

Practices & Industries

Labor Management Relations

Overview

Day Pitney's Labor Management Relations Practice exclusively represents employers in all aspects of labor relations, providing strategic guidance to navigate the complexities of unionized workplaces, workplaces in the process of being unionized, and workplaces that are seeking to remain union-free. We advise employers on the ever-changing regulatory requirements under the National Labor Relations Act (NLRA) and other labor laws, which apply to both non-union and unionized workplaces, including legally compliant work rules and employment agreements. With extensive experience across a broad range of industries, our practical, solutions-oriented approach enables employers to effectively manage labor challenges and foster cooperative workplaces.

Our practice offers comprehensive services in the following key areas:

Union Avoidance

Many employers seek to remain union-free to maintain operational efficiency and the value of their businesses. We offer proactive training and guidance, understanding that the best way to help employers is to do so well before any organizing attempts occur. When organizing occurs, we advise on legally compliant responses to organizing activity, including on addressing corporate campaigns where unions seek to incur brand damage on high profile targets, strategize with clients in response to union election petitions, and represent clients in election proceedings before the National Labor Relations Board (NLRB). We also provide strategic guidance through the decertification process when employees have expressed interest in removing a union as their bargaining representative.

Contract Negotiations and Bargaining Business Change

Collective bargaining agreements set the framework for employers' operational flexibility and labor costs, often for a period of years. So, we see achieving our clients' objectives during bargaining as critical. Further, achieving business change in a unionized workplace must be carefully orchestrated to maintain compliance with the NLRA. Our team serves as lead negotiators or legal advisors during bargaining for initial and successor collective bargaining agreements and when clients wish to implement business changes such as relocations of operations, plant shutdowns, or the introduction of new technology.

We have successfully negotiated agreements across a wide range of industries, often achieving significant cost savings and operational flexibility. We devise bargaining strategy, draft proposals, conduct cost analyses, and ensure compliance with the NLRA. For employers negotiating on their own, we provide tailored legal advice to support their efforts and reduce the risk of unfair labor practices. Finally, we understand and counsel our clients on the potential consequences, including risks and rewards, of strikes and lockouts, and assist with strike preparations. We have successfully obtained injunctions during strikes at Fortune 100 companies.

Transactional Advice

Buying and selling businesses and property where employees are represented by labor unions has its own challenges and risks. Having specialized knowledge in this area is important to properly assess the value of a transaction and address the risks associated with potential new union relationships.

Our team has served as specialty counsel on the labor law implications during business transactions such as mergers, acquisitions, and real estate deals involving union-represented employees or union pension plans. Our services include due diligence, structuring deals to mitigate union-related risks and increase workplace flexibilities and addressing collective bargaining obligations. Our experience extends to advising developers, owners, and lenders on compliance with statutes requiring union recognition in property transactions.

NLRB Representation

Employees (regardless of union representation) and unions have a right to challenge conduct perceived to violate employees' rights to engage in protected, concerted activity before the NLRB. We regularly represent employers in unfair labor practice proceedings before the NLRB, safeguarding their interests in critical disputes and leveraging our recognized expertise and familiarity with NLRB practices to achieve favorable resolutions.

Labor Arbitration

Employers' interpretations of their collective bargaining agreements or discipline of employees are often challenged by unions through the contractual grievance and arbitration procedure. We regularly represent employers in labor arbitrations, including discharge and complex contract interpretation cases, achieving favorable outcomes.

Our attorneys are highly experienced in representing employers in high-stakes arbitration proceedings that could significantly impact workforce dynamics and company goals.