

Breaking News: Union Membership Rate Drops to Historic Low in 2022

Labor & Employment Law Update

By Jeffrey Risch on January 24, 2023

2022 is now “in the books” and organized labor has to be reeling seeing the latest news. Despite all of those sensational headlines involving a few high profile employers facing union organizing drives last year, the union membership rate dropped to a new historic low in 2022.

The U.S. Bureau of Labor Statistics (BLS) released figures last week showing that the rate of union membership, or the percentage of workers who were part of a labor union, dropped to a new low of 10.1% in 2022 (down from 10.3% in 2021 --- which matched the prior record low in 2019). Among private sector workers, the numbers are even worse: just 6% of the overall private sector workforce is now unionized (compared to 33% in the public sector). The membership rate actually dipped in 2022 in both the private and public sectors. And, 2023 could be more of the same for unions as many predict mass job layoffs --- likely compounding organized labor's problems.

Employers and employees who wish to remain union-free will find this information as welcomed news. However, the current National Labor Relations Board (NLRB), along with several states, are *hell-bent* on doing just about anything and everything to stem the tide. As we recently reported, the NLRB is doing everything it can do in order to promote and encourage unionization. While it is evident that U.S. workers are rejecting organized labor at historical levels, labor organizations and their allies at the NLRB firmly believe that the primary reason unions are losing ground is because “the ‘rules’ are stacked against them.” Accordingly, we should expect some wild, head-turning developments over the next 12-18 months. Employers must remain vigilant in their union avoidance measures, including:

- Educating management on labor law 101;
- Conducting lawful union avoidance training;
- Reviewing employee policies and communications;
- Evaluating economic/benefits packages;
- Assessing management’s ability to effectively manage;
- Identifying weak managers and training them “up” or getting them “out”;

- Reiterating open-door management policies; and
- Implementing employee trust and recognition programs.

Here's the bottom line with these latest numbers: Organized labor is losing ground and their allies in local, state and federal government are going 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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