

Employment Law Corner

Monthly Report



FOLEY & FOLEY^{PC}
ATTORNEYS AT LAW

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April Updates

1. [Tuesday Is the New Monday: Woes from the Hybrid Work Week](#)
2. [Massachusetts Employers: Hire Now Grant Money Available!](#)
3. [Missed Equal Pay Day? So Did Many Women](#)
4. [Something Free and Helpful from the CDC](#)
5. [Pssst MA Employers: Hire Now Money Help Here](#)
6. [It's EEOC Data Collection Season!](#)

Employee Relations

The past few weeks, increased unionization has made its way into the news cycle. From the Amazon workers in New York certifying a union to the unions winning two Starbucks' store elections in Boston, unionization is on the rise again.

Are Amazon and Starbucks isolated incidents? The numbers suggest, no. According to the National Labor Relations Board, during the first six months of fiscal year 2022 (October 1-March 31), union representation petitions filed increased by 57%.

What is the Cause of the Increased Unionization?

The increase of unionization across the country cannot be attributed to just one factor, or even a few. The COVID-19 pandemic has drastically changed how employees view their working environments and what employees are seeking out of their working environments. Still, the COVID-19 pandemic did not create these view changes, but rather highlighted them.

Beyond the pandemic, institutional forces are at play. The past few years, there has been a swell of increased support for unionization in the workplace from the White House itself. President Biden declared himself a "union guy" and his appointments and actions bear that out. The National Labor Relations Board (NLRB) has released a memorandum that finds an employer will violate the National Labor Relations Act (NLRA) if the employer requires employees to attend mandatory meetings where the employees must hear from the employer about the benefits of refraining from unionizing.

The NLRA grants employees the right to refrain from listening to speech about the benefits of not joining a union. This memorandum from the NLRB indicates that if any meeting is mandatory for employees to attend, and that meeting includes the employer explaining the benefits of not joining a union, then the employer has violated the NLRA by requiring employees to listen to non-unionization speech. This memorandum from the NLRB is not binding law, but it is a strong indication on how the NLRB will lean in future decision making.

Why Does this Matter?

The pro-organizing trend makes it harder for employers to tell their side about unionization. Coupled with the growing support for the unions coming out of the COVID-19 pandemic, it is a strong environment for union organizing. Employers are required to turn to other methods to ensure their talented employees are both satisfied in the current working relationship, and retained moving forward.

What Can Be Done?

Positive employee relations have never been more important than they are now. Because of this, we have developed an **Employee Relations Tool-Kit** which includes comprehensive Employee Relations Training for your managers and supervisors. This will provide your front-line managers with tools to improve overall employee relations, recognize employee dissatisfaction, and improve overall relations. The **Employee Relations Tool-Kit** also provides a stay interview template you can use to ensure you keep your employment practices and expectations in line with what your employees are seeking. We will also provide background information on unions, what happens during a union organization campaign and what employers can do (and cannot do!) during this time period.

We are here to help you maintain your valued talent while keeping your workplace humming along.

Please contact Mark Leonhard Jr. at Mark@foleylawpractice.com for information on the **Employee Relations Tool-Kit**.

Contact Us



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