

Labor Day 2022 Shows Union Activity at Highest Level in Decades

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Labor Day 2022 comes at an optimistic time for U.S. labor unions. Prior to the COVID-19 pandemic, representation petitions and elections were declining steadily. However, National Labor Relations Board (NLRB) election filings have increased by 58% in the first nine months of 2022, compared with the same time period in 2021, according to a [Board press release](#).

Many organizing campaigns are being led by younger workers leveraging social media to gain mass followings and attract national attention at a rapid pace. The use of social media has helped these new generations of workers to mobilize support quickly across other employers. Such campaigns frequently grab the attention of workers across all industries, leading to a wave of unionization efforts as more workers look to be part of the movement and increasingly see unionization as a path to social justice.

This summer, the country has seen workers at high-profile employers petition to unionize for the first time. For example, employees at a Chipotle Mexican Grill in Lansing, Michigan, voted to be represented by the International Brotherhood of Teamsters (IBT), making Lansing the chain's first location of nearly 3,000 to do so. The uptick in unionizing also is affecting other non-traditional union targets. For instance, on September 1, 2022, architects at a private firm in New York organized one of the first private sector unions in the industry.

Further changing the landscape, the Biden NLRB has issued decisions that will have far-reaching impact on both unions and employers. In fact, the Board made a potential precedent-shifting change when it announced a [proposed rule](#) that would broaden the test of what entities constitute a "joint employer." The proposed rule, if it takes effect, will almost certainly increase the number of employees deemed to be jointly employed by two or more employers. Additionally, on August 29, 2022, the Board overturned long-standing precedent by ruling a company [cannot enforce dress codes](#) or uniform policies to the extent such policies interfere with employees' right to display union insignia in any way, unless an employer demonstrates "special circumstances."

However, despite an increase in union campaigns and a Biden NLRB, not all workers may jump on the trend. According to a [Gallup](#) poll, public support for unions is at 71%, the highest it has been since 1965. Only 7% of private sector workers, however, currently belong to a union. Further, the Gallup poll reported that 58% of non-union workers are “not interested at all” in actually joining a union. This shows a majority of workers recognize that unions may be unnecessary in the enlightened workplace of an employer of choice.

Additionally, according to a Bureau of Labor Statistics report, compensation in non-union jobs is outpacing compensation in union-represented jobs. The total wage and benefit costs for private-sector non-unionized employers was 3% higher than unionized employers for the 12-month period ending June 2022. From 2018 to June 2022, non-union employee compensation has risen dramatically while union employee compensation has remained steady.

It is more important than ever to focus on being an employer of choice.

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