I am not making predictions this year. I'm just going to give you the facts. And the facts are these: the administration has not given up on supporting unionization of the private sector. (Don't believe me? Take a look at this.)

Friday the Secretary of Labor, Hilda Solis, issued a statement regarding the Bureau of Labor Statistics report on union membership for 2010. The report did not paint a rosy picture for organized labor. I was going to put a link into the statement, but since it is short, I'm going to include the whole thing:

Statement by Secretary of Labor Hilda L. Solis on Bureau of Labor Statistics report on union members in 2010

WASHINGTON -Secretary of Labor Hilda L. Solis issued the following statement regarding the Bureau of Labor Statistics' annual "Union Members - 2010" report released today:

"Today, the Bureau of Labor Statistics announced that, in 2010, the unionization rate of employed wage and salary workers was 11.9 percent, down from 12.3 percent in 2009. Among private sector employees, the rate dropped to 6.9 percent from 7.2 percent in 2009."

"The data also show the median usual weekly earnings of full-time wage and salary union members were \$917 per week, compared to \$717 for workers not represented by unions. For Latinos, the wage disparity is even greater with union members earning an average of \$771 compared to \$512 for workers not represented by unions, a difference of 33.6 percent."

“When coupled with existing data showing that union members have access to better health care, retirement and leave benefits, today’s numbers make it clear that union jobs are not only good jobs, they are central to restoring our middle class.”

“As workers across the country continue to face lower wages and difficulty finding work due to the recent recession, these numbers demonstrate the pressing need to provide workers with a voice in the workplace and protect their right to organize and bargain collectively.”

See <http://www.dol.gov/opa/media/press/opa/OPA20110096.htm>

I think that about says it all doesn't it? Unionization is down, and the administration blames the damage to the middle class, at least in part on the low level of unionization. It is pretty clear that the administration, from the Department of Labor to the NLRB, to the President himself, is going to do whatever it can to make it easier for unions to organize your workforce. So, if you are trying to decide where your HR priorities should be, at least for the start of 2011, might I suggest some supervisor training. You need to make certain that your supervisors know how to deal with questions about unionization and what it means when they come up. You might think you know, but there are already some pretty severe restrictions on what your supervisors can and cannot say when faced with a potential organizing drive. And the answers are not always intuitive. So, if you have questions, give me a call. I can help.