

# Are Unions Primed for a Comeback?

Mark A. Konkell

March 29, 2021

For years, employee interest in unions has dwindled. But a pandemic, persistent income inequality and high unemployment—not to mention the most pro-union Presidential administration in generations—have all converged to flip that script.

5,800 workers at an Amazon warehouse in Bessemer, Alabama are currently voting whether to join a union in an election that runs through March 29<sup>th</sup>. The current unionization efforts have captured national attention and drawn support from both sides of the aisle, including Republican Senator Marco Rubio. A win in the election would be a major victory for the labor movement. Amazon is the second-largest private employer in the United States, and it has avoided unionization at all of its U.S. facilities up to this point. Is this recent unionization effort a reflection of a larger change brewing in the labor world?

Unionization has been on the decline in the country for several decades. Former President Trump continued, and in many cases expanded, a general trend of unfriendly labor policies in Washington. As we've previously covered, the Trump National Labor Relations Board (NLRB) was notoriously business friendly and promulgated several rules and issued decisions making it more difficult for workers to unionize.

But there are signs the times may be changing. Organizing efforts have been gaining traction, such as teacher walkouts spreading to multiple states and increased grass-roots activism. Major private-sector employers, like Amazon, are also facing increased collective action from workers.

the biggest sources of support for unionization, however, may just come from a recent former foe—the Oval Office. President Biden promised during his campaign to be “the strongest labor president you have ever had,” and he has wasted no time advancing his pro-labor agenda.

A mere minutes into his presidency, Biden axed the Trump-appointed General Counsel of the NLRB, Peter Robb. He continued to clear house at the agency, firing Robb's top deputy, Alice Stock, shortly after.

The NLRB under Biden has already started taking steps to reverse the Trump NLRB's most employer-friendly rules and decisions. The Acting General Counsel has withdrawn several guidance memos issued by the former General Counsel Robb. The agency also recently abandoned a proposed rule that would have prevented student teaching assistants from forming unions. These actions suggest the days of an employer-friendly Board are long gone. The union-friendly NLRB will likely increase enforcement efforts and promulgate rules that make it easier for workers to organize and bargain collectively.

Support for unionization can also be seen at the legislative level. The House passed the Protecting

the Right to Organize (PRO) Act earlier this month. Unlike Former President Trump, President Biden has already indicated his support for the law. While the bill currently seems unlikely to pass the Senate, if enacted, the PRO Act would mean sweeping changes for labor law, including making it easier for workers to organize, limiting employers' abilities to contest union elections, and expanding penalties for violations of the National Labor Relations Act (NLRA).

What this will ultimately mean for unionization in the U.S. remains to be seen. The decades-long decline in membership may finally be reversed, or the rate of decline may just slow. Regardless, employers should still brace themselves for a new era of labor relations. Employers should take particular care to ensure they are complying with the NLRA and all related rules and regulations for unionized workers. Additionally, employers should be sure to stay current and continue to monitor the activity of the NLRB.