

Chapter Six

Union Organizing Campaigns

This chapter is the first of two chapters that examine how unions organize new bargaining units and how and why employers attempt to avoid being unionized. The chapter covers union organizing campaigns, the election process, and the roles of the National Labor Relations Board (NLRB) and the National Mediation Board (NMB). Chapter 7 covers employers' overall strategies for avoiding unionization and operating without unions.

Recall from Chapter 2 the long history of employer resistance to union organizing in the United States. In the mid-1930s the Wagner Act strongly facilitated and institutionalized collective bargaining as the preferred method for resolving workplace conflicts where employees chose it.

Recall also from the introductory chapters that employees become unionized only if a single union can demonstrate that a majority of employees in the unit desires representation. The concept of **exclusive representation** establishes a "winner-takes-all" outcome in representation elections. This requirement, which contributes to the adversarial relationship that exists between employers and unions, begins with an organizing campaign.

Organizing is highly adversarial and heavily regulated. Most employers actively resist. Union campaigns usually stress unfair treatment by employers, the lack of a forum for effectively voicing complaints, and the necessity of organizing to gain outcomes the employer should grant but won't without unionization. Organizing campaigns are waged intensively by both sides. The NLRB or NMB acts as a referee in the process. Where recognition disputes occur, the boards provide a forum for their settlement and rule on the permissibility of the parties' campaign conduct, if questioned. From a regulatory standpoint, this chapter focuses primarily on the NLRB's role since the preponderance of elections are conducted under its auspices.

Chapter 1 introduced some of the reasons that workers unionize. This chapter examines the flow of organizing campaigns, involvement of the labor boards, strategies and tactics used by employers and unions during election campaigns, and recent results in NLRB-monitored representation