



PEOPLE RESULTS

*Solutions For Your Workforce*

# Union Organizing: Not for the Faint of Heart

---

NOVEMBER 2024



# Our Current Landscape

# National Labor Relations Act (NLRA)



Defines and protects the rights of employees, unions, and employers



Encourages collective bargaining



Minimizes labor disputes

# National Labor Relations Board (NLRB)

NLRB is an independent federal agency. It has two main functions:

1. Conduct representation elections and certify results
  2. Prevent employers and unions from engaging in unfair labor practices (ULP)
- 

(Employers, unions and individuals can file ULP charges with the NLRB. A ULP is an allegation that another party has violated the legal rights of another party under the National Labor Relations Act.)

---

# Employee Rights Under the NLRA

- Form, join, assist a union, organize a union
- Choose their own representatives
- Bargain collectively
- **Choose not to do any of the above**
- The legal minimum a union needs to file a petition with the NLRB is 30% of the employees in the bargaining unit (or 50% + 1 card to demand recognition).

# Who's who at the National Labor Relations Board



Jennifer  
Abruzzo (D)

GENERAL COUNSEL  
TERM EXPIRATION  
JULY 22, 2025



Lauren  
McFerran (D)

CHAIRMAN  
TERM EXPIRATION  
DECEMBER 16, 2024



Marvin  
Kaplan (R)

GENERAL COUNSEL  
TERM EXPIRATION  
AUGUST 27, 2025



Gwynne  
Wilcox (D)

MEMBER  
TERM EXPIRATION  
AUGUST 27, 2028



David  
Prouty (D)

MEMBER  
TERM EXPIRATION  
AUGUST 27, 2026



Josh  
Dietelberg (R)

**NOMINEE**  
IF CONFIRMED, TERM  
WOULD EXPIRE  
DECEMBER 16, 2027

# Trends in union support driven by changing workforce

- 67% of Americans are supportive of labor unions, nearly all-time high
- Millennials and Gen Z have highest support of unions of any age group
- Reasons include distrust of corporations, high levels of economic anxiety, lack of job stability (even with a college degree) and extensive media coverage of high-profile organizing drives (Amazon, Starbucks, Apple)
- Gen-Zers with college degrees support unions at nearly the same rate as those without a college degrees
- Unions are now focusing on white collar workers as well as those in traditional blue-collar roles

# What are employees looking for today?

- “Mission” and a positive company culture alone isn’t enough anymore
- Many healthcare employers have relied on great reputation and patient care mission as a substitute for other employee wants
- Employees are still seeking higher wages and benefits, **and...**
- They are also looking for job security, affiliation and voice both on the job and beyond the workplace
- New expectation is that employers support issues that are important to employees





# Healthcare Organizing Overview

## 8 Bargaining Units in Acute Healthcare

REGISTERED  
NURSES

PHYSICIANS  
(INCLUDING  
RESIDENTS)

TECHNICALS

PROFESSIONALS

NONPROFESSIONALS

BUSINESS/OFFICE/  
CLERICAL

SKILLED  
MAINTENANCE

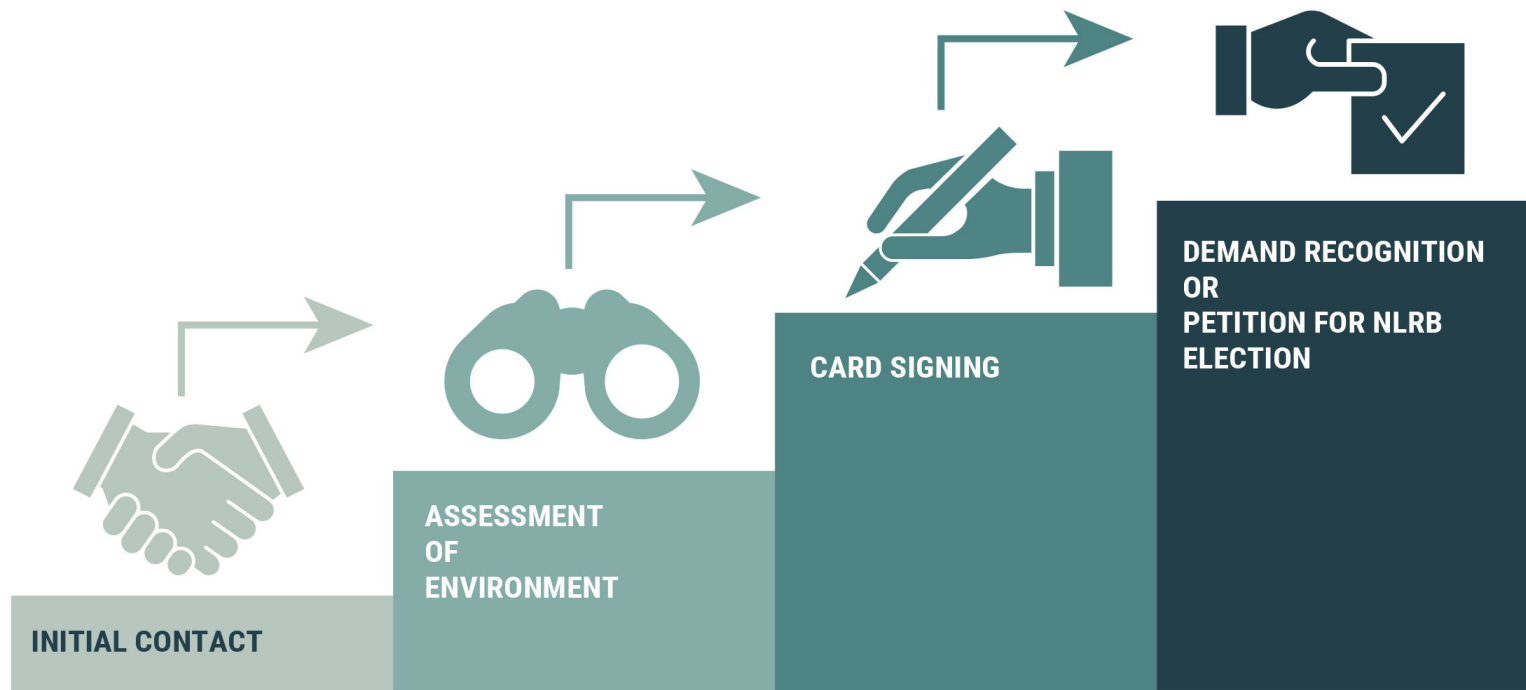
GUARDS

- A bargaining unit is a group of employees who has a community of interest and may be eligible to unionize.
- It also is an employee group who votes on whether the group wants or does not want union representation.

# National Healthcare Labor Picture

- Nurses' unions prioritize issues such as staffing levels, patient safety, overtime, and protecting nurses' licenses
- Physicians are unionizing over lack of autonomy, productivity expectations, and conflict with administrators' financial orientation
- House staff rapidly unionizing due to burnout, administrative burdens, and corporate governance concerns
- Other healthcare bargaining units challenge high workloads, pay, and the effects of healthcare system consolidation

# The “Four Phases” of a Traditional Organizing Campaign



# Sample Authorization Cards

- Union cards provide a lot of personal information to the union
- The card is the union's property, and it can share the information with others and is not legally required to return the card
- Completing and submitting an electronic union authorization card is the same as signing a paper union card or petition
- A union card is a legally binding document
- An employee does not need to sign a union card to get more information about the union – they can ask their manager or Human Resources

The image shows a sample 'APPLICATION FOR MEMBERSHIP' form for 1199SEIU United Healthcare Workers East. The form is titled 'APPLICATION FOR MEMBERSHIP' and includes the union's logo. It contains several sections for personal and contact information, with green callout boxes providing context for certain fields.

**APPLICATION FOR MEMBERSHIP**  
1199SEIU  
United Healthcare Workers East

I hereby apply for membership and designate 1199SEIU United Healthcare Workers East to represent me in collective bargaining negotiations on wages, hours and working conditions.

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

Print Clearly

Name (Last) \_\_\_\_\_ (First) \_\_\_\_\_

Home Street Address \_\_\_\_\_ Apt. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Email \_\_\_\_\_

Work Phone \_\_\_\_\_ Ext. \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Job Title \_\_\_\_\_ Unit/Fil. \_\_\_\_\_

Shift \_\_\_\_\_ Date Hired \_\_\_\_\_

Hourly Rate \_\_\_\_\_ Hours Per Week \_\_\_\_\_

**Callout Boxes:**

- Your signature authorizes the union to be your exclusive representative.
- Obtaining your home address allows a union to make visits to your home at night or when you are not working—often without advance notice.
- Providing a phone number allows the union to intrude on your personal time.
- Petitions also contain similar wording.
- Obtaining an email address allows virtually constant access.
- A union may use this information to ask you to solicit cards from other employees in the same work area.

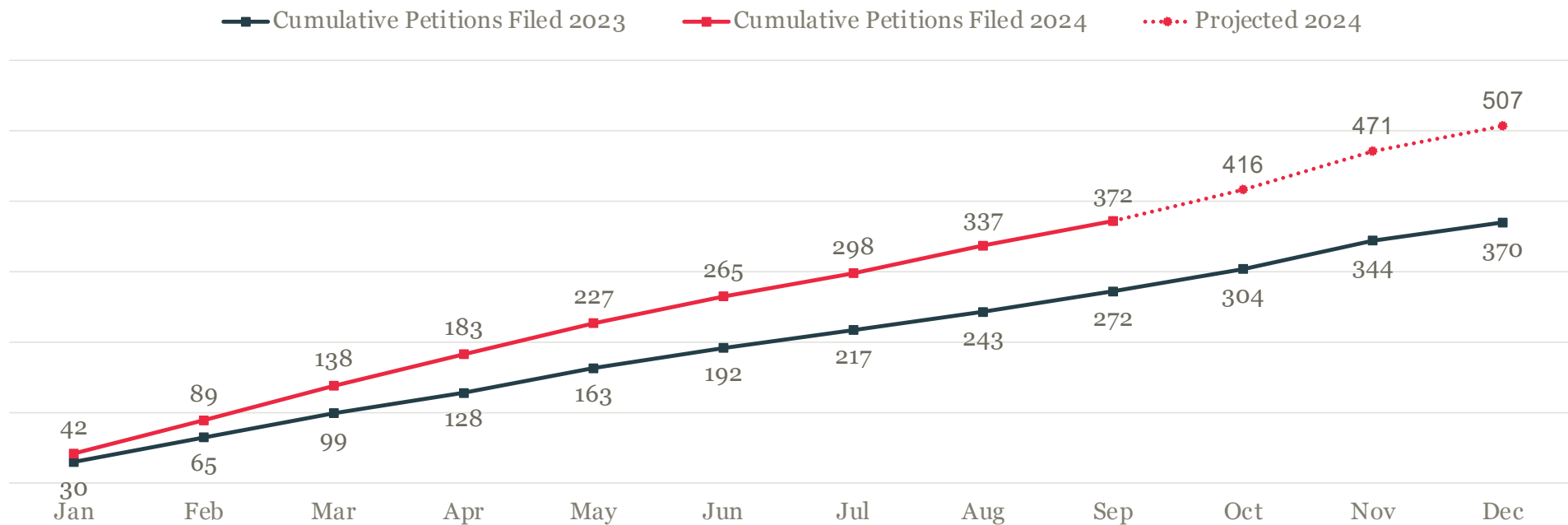
# Alternate Paths to Unionization

- Unions also can try to use a “card check” process to side-step NLRB secret ballot elections under a recent NLRB case called *Cemex Construction Materials Pacific, LLC.*, 372 NLRB 130 (2023).
- A union can claim it has support for unionization from a simple majority (50% + 1) of a proposed bargaining unit and demand employer recognition.
- Employers have three options:
  1. Recognize the union and begin the bargaining process
  2. File within **two weeks** a petition for an election
  3. Ignore the union demand and risk a bargaining order without a secret ballot election
- If an employer files a petition opting for an NLRB election for its associates and commits any unfair labor practice (ULP) during the campaign period, the NLRB could dismiss the petition (**or overturn an election a union has lost**) and require the employer to voluntarily recognize the union and begin bargaining.

# Expedited Elections

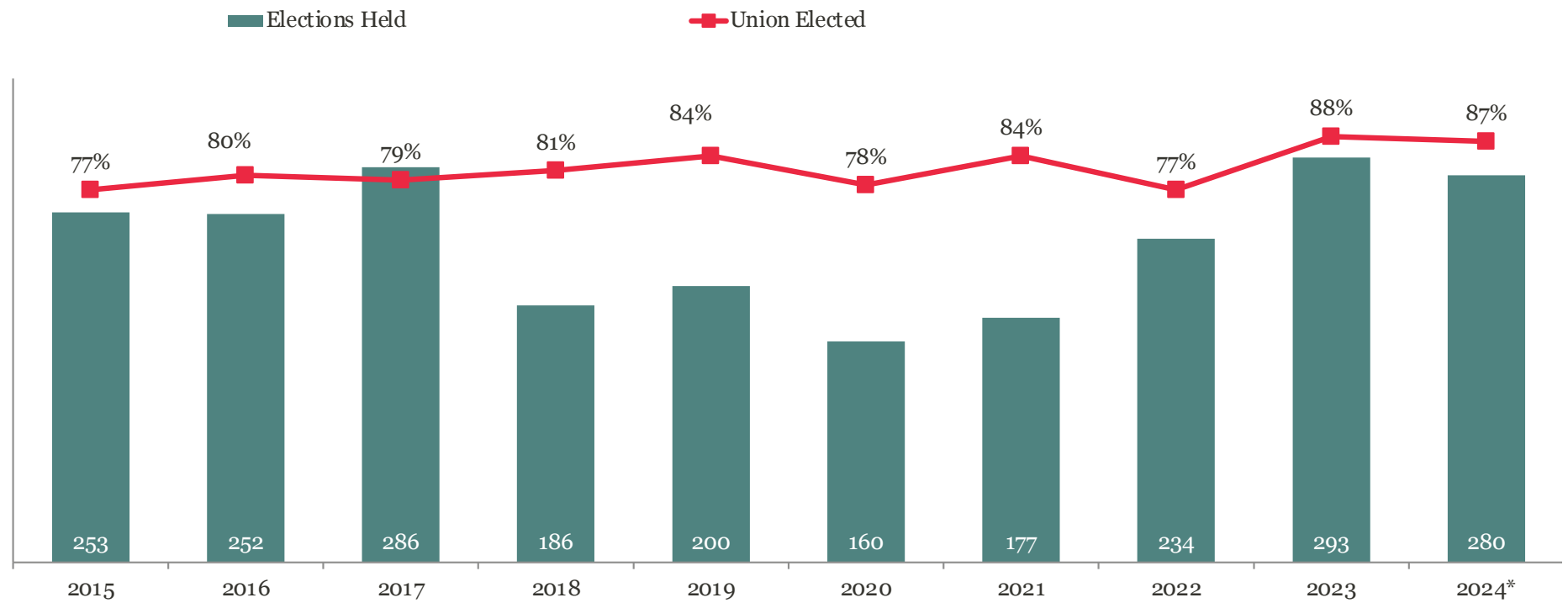
- Effective December 26, 2023
- Has sped up elections, reducing employers' time to educate employees on the effects of potential union representation
- If you wait to educate employees and leaders until a petition is filed or a demand for recognition is made, you may have only 15 to 25 days total to educate them before an election
- This is not enough time to organize your strategy, mobilize your leadership, and educate voters

# Representation Petitions Filed 2023 Vs. 2024 (Healthcare)





# Representation Elections in Healthcare

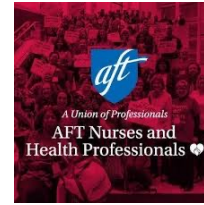


# Who's who Among Unions in Acute Healthcare

## Nurse-Specific Unions



## Healthcare Worker Unions



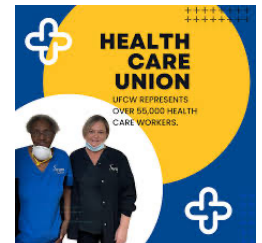
## Industrial Unions



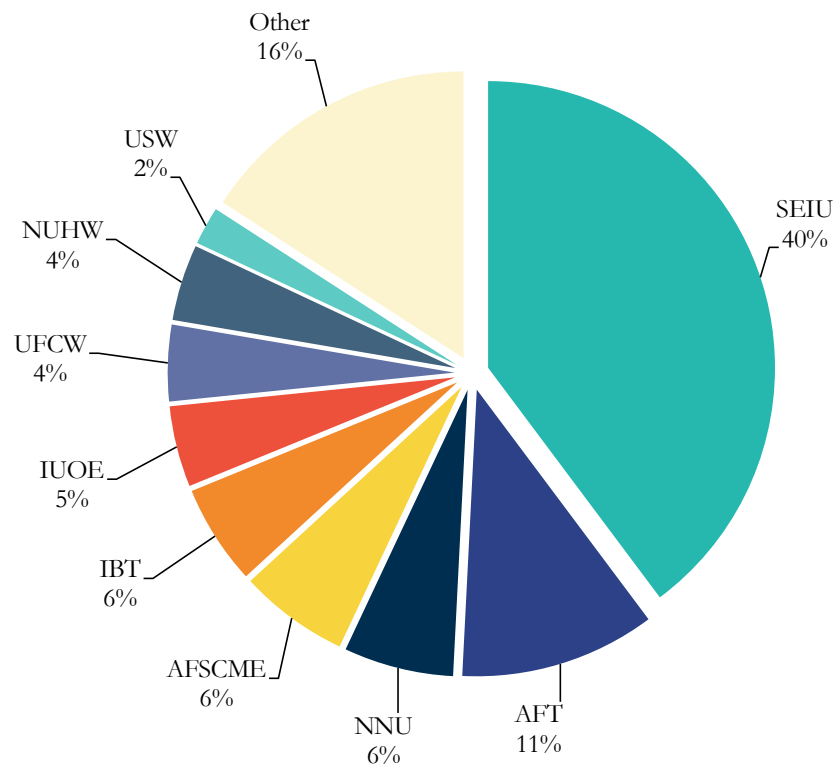
## Physician Unions



## Resident Unions



# Representation Petitions Filed by union Through Q3-2024 (Healthcare)





# Reimagining Proactive Labor Relations

# A Multi-Step Strategy

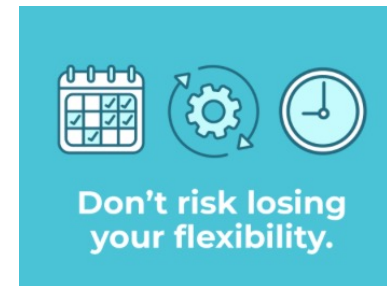
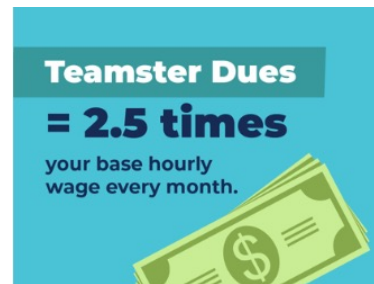


# Reframing the Message

- Building a positive employer brand ahead of union activity allows companies to control the narrative and avoid sounding defensive
- Delivering messages that focus less on why unions are bad and more on why the company is good (with undertone of a union isn't needed)
- Using imagery and video to deliver high impact messaging and storytelling

# Engaging a Multi-Generational Workforce

- Texting
- QR codes
- Social media
- Short-form videos
- Websites





# Building Positive Employee Relations

- Leader training and upskilling
- Communications assessment
- Employer brand strategy
  - Contemporary approach to union avoidance and talent acquisition





# Thank You.

Robert Moll, Managing Director

248.508.7584 (mobile)

[rmoll@peoplereults.com](mailto:rmoll@peoplereults.com)



PEOPLE RESULTS

*Solutions For Your Workforce*