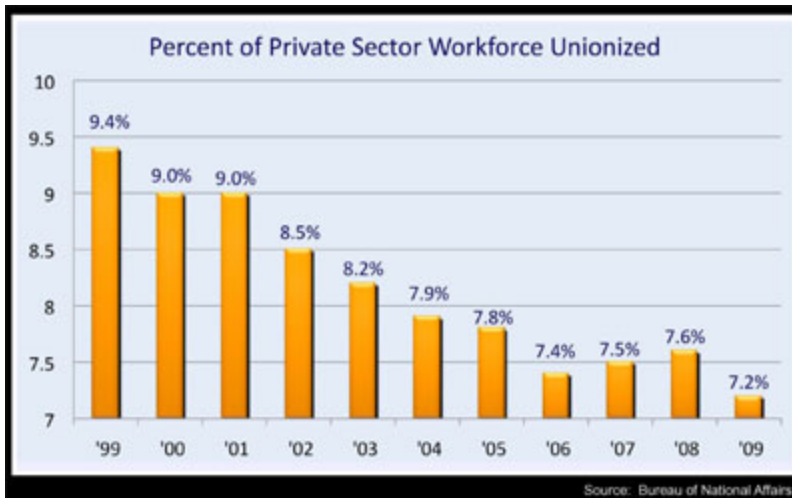


A NEW LOW FOR UNIONS

February 8, 2010



The chart above illustrates the indiscriminate damage of this recession. Unions in the private sector now represent only 7.2% of America's workforce.

It is no secret that the millions of dollars organized labor spent on the November 2008 elections were intended to be the beginning of a fresh start for organized labor. Not even a year ago, quick passage of the Employee Free Choice Act was all but assured. Then came healthcare. Then came Scott Brown. Then came the turmoil in both Houses of Congress and in both parties as incumbents wonder if the anger of Americans will translate into a major flushing of our so-called representatives.

Is EFCA dead? In the form that passed the House of Representatives ... Yes. Can it be revived in a way that will facilitate unions as they attempt to step back from the abyss of extinction? Probably not. Will Obama's appointments to the National Labor Relations Board bolster labor's ability to have favorable decisions supplant the legislative process by allowing it easier for unions to organize? Probably, though even today an appointment that the President proposed as a member of the NLRB, Craig Becker, is in serious trouble.

Last week on CNN Richard Trumka, President of AFL-CIO, expressed with confidence his beliefs that both healthcare and the EFCA will pass this year. His pronouncements are further indications of how out of touch union leadership is with reality.

The likelihood is that unions will shortly come to the realization that they cannot depend on the legislative process to hand them new members on a silver platter. They will have to do it the old-fashioned way ... convincing people that union

representation can somehow provide a service that will enhance their work lives. The paradox is that current economic conditions would provide a wonderful organizing scenario given all the insecurities that exist, but it is, in fact, too bad for unions to capitalize on. Until employees stop saying, "but at least I have a job," there is a virtual firewall that protects employers from traditional union advances. There will always be exceptions, and this situation is no different. Some conditions will be such that, even in these extreme times, the union will be able to appeal to employees based on either intolerable conditions or economic factors that protect an employer to the point employees do not fear that their organizing would result in the business going under. Those exceptions will be rare.

If we believe in our system, we must believe that a recovery will happen. The time that we have before this recovery truly begins can best be used to establish relationships with employees that perhaps heretofore were unnecessary or not fashionable. The compassion, consideration, and integrity that are exhibited now can become a new foundation for employers who possessed weaknesses in those areas before. The little things have always been important. Doing things for employees now can make a big impression on the attitudes of future. Look for opportunities to do the right thing; it doesn't always have to cost a lot of money.