

## Member's Quarterly

Winter 2023 Edition

## Feature

## Union Organizing on the Post-COVID Rise

*Key Considerations for Employers*

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**W**orkers at an Amazon warehouse in Staten Island recently voted in a union. Apple's employees at its flagship Grand Central Terminal store are taking similar steps.

### Is this surprising? Not really.

After almost three years of pandemic uncertainty and restrictions, many workplace relationships are frayed. Lockdowns made it more difficult for unions to organize, which has led to some pent-up interest. Added to this, rising inflation is putting real pressure on working families right now. With lockdowns behind us (for now), unions will be looking to harness some workplace frustration and angst.

For many employers, the very notion of a union organizing campaign breeds fear, panic and even anger. Careful planning helps to lower the associated anxiety and reduce the risk of a successful union campaign.

Here are some key considerations for employers:

**Accept reality.** Every employer is at risk that they may be targeted by a union, especially if they are in a sector that is already heavily unionized. An employer's false sense of security is often its biggest threat.

**Stay connected.** Employees often turn to a union when the connection with management has been lost. The union process is driven by employees. Employers who have adopted open lines of communication are well positioned, as it also allows them to provide and receive feedback from their own workforce. One of the good things that the pandemic has taught employers is the need for creative engagement with employees, particularly in the digital environment. This engagement must be maintained and developed, as does the need to actually listen to what employees have to say.

**Stay competitive.** Employees do not necessarily place compensation at the top of the list as to why they chose to support a union. However, money is up there and even more so these days. Given current inflationary pressure, employers are well advised to pay very close attention to (and act upon) market data relating to all terms and conditions of employment. It also helps to track what is happening with competitors who are unionized (most collective agreements are available for access by the public).

**Build HR Infrastructure.** It is called "organizing" for a reason. Often, employees who support a union are seeking structure to help reduce what they perceive to be arbitrary and discretionary conduct by management. Accordingly, employers are well advised to not only build HR policies, but ensure that these policies are kept up to date (we are living in a time of much regulatory change for workplaces in Ontario).

These HR policies must cover all aspects of HR, including occupational health and safety, human rights, harassment and the various employment standards. In addition, employers should ensure that a dispute



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mechanism is created for their workplace. This dispute mechanism does not have to be complex, but it needs to be in place.

*Support Supervisors.* Supervisors are critical to the entire process - as they are the direct and regular point of contact with a workforce. Time and time again, employers overlook the opportunity that exists with a well-trained supervisory team - which includes training around the sensitivities and rules relating to key indicators of a campaign, what can and cannot be done and said during an organizing drive.

*Plan.* The best way to avoid panic is to accept that union activity or a union application may be made and to prepare for it. In Ontario, an employer only has two days to respond to a certification application, with a vote being held in most cases five days after the application date. Well-managed employers develop plans to provide guidance during the critical days leading to an application or vote. Such plans include reference to communication and messaging, participation by management and key timelines.

The six factors outlined above are merely chapters in the overall story of building and maintaining an effective, competitive and fully engaged workforce. Good employers know this to be true.

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