

AVOID LABOR UNIONIZATION

Preparation is the best defense to prevent union organization on your dairy.

BY MEGAN PIERCE

Editor's note: This is the second article in a two-part series on unionization and the dairy industry.



MANY DAIRIES ARE OF THE NOTION THAT unionization could never happen to them. But at least one union has the goal of turning the dairy industry into a union-dominated industry, says Anthony Raimondo, agriculture labor law attorney with McCormick Barstow in Fresno, Calif. And no dairy, no-matter the size or location, is exempt.

If you find out about a union election on your operation,

it's too late and you're probably not going to win, says Patrick Johnston, owner of Rocking S Dairy in Modesto, Calif. And he speaks from experience. A union vote was set at his operation two years ago and he had exactly one week to campaign against it. The union had been courting his employees for months, unbeknownst to him.

You really can't stop a union, Raimondo says, but you can try to make it unappealing to the employees. For example, talk to employees about the benefits that they have, and

remind them that with a union, they could find themselves paying mandatory dues just to keep the same wages and benefits that they already enjoy.

Here are four things you can do to try and protect yourself from the union.

Review payroll and recordkeeping practices

Make sure your payroll and recordkeeping practices comply with applicable laws. A union will exploit any errors by employers to the union's advantage and will press for financial settlements. The union exploits these errors and can threaten to sue with unfair-labor-practice lawsuits unless the dairy agrees to the union.

For example in California, all non-exempt employees (most dairy employees other than supervisors) must record the time that they start work, the time they stop for a meal break, the time they return from a meal break, and the time that they finish their shift.

Too many dairies continue to pay employees on a salary-basis without paying additional overtime, says Raimondo. California law prohibits including overtime in a salary, and overtime must be paid above and beyond the employee's salary any time the employee works more than 10 hours a day, or when the employee works seven consecutive days in the same work week.

Maintain competitive wages and benefits for your area. If you are paying less than other people in your area, this can breed resentment and make your dairy an even more attractive target for unionization.

Communicate with your workforce

Hold regular meetings with your employees to facilitate communication. Include time for comments and concerns during each meeting. This will open the door to two-way communication and encourage employees to bring their concerns to the dairy manager rather than turn to a union.

Listen to what employees are saying. If there are things you can fix and improve, then work to improve them, says Raimondo. It shows that you are willing to listen. If you don't know the answer to something, go find the answer. If you come back with an answer, it shows the employees that you listened. If employees don't feel they are being heard,

they will go to whoever does listen.

Make sure herdsman and supervisors understand that their jobs are not just about production, but also labor relations. It's not necessarily a conflict with the owner, but a conflict at the management or supervisor level that drives someone to a union, says a California dairy producer who is in labor negotiations and wishes to remain anonymous. "As the owner, you might not have full grasp of the situation," he says. This is the situation that this dairyman believes brought the union to his operation in the recent past.

Most union-organizing campaigns are not driven by the desire to increase wages, but rather feelings of mistreatment or frustration at the perception that employees have no voice.

"Treatment issues are far and away a much bigger issue," says Raimondo. These can be either real or perceived treatment issues. They usually fall somewhere in the middle. A union often exploits feelings of dissatisfaction to the employer's disadvantage.

Require all visitors to sign in

Protocols should be in place to control access at the dairy.

Whenever possible, all visitors should be required to sign in at the dairy office before conducting any business at the dairy. And, that includes everyone. If you don't make the veterinarian do it, don't expect the union to do it either, says Raimondo.

At a minimum, "no trespassing" signs should be posted around the operation's perimeter. "No access" signs should be posted in the milk barn, calf-care areas, hospital barns and maternity areas.

Document deficient performance

Make sure that you add disciplinary actions or deficient performance notices to employee personnel files. Too many dairies still do not document discipline and deficient performance by workers, says Raimondo.

Without a history of documented disciplinary action, it may not be possible to discipline or discharge problem workers.

And, last but not least, it is important to become familiar with laws governing union organization in your state. 🐄