

## EMPLOYMENT SERVICES ALERT

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### Unions Successfully Strike Non-Union Companies to Represent Workers

By ***Matthew D. Austin, Partner***

Companies that think only union employees can go on strike are sorely mistaken. Non-union employees can and do strike - oftentimes as part of a broader union organizing strategy. An auto parts supplier in Toledo, Ohio recently learned this the hard way.

Workers at Piston Automotive, an important parts supplier to Jeep, walked off the job around 9:00 AM on April 17, 2014 protesting the company's refusal to recognize that most of the employees wanted to be represented by the United Auto Workers (UAW) union. By 5:00 PM that evening, without having a secret ballot election, the employees were back at work as members of the UAW.

Since companies have become successful at staying union-free after secret ballot elections, labor unions are reverting to organizing tactics that helped them gain a stronghold in manufacturing many years ago. Namely demanding recognition through card check and striking for recognition.

Card check is a process where employees sign cards that authorize the union to represent them. If a majority of workers in a bargaining unit signed a card, the union can demand that an employer recognize the union as the employees' representative without having a secret ballot election. For many reasons, employers should generally not recognize a union based on purportedly signed authorization cards.

Once Piston Automotive refused to recognize the union, the workers who signed cards went on strike. Striking for recognition is rarely, but increasingly used. Employees do not like the uncertainty of strikes because they do not know how long the strike will last, are not paid to strike, and may lose benefits during the strike. Nonetheless, workers at Piston Automotive executed their strike flawlessly.

The UAW had demanded for months, without success, that Piston Automotive recognizes it. Fifty of the 70 hourly employees went on strike leaving too few people inside the factory to continue manufacturing parts for Jeep. With production lines stalled and a clear majority of employees supporting the union, the company succumbed to the union's demand for recognition. This is a blueprint of how unions can achieve recognition and will be followed by other unions.

Piston Automotive apparently was not prepared to continue operating if its employees went on strike and likely did not have a strike plan detailing things like: a strike committee; security issues; temporary workers; subcontracting options; and whether to seek injunctive relief to limit strike activity. All companies – both union and non-union – are encouraged to have a comprehensive strike plan to combat the growing trend of employees unpredictably going on strike.

For additional information about the subject matter of this alert, please contact any of the following members of the Roetzel Employment Services team:

**Matthew D. Austin**614.723.2010 | [maustin@ralaw.com](mailto:maustin@ralaw.com)**Karen D. Adinolfi**330.849.6773 | [kadinolfi@ralaw.com](mailto:kadinolfi@ralaw.com)**Robert E. Blackham**216.615.4839 | [rblackham@ralaw.com](mailto:rblackham@ralaw.com)**Denise M. Hasbrook**419.254.5243 | [dhasbrook@ralaw.com](mailto:dhasbrook@ralaw.com)**Paul L. Jackson**330.849.6657 | [pjackson@ralaw.com](mailto:pjackson@ralaw.com)**Douglas M. Kennedy**614.723.2004 | [dkennedy@ralaw.com](mailto:dkennedy@ralaw.com)**Jaime A. Maurer**239.338.4258 | [jmaurer@ralaw.com](mailto:jmaurer@ralaw.com)**Jonathan R. Secrest**614.723.2029 | [jsecrest@ralaw.com](mailto:jsecrest@ralaw.com)**Douglas E. Spiker**216.696.7125 | [dspiker@ralaw.com](mailto:dspiker@ralaw.com)**Denise L. Wheeler**239.338.4259 | [dwheeler@ralaw.com](mailto:dwheeler@ralaw.com)