

Another Year, Another Kerplunk! Union Membership Rates Drop to an ALL TIME Low (Again)

Labor & Employment Law Update

By Jeffrey Risch on January 24, 2024

2023 is now "in the books" and organized labor is likely seething at seeing their numbers drop -- once again. Despite the media headlines in 2023 about union organizing drives, strikes and "wins" at the negotiating table for a few notable companies, workers represented by a labor union dropped to an all-time low for the second straight year.

On January 23, 2024, the U.S. Bureau of Labor Statistics (BLS) released figures showing that the percentage of workers who were part of a labor union, dropped to a new low of 10% in 2023 (down from the previous record low of 10.1% in 2022). Among private sector workers, the numbers are even more abysmal at 6%.

Interestingly, there was an overall drop in membership in the likes of CA, IL, NY, MN and MA -- despite those states recently enacting some fairly far-out laws to assist Big Labor.

WARNING: Employers and employees who prefer to remain union-free should understand and take note that these latest statistics will only trigger a louder battle cry from Big Labor to try and make forced unionization easier to achieve. Big Labor and their allies firmly believe the primary reason unions are losing ground is because (incredulously) that "the 'rules' are stacked against *them*." This is why we have seen the NLRB turn back to the quickie-election rule, adopt new organizing standards under the controversial *Cemex* decision, and create new legal standards making it much easier for unions to prove unfair labor practice charges. We have also witnessed a slew of federal agency initiatives designed to make operating a non-union business more difficult (i.e. the new Davis-Bacon Rule). We also have seen a variety of state legislatures and agencies create confusing and burdensome laws and administrative rules specific to the non-union employer. In fact, many local, state and federal agencies have adopted forced unionization requirements (including "gag orders" placed on employer free speech) in order to obtain certain public work, financing or tax credits.

Now is more important than ever for ALL employers in all industries and geographic locations to remain vigilant in maintaining positive employee relations while becoming intimately familiar with the latest labor and employment legal developments. And, it is critical for those employers who prefer to remain union-free to...

- Educate management on developing labor law;
- Conduct union avoidance training (lawfully and as appropriate);
- Review, update and implement appropriate employee policies and communications designed to promote fairness, respect and security;
- Evaluate wages and benefits packages;
- Assess management's ability to effectively manage;
- Identify weak supervisors and train them on how to improve or remove them altogether;
- Reiterate open-door policies and practices;
- Implement employee trust and recognition programs;
- Maintain a safe, clean and professional work environment;
- Identify potential challenges and obligations tied to any government contracts or financial incentives;
- Identify the latest legal landmines when operating in certain localities and jurisdictions;
- Automate and improve processes, as appropriate.

The Bottom Line: Organized labor is losing ground and their allies in local, state and federal government are going to continue to do whatever it takes to try and reverse this trend. Therefore, employers must remain vigilant. It is critical for employers to routinely consult with their labor attorney to ensure compliance with ever-changing legal standards and potential legal pitfalls designed to make it as difficult as possible on employers (**and employees**) to remain or become union-free.

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