

Union Prevention 101

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Management literature often cites unions as being the greatest restriction on management rights. It is argued that the creation of a union within the workplace places organizational limitations on how management can operate in terms of its workforce. The entry of a union within a company or organization establishes a new order in management-employee relations, where once unfettered rights that management possessed under a union-free regime become substantially eroded and subject to challenge.

Another truism in the world of labour relations often cited by industrial relations practitioners is that “management gets the union it deserves”. The rationale behind this expression is quite simply that employers that treat their employees poorly may inherit a union that may employ a militant and defiant approach. Union militancy is often seen as a by-product of poor management and/or employer autocracy. In other words, one could argue that a company that employs a dictatorial style of management and/or fails to adequately address employees’ working conditions is more likely to become a target of a union drive. Moreover, once unionized, the company is likely to face a militant bargaining unit within its establishment.

Employers therefore have a vested interest in maintaining a union-free workforce in order to retain its rights and to remain unencumbered by the restrictions imposed by a collective agreement. The purpose of this article is to look at ways that employers and organizations can strategically remain union-free. The strategies contained herein are not necessarily fail-safe, but rather offer some sound and reasonable methods of preventing a union from entering the workplace.

Generally, employers that are very attentive to the needs of their employees are most often able to thwart any union attempts to organize its workforce. In fact, employees working for an attentive employer are not even likely to seek out a union because they are generally treated better and have satisfying jobs. A good example of this is Dofasco, a steel producer who has enjoyed a union-free workforce since its inception. Typically, an organization that pays attention to its employees’ desires and sentiments is less likely to draw the attention of unions. Some companies and agencies conduct period audits and staff surveys to determine and monitor whether its management-employee relations are strong. These audits often help the employer determine if problems, issues and concerns exist within its workforce. By taking a proactive approach to these problems and issues, the employer is able to address them before they mushroom out of control. Furthermore, as part of its periodic workforce audits, these employers also closely scrutinize the employment conditions of its employees on

a regular basis. They will often conduct salary and compensation surveys within their sectors in order to assess whether they are offering a competitive compensation package to its workforce. The rationale for conducting such surveys and studies is to create terms and conditions of employment that would act as a disincentive for its employees to seek a union. These employers rightfully ask the rhetorical question: "Why would our employees seek a union and pay union dues, if he/she is receiving a competitive compensation package and experiencing good working conditions that rival those found in unionized organizations?"

The other important tool available in the union-free employer's arsenal is communication with its employees. The conventional wisdom under this heading is simply that employees who receive regular communication from their employer are more likely to feel important and appreciated. Open and clear lines of communication are needed between management and employees. As human beings in any form of association, we yearn to be a part of the communication pipeline. If the communication pipeline is shutoff, then the grapevine and rumour mill fill in the gaps. Deficiencies in communication are often seen by employees as a deliberate attempt on management's part to withhold critical information, thus creating an atmosphere of anxiety and suspicion. An employee deprived of genuine communication is likely to seek out a third party to act on its behalf, especially during times of restructuring and organizational reengineering. That third party is typically a union.

Another element in the union prevention toolbox is the consistent application of human resources policies and procedures. Favouritism and discrimination are fodder for unionization. Employees who are subject to unequal treatment by their employers are more likely to search out a union that promises to make the employer more accountable in terms of providing equal treatment across the workforce. Consistency in the administration and implementation of human resources policies and procedures are key elements in the prevention of favouritism and discrimination, and thereby minimize the workforce's need for a union. Management and supervisory training can be of great benefit in this area.

In situations where a unionization drive is suspected, an employer should undertake comprehensive supervisory training. In the early stages of any type of union drive, the organizing is typically conducted in a covert manner. During this initial organizing stage, a union organizer attempts to rally support among employees by meeting privately with a small number of them after working hours or by contacting them by phone at their homes. Generally, union organizers want to keep the initial stages of the union drive a secret; therefore, it is of paramount importance that supervisory and management personnel be trained in increasing their vigilance in detecting the early signs of a union organizing. With enhanced vigilance, management is better able to take proactive steps in countering the union drive at the initial stages of the unionization process. Unquestionably, it is much easier to prevent a union drive in the early stages rather than once the union makes application for certification under the statutory protection of labour relations legislation. The saying "an ounce of prevention is worth a pound of cure" is very apropos when trying to prevent unionization in the workplace.