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Editorial

Putting 'labor' back in NLRB

New rules from the board curtail some of the maneuvers used to keep workers from organizing.

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One of Congress' responses to the Depression was the National Labor Relations Act, which officially encourages collective bargaining between employers and workers to negotiate the terms and conditions of employment. The act has been undermined in recent decades by rules from a National Labor Relations Board hostile to union organizing and too ready to accept the claims of businesses that they are beset by hard-charging labor officials. Now, at long last, the board has delivered a plan to remove some of the maneuvers that management uses to derail the wishes of employees who want to organize.

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Last month, the board proposed to streamline the process that leads up to elections, in which workers choose whether to be represented by a union. Proposals include allowing petitions, election notices and voter lists to be transmitted electronically; advising the parties of their rights and obligations; deferring litigation over voter eligibility until after elections; and making board review of postelection decisions discretionary. Procedures that govern elections and challenges would become more straightforward and transparent.

As things stand, businesses that don't want their workers to unify and bargain collectively have mastered tactics to tilt organizing campaigns in their favor. They can devote as much of the workday as they like to lecturing employees — together or even individually — on the evils

of unions. They routinely challenge the eligibility of workers to vote — before voting, to put off the election date, or after, to block the results from taking effect. By speeding up the process, the board proposes to give elections some teeth. Either the workers want the union to represent them, in which case the union should be able to engage in contract talks as soon as possible, or they don't, in which case the union should be barred for a time from trying to organize.

Anti-labor commentators insist that unions already have an unfair campaign advantage because they supposedly recruit workers surreptitiously, taking their time to get enough signatures to force an election. Then suddenly, the hapless employer has only a month or so before the election date to marshal and communicate its arguments against the union. Under the new rules, they claim, the employer will have only a week. Unfair!

In fact, employers can and often do begin pressing the nonunion line on each worker's first day on the job. The new procedure wouldn't give organizers equal time, but it would put them back in the game — and give new life to the National Labor Relations Act's stated purpose of encouraging bargaining. And it would do so without eliminating the secret ballot, which remains the cornerstone of unionizing elections.

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